

GENERAL LAWS
OF THE
STATE OF IDAHO



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SIXTY-THIRD IDAHO LEGISLATURE

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Volume 2

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

Chairman Lodge
Senate Judiciary & Rules
Chairman Wills
House Judiciary, Rules, & Administration

CHAPTER 237
(H.B. No. 553)

AN ACT

RELATING TO ALL-TERRAIN, UTILITY TYPE AND SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES; AMENDING SECTION 49-426, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE USE OF CERTAIN HIGHWAYS BY ALL-TERRAIN, UTILITY TYPE AND SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES.

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

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

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

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

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

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and numbered pursuant to section 67-7122, Idaho Code. The operation of licensed and numbered all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and numbering pursuant to subsection (2) of this section shall not be permitted on controlled access highways, except as provided in subsection (4) of this section. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49,

Idaho Code, shall apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in section 67-7126, Idaho Code.

(4) The Idaho transportation board may designate sections of state highways ~~over upon~~ which all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may travel ~~upon and cross~~. All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes shall be permitted to ~~travel upon and cross that portion of any a non-full access-controlled state highway at a public road intersection~~. All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes shall be permitted to travel upon that portion of any non-full access-controlled state highway with a speed limit less than of forty-five (45) miles per hour or less lying within and extending one (1) mile beyond the boundaries of a municipality unless restricted by the Idaho transportation board or closed as provided in subsection (3) of this section. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when ~~using designated crossings or traveling upon state highways~~.

(5) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the numbering requirements of section 67-7122, Idaho Code, are met.

Approved March 28, 2016

CHAPTER 238
(H.B. No. 558)

AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-5-409a, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS MAY PETITION FOR A COMPROMISE OF THE CLAIM OF A MINOR, TO PROVIDE FOR THE ORDER OF PRIORITY TO MAKE A PETITION, TO AUTHORIZE A COURT TO PASS OVER A PERSON HAVING PRIORITY UNDER CERTAIN CONDITIONS, TO PROVIDE REQUIREMENTS FOR A PETITION, TO AUTHORIZE A COURT TO TAKE CERTAIN ACTIONS REGARDING A COMPROMISE, TO PROVIDE FOR APPROVAL OF A COMPROMISE AND PAYMENT AND TO PROVIDE THAT NO FILING FEE SHALL BE CHARGED FOR THE FILING OF A PETITION.

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

SECTION 1. That Section 15-5-409a, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-409a. COMPROMISE OF DISPUTED CLAIM OF MINOR -- PROCEDURE. (1) ~~When a minor shall have has a disputed claim for money against a third person, the father or mother or both with whom the minor resides and who has the care and custody of such minor shall have the right to compromise such claim, but before the compromise shall be valid or of any effect the same shall be approved by the court of the county where the minor resides upon a verified petition in writing, regularly filed with said court. If the court approves such compromise he may direct the money paid to the father or mother of said minor subject to the provisions of section 15-5-103, Idaho Code, or he, or any other court of competent jurisdiction, may direct the money be paid subject to the provisions of an appropriate protective order which he, or any other court of competent jurisdiction, may issue, or he may require that the~~

money be paid to a conservator appointed pursuant to chapter 5, part 4, of this code; or he may approve the compromise under the provisions of chapter 14, title 68, Idaho Code. No filing fee shall be charged for the filing of any petition for leave to compromise as provided herein persons or entities listed below have the right to petition for a compromise of the claim in the following order of priority:

- (a) An appointed conservator of the minor;
- (b) A guardian of the minor, if appointed;
- (c) Either or both parents, provided that:
 - (i) If the parents are living separate and apart, then the parent who has been awarded primary physical custody; or
 - (ii) If no custody award has been made, the parent with whom the minor is living;
- (d) A de facto custodian; and
- (e) Any other legal representative.

(2) The court for good cause may pass over a person having priority under subsection (1) of this section and appoint a person having less priority or no priority; provided that the court shall not pass over a parent or parents unless the court concludes that the parent or parents are incapable or unwilling to act reasonably and in the best interest of the minor. Such proposed compromise is not effective until it is approved by the district court of the county where the minor resides or, if the minor is not a resident of the state of Idaho, by the district court of the county where the claim arose, upon verified petition, filed with the court.

(3) A verified petition made pursuant to this section shall include the following:

- (a) The name, age and residence of the minor;
- (b) The facts that bring the minor within the purview of this section, including the circumstances that make it a claim for money, the name of the third person against whom the claim is made and, if the claim is the result of an accident, the date, place and facts of the accident;
- (c) The names and residence of the parents or guardian of the minor;
- (d) The name and residence of the person or persons having physical custody or control of the minor;
- (e) The name and residence of the petitioner, the relationship of the petitioner to the minor and the basis of the petitioner's right to compromise the claim;
- (f) The total amount of proceeds of the proposed compromise, the apportionment of those proceeds and whether the fees and expenses are to be deducted before or after the calculation of any contingency fee, including the amount to be used for:
 - (i) Attorney's fees and whether the attorney's fees are fixed or contingent fees;
 - (ii) Medical expenses; or
 - (iii) Other expenses;
- (g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor;
- (h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise;
- (i) If the claim involves a personal injury suffered by the minor, a summary of:
 - (i) The injury, prognosis, treatment and progress of recovery of the minor; and
 - (ii) The amount of medical expenses incurred to date, the nature and amount of medical expenses that have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses that may be incurred in the future; and

- (j) The policy limits of the insurance contract, if applicable.
- (4) (a) If the minor's claim is less than ten thousand dollars (\$10,000) and the court is satisfied after review of the verified petition that the compromise is reasonable and in the best interest of the minor, the court may approve the compromise or set a hearing;
- (b) If the minor's claim is ten thousand dollars (\$10,000) or more, the court shall set a hearing for approval of the compromise.
- (5) If the court finds the compromise is reasonable and in the best interest of the minor, the court may approve such compromise and may direct the money be paid:
- (a) To the parents, guardian, trustee, conservator, legal representative or the designated payee thereof in accordance with this chapter;
- (b) Subject to the provisions of an appropriate protective order; or
- (c) In accordance with the provisions of chapter 14, title 68, Idaho Code.
- (6) No filing fee shall be charged for the filing of any petition under the provisions of this section.

Approved March 28, 2016

CHAPTER 239
(H.B. No. 560)

AN ACT

RELATING TO CONTINUOUS IMPROVEMENT PLANS AND TRAINING; AMENDING SECTION 33-320, IDAHO CODE, TO PROVIDE AN ADDITIONAL REQUIREMENT FOR ANNUAL CONTINUOUS IMPROVEMENT PLANS, TO DEFINE A TERM AND TO CLARIFY CERTAIN SCORES.

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

SECTION 1. That Section 33-320, Idaho Code, be, and the same is hereby amended to read as follows:

33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school district and public charter school in Idaho shall develop an annual plan that is part of a continuous focus on improving the student performance of the district or public charter school.

(2) (a) The board of trustees and the superintendent shall collaborate on the plan and engage students, parents, educators and the community as appropriate. The board of directors and the administrator of a public charter school shall collaborate on the plan and engage students, parents, educators and the community as appropriate.

(b) The annual continuous improvement plan shall:

(i) Be data driven, specifically in student outcomes, and shall include, but not be limited to, analyses of demographic data, student achievement and growth data, graduation rates, and college and career readiness;

(ii) Set clear and measurable targets based on student outcomes;

(iii) Include a clearly developed and articulated vision and mission;

(iv) Include key indicators for monitoring performance; and

(v) Include, at a minimum, the statewide student readiness and student improvement metrics; and

(vi) Include a report of progress toward the previous year's improvement goals.

(c) The annual continuous improvement plan must be reviewed and updated annually no later than October 1 each year.

(d) The board of trustees or the board of directors shall continuously monitor progress toward the goals by utilizing relevant data to measure growth. The progress shall be included in evaluations of the district superintendent or administrator of a public charter school.

(3) The plan must be made available to the public and shall be posted on the school district or charter school website.

(4) Of the moneys appropriated in the public schools educational support program, up to six thousand six hundred dollars (\$6,600) shall be distributed to each school district and public charter school to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. Funds shall be distributed on a reimbursement basis based on a process prescribed by the superintendent of public instruction. Qualified training shall include training for continuous improvement processes and planning, strategic planning, finance, superintendent evaluations, public charter administrator evaluations, ethics and governance.

(5) (a) As used in this section, "statewide student readiness and improvement metrics" means metrics established by the state board of education applicable to three (3) grade bands that include high school, middle grades and elementary grades and early reading readiness, which metrics will be referred to as the:

- (i) Career and college readiness metric;
- (ii) Career and college readiness improvement metric;
- (iii) High school readiness metric;
- (iv) High school readiness improvement metric;
- (v) Grade 7 readiness metric;
- (vi) Grade 7 readiness improvement metric;
- (vii) Grade 4 reading readiness metric;
- (viii) Grade 4 reading readiness improvement metric;
- (ix) Grade 3 reading readiness metric;
- (x) Grade 3 reading readiness improvement metric;
- (xi) Grade 2 reading readiness metric;
- (xii) Grade 2 reading readiness improvement metric;
- (xiii) Grade 1 reading readiness metric; and
- (xiv) Grade 1 reading readiness improvement metric.

(b) The readiness score shall be the percent of exiting students that are prepared to continue to the next educational level.

(c) The readiness improvement score shall be the year-over-year improvement in the readiness score of the school.

(d) Statewide student readiness and improvement metrics shall be calculated at the school level and reported annually on the progress report.

(6) The state board of education shall be granted rulemaking authority to establish appropriate procedures, qualifications and guidelines for qualified training providers and shall prepare a list of qualified training providers within the state of Idaho.

Approved March 28, 2016

CHAPTER 240
(H.B. No. 561)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A MANAGEMENT REVIEW IMPLEMENTATION REPORT; AND PROVIDING FOR QUARTERLY REPORTS ON SELECTING A REGION THREE AREA AGENCY ON AGING.

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

SECTION 1. There is hereby appropriated to the Commission on Aging, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$512,000	\$41,900	\$3,977,100	\$4,531,000
Federal Grant				
Fund	682,000	292,300	7,065,300	8,039,600
TOTAL	\$1,194,000	\$334,200	\$11,042,400	\$12,570,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than thirteen (13) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. MANAGEMENT REVIEW IMPLEMENTATION REPORT. In February 2016, the Idaho Legislative Services Office, Audits Division, released Management Report 18715. This report was conducted pursuant to legislative intent language found in House Bill No. 248 from the 2015 legislative session. The purpose of the report was to evaluate compliance with budget laws and proper accounting procedures and to understand the funding formula associated with the local planning and services areas. Therefore, it is the intent of the Legislature that the Idaho Commission on Aging use the management report to improve the processes and procedures of the commission and to implement all recommendations and findings outlined in the report for compliance. Further, the commission shall provide a written report to the Legislative Services Office that contains a status update on the implementation of each recommendation and finding, an update on any changes to the state plan or funding formula, and feedback from each Area Agency on Aging (AAA) and from each aging commissioner. The report shall be submitted no later than December 31, 2016.

SECTION 4. REGION THREE AAA QUARTERLY REPORTS. It is the intent of the Legislature that the Idaho Commission on Aging provide quarterly updates to the Legislative Services Office on the selection and contract issuance for a new Area Agency on Aging (AAA) in Southwest Idaho's Region 3. This report shall include a list of potential entities willing and able to manage the AAA and include a detailed breakdown of all budget transactions, both forecasted

and realized, that are related to the selection and transfer of responsibilities from the state Commission on Aging to the new AAA umbrella organization. The first report shall be submitted no later than October 1, 2016; the second report shall be submitted no later than January 1, 2017; the third report shall be submitted no later than April 1, 2017; and the fourth report shall be submitted no later than June 30, 2017.

Approved March 28, 2016

CHAPTER 241
(H.B. No. 562)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Juvenile Corrections, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$2,835,000	\$843,000		\$60,000	\$3,738,000
Miscellaneous Revenue					
Fund	89,800	34,400			124,200
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$378,200</u>	<u>0</u>	<u>378,200</u>
TOTAL	\$2,924,800	\$877,400	\$378,200	\$60,000	\$4,240,400
II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$1,158,500	\$190,100		\$4,393,900	\$5,742,500
Juvenile Corrections					
Fund		110,000			110,000
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				4,375,000	4,375,000
Miscellaneous Revenue					
Fund		157,300		327,000	484,300
Federal Grant					
Fund	<u>161,300</u>	<u>199,600</u>		<u>634,000</u>	<u>994,900</u>
TOTAL	\$1,319,800	\$657,000		\$9,729,900	\$11,706,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. INSTITUTIONS:					
FROM:					
General					
Fund	\$21,903,200	\$1,979,600	\$2,800	\$4,446,500	\$28,332,100
Miscellaneous Revenue					
Fund	22,000	238,600		460,000	720,600
State Juvenile Corrections Center Endowment Income					
Fund		833,800	278,400		1,112,200
Federal Grant					
Fund	<u>171,900</u>	<u>768,400</u>	<u>0</u>	<u>1,195,400</u>	<u>2,135,700</u>
TOTAL	\$22,097,100	\$3,820,400	\$281,200	\$6,101,900	\$32,300,600
IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund	<u>\$178,700</u>	<u>\$192,500</u>		<u>\$2,783,700</u>	<u>\$3,154,900</u>
TOTAL	\$178,700	\$192,500		\$2,783,700	\$3,154,900
GRAND TOTAL	\$26,520,400	\$5,547,300	\$659,400	\$18,675,500	\$51,402,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred twelve (412) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 242
(H.B. No. 563)

AN ACT
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Secretary of State, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General			
Fund	\$1,960,200	\$1,167,700	\$3,127,900
II. COMMISSION ON UNIFORM STATE LAWS:			
FROM:			
General			
Fund		\$47,700	\$47,700
GRAND TOTAL	\$1,960,200	\$1,215,400	\$3,175,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than twenty-seven (27) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 243
(H.B. No. 564)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Office of Species Conservation, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$475,000	\$63,100		\$538,100
Economic Recovery Reserve				
Fund		500,000		500,000
Miscellaneous Revenue				
Fund		15,000		15,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant				
Fund	<u>626,900</u>	<u>198,400</u>	<u>\$12,000,000</u>	<u>12,825,300</u>
TOTAL	\$1,101,900	\$776,500	\$12,000,000	\$13,878,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than twelve and sixty-three hundredths (12.63) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. Notwithstanding any other provisions of law, it is the intent of the Legislature that the Office of Species Conservation (OSC) shall be tasked with administering state appropriated funds not to exceed \$500,000 for the period July 1, 2016, through June 30, 2017, for sage-grouse conservation actions, including fire prevention, fire suppression, habitat restoration on nonfederal lands and additional sage-grouse lek monitoring.

Approved March 28, 2016

CHAPTER 244
(H.B. No. 567)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$105,200	\$29,100	\$134,300
Miscellaneous Revenue			
Fund	57,600	48,500	106,100
Federal Grant			
Fund	<u>22,000</u>	<u>21,000</u>	<u>43,000</u>
TOTAL	\$184,800	\$98,600	\$283,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 245
(H.B. No. 571)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CAREER LADDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004B, IDAHO CODE, AS ENACTED BY SECTION 6, CHAPTER 229, LAWS OF 2015, TO REVISE PROVISIONS REGARDING THE CAREER LADDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004C, IDAHO CODE, TO REVISE A PROVISION REGARDING A MINIMUM SALARY FIGURE AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DISTRICT'S SALARY-BASED APPORTIONMENT AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 33-1004E, IDAHO CODE, RELATING TO DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004E, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1201A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY FOR AN IDAHO PROFESSIONAL ENDORSEMENT AND TO DEFINE A TERM; AMENDING SECTION 33-5215, IDAHO CODE, TO REMOVE A REFERENCE TO A CERTAIN INDEX; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. The following words and phrases used in this chapter are defined as follows:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(4) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil service staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(5) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(6) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades ~~one~~-(1) through ~~six~~-(6) inclusive, or any combination thereof.

(7) "Elementary schools" are schools that serve grades ~~one~~-(1) through ~~six~~-(6) inclusive, or any combination thereof.

(8) "Elementary/secondary schools" are schools that serve grades ~~one~~-(1) through ~~twelve~~-(12) inclusive, or any combination thereof.

(9) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(10) "Instructional staff" means those involved in the direct instruction of a student or group of students and who hold an Idaho certificate issued under section 33-1201, Idaho Code.

(11) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(12) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the district level or school level in collaboration with the ~~teacher staff member impacted by the measures~~ and applicable district staff. Assessment tools that may be used for measuring student achievement and growth include:

- (a) Idaho standards achievement test;
- (b) Student learning objectives;
- (c) Formative assessments;
- (d) Teacher-constructed assessments of student growth;
- (e) Pre- and post-tests;
- (f) Performance-based assessments;
- (g) Idaho reading indicator;
- (h) College entrance exams such as PSAT, SAT and ACT;
- (i) District adopted assessment;
- (j) End-of-course exams;
- (k) Advance placement exams; and
- (l) Professional-technical exams.

(13) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung.

(14) "Professional compensation rung performance criteria" means:

- (a) An overall rating of proficient and no components rated as unsatisfactory on the state framework for teaching evaluation; and
- (b) Demonstrating the majority of their students have met their measurable student achievement targets or student success indicator targets.

(15) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(16) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, ~~including staff holding~~ and hold a pupil personnel services certificate.

(17) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades ~~seven~~-(7) through ~~twelve~~-(12) inclusive, or any combination thereof.

(18) "Secondary schools" are schools that serve grades ~~seven—(7)~~ through ~~twelve—(12)~~ inclusive, or any combination thereof.

(19) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(20) "Separate kindergarten" means a kindergarten located more than ten (10) miles on an all-weather road from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(21) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(22) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School or district identified measurable student objectives for a specified student group or population.

(23) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as described in section 33-1007, Idaho Code.

(234) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

(245) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 2. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. (1) Each ~~pupil service~~ and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA	MA + 12	MA + 24	MA + 36		
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

(2) In determining the experience factor, the actual years of certificated service for as pupil personnel services staff, ~~or teaching and administrative service for administrator certificate holders in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited.~~

(3) In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education, shall be allowed; however, successful completion of a state approved evaluation training and proof of proficiency shall be counted as up to three (3) transcribed credits for determination of the education factor and meeting recertification requirements.

(4) In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

~~(5) Notwithstanding any other law to the contrary, on and after July 1, 2016, pupil service staff shall be deemed instructional staff for purposes of sections 33-1004B and 33-1004I, Idaho Code.~~

SECTION 3. That Section 33-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. (1) Effective July 1, 2015, all existing instructional staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung that corresponds with the next higher allocation amount than is currently received by the district, based on the experience and education index pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2015. For each year between July 1, 2015, and June 30, 2019, those instructional staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the instructional staff would have moved based on the experience and education index as applied in fiscal year 2015, for such instructional staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on the previous year's performance for the applicable number of years.

(2) Effective July 1, 2016, all existing pupil service staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung or the next higher allocation amount than is currently received by the district, or based on the experience and education index pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2016, whichever is higher. For each year between July 1, 2016, and June 30, 2019, those pupil service staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the pupil service staff would have moved based on the experience and education index as applied in fiscal year 2016. For such pupil service staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on previous year's performance for the applicable number of years.

(a3) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter, for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(b4) Instructional staff new to teaching in Idaho and pupil service staff new to working in an Idaho public school district or charter school who hold a certificate from a state other than Idaho and who are approved to teach in Idaho will be placed into the cohort of instructional staff on the career ladder table equivalent to their experience and education pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2015 for instructional staff and 2016 for pupil service staff.

(e5) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only credits and degrees earned based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education

accredited by a body recognized by the state board of education or credits earned through an internship or other work experience approved by the state board of education, shall be credited toward the education allocation. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

~~(i) Effective July 1, 2015, through June 30, 2016, the education allocation shall be:~~

~~1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, four hundred dollars (\$400) per fiscal year.~~

~~2. For instructional staff holding a professional endorsement and a master degree, seven hundred dollars (\$700) per fiscal year.~~

(iia) Effective July 1, 2016, through June 30, 2017, the education allocation shall be:

~~1.(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, eight hundred dollars (\$800) per fiscal year.~~

~~2.(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, one thousand four hundred dollars (\$1,400) per fiscal year.~~

(iib) Effective July 1, 2017, through June 30, 2018, the education allocation shall be:

~~1.(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand two hundred dollars (\$1,200) per fiscal year.~~

~~2.(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand one hundred dollars (\$2,100) per fiscal year.~~

(ivc) Effective July 1, 2018, through June 30, 2019, the education allocation shall be:

~~1.(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand six hundred dollars (\$1,600) per fiscal year.~~

~~2.(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand eight hundred dollars (\$2,800) per fiscal year.~~

(vd) Effective July 1, 2019, through June 30, 2020, the education allocation shall be:

~~1.(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.~~

~~2.(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.~~

(d6) Effective July 1, 2015, through June 30, 2016, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency/										
Professional	\$32,700	\$33,200	\$33,822							
Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

(e7) Effective July 1, 2016, through June 30, 2017, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency/										
Professional	\$33,400	\$34,250	\$35,117							
Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

(f8) Effective July 1, 2017, through June 30, 2018, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$34,600	\$35,500	\$36,411							
Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

(29) Effective July 1, 2018, through June 30, 2019, school districts shall receive an allocation for instructional staff and pupil service staff based on the ~~instructional~~ staffs' position on the career ladder.

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the compensation rung performance criteria for the previous three (3) years. Allocations to districts for instructional staff and pupil service staff who have failed to meet the professional compensation rung performance criteria for the previous three (3) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(e10) Effective July 1, 2018, through June 30, 2019, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$35,800	\$36,750	\$37,706							
Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

(311) Effective July 1, 2019, through June 30, 2020, school districts shall receive an allocation for instructional staff and pupil service staff based on the ~~instructional~~ staffs' position on the career ladder as follows:

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Allocations to districts for instructional staff and pupil service staff who have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(e12) Effective July 1, 2019, through June 30, 2020, the allocation shall be:

Base										
Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$37,000	\$38,000	\$39,000							
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

(413) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component as outlined in administrative rule and the rating given for each component. The state department board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho approved teacher preparation programs and the state department of education shall ~~appoint persons~~ identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(14) School districts shall submit annually to the state the data necessary to determine whether an instructional staff or pupil service staff member has met the performance criteria for the applicable compensation rung and implementation year. The department of education shall calculate annually whether instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous years that are applicable to the performance criteria for that year. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 4. That Section 33-1004B, Idaho Code, as enacted by Section 6, Chapter 229, Laws of 2015, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. School districts shall receive an allocation for instructional staff and pupil service staff based on their instructional staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the resi-

gency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(a) For instructional staff and pupil service staff holding a professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

Base					
Allocation	1	2	3	4	5
Residency	\$37,000	\$38,000	\$39,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

(5) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component as outlined in administrative rule and the rating given for each component. The state department board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee eval-

uations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho approved teacher preparation programs and the state department of education shall appoint persons identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(6) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employees personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 5. That Section 33-1004C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004C. BASE AND MINIMUM SALARIES -- LEADERSHIP PREMIUMS -- EDUCATION AND EXPERIENCE INDEX. (1) The following shall be reviewed annually by the legislature:

- (a) The base salary figures pursuant to subsections ~~(1), (2), (3) and (4)~~ and (5) of section 33-1004E, Idaho Code;
- (b) The minimum instructional and pupil service staff salary figure pursuant to subsections (1) and (3) of section 33-1004E, Idaho Code; and
- (c) The leadership premium figures pursuant to subsections (1) and (2) of section 33-1004J, Idaho Code.

(2) The statewide education and experience index (or state average index, or state index) is the average of all qualifying employees, instructional and administrative respectively. It is determined by totaling the index value for all qualifying employees and dividing by the number of employees.

SECTION 6. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(23) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-four thousand fifty-five dollars (\$24,055). If the district does not employ any pupil service staff, the district's pupil service average salary shall equal the district's instructional average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-two thousand seven hundred three dollars (\$32,703).

(34) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index~~ If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(45) To determine the apportionment for classified staff, multiply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(56) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), and (4) and

(5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 7. That Section 33-1004E, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004E, Idaho Code, and to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(3) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff,

the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(5) To determine the apportionment for classified staff, multiply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(6) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 9. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee ~~who is issued a certificate under section 33-1201, Idaho Code, on or after July 1, 2015, or any pupil service staff~~ will receive mentoring as outlined in such employee's individualized professional learning plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a certificate for at least three (3) years, or have completed a state board of education approved interim certificate of three (3) years or longer;
- (b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;
- (c) Have a written recommendation from the employing school district; and
- (d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(2) An instructional staff employee who has held a certificate that qualifies them to teach in the classroom for three (3) or more years prior to the effective date of this act July 1, 2015, or pupil service staff employees who have held a pupil personnel services certificate for three (3) or more years prior to July 1, 2016, shall automatically obtain an Idaho professional endorsement under this section.

(3) The state board of education shall promulgate rules implementing the provisions of this section.

(4) For the purposes of this section, "instructional staff" means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code.

(5) For the purposes of this section, "pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, and who hold a certificate issued under section 33-1201, Idaho Code.

SECTION 10. That Section 33-5215, Idaho Code, be, and the same is hereby amended to read as follows:

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section 33-5208, Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of chapter 15, title 33, Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

SECTION 11. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (245) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, and upon signing and timely returning a contract for a fourth full year, be placed on a renewable contract status with said school district entitling such individual to the right to automatic renewal of contract, subject to the provisions included in this chapter, provided that instructional staff who have not obtained a professional endorsement under section 33-1201A, Idaho Code, may not be placed on a renewable contract status provided however, if the career ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a professional endorsement shall not be required.

(2) At least once annually, the performance of each renewable contract certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Such an evaluation shall be completed no later than May 1 of each year. The evaluation shall include a minimum of two (2) documented observations, one (1) of which shall be completed prior to January 1 of each year.

(3) Any contract automatically renewed under the provisions of this section may be renewed for a shorter term, longer term or the same length of term as stated in the current contract and at a greater, lesser or equal salary as that stated in the current contract. Absent the board's application of a formal reduction in force, renewals of standard teacher contracts may be for a shorter term, longer term or the same length of term as stated in the current standard teacher contract and at a greater, lesser or equal salary, and shall be uniformly applied to all employees based upon the district's adopted salary schedule to the extent allowable in section 33-1004E, Idaho Code.

(a) Contracts issued pursuant to this section shall be issued on or before the first day of July each year.

(b) At the discretion of the board, the district may issue letters of intent for employment for the next ensuing school year to renewable contract status employees during May of each school year. Such letter of intent shall not state a specific duration of the contract or salary/benefits term for the next ensuing school year.

(c) Unless otherwise negotiated and ratified by both parties pursuant to sections 33-1271, et seq., Idaho Code, standard teacher renewals for terms shorter in length than that stated in the current standard contract of renewable certificated employees, should be considered and implemented only after the district has determined that the salary-based apportionment reimbursement that it estimates it will receive for the ensuing school year is less than the sum the district would otherwise be paying for salaries for certificated professional employees.

(4) Nothing in this section shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, or from reassigning an administrative employee to a nonadministrative position with appropriate reduction of salary from the preexisting salary level. In the event the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee which contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the local board of trustees.

(5) Before a board of trustees can determine not to renew for reasons of an unsatisfactory report of the performance of any certificated person whose contract would otherwise be automatically renewed, such person shall be entitled to a reasonable period of probation. This period of probation shall be preceded by a written notice from the board of trustees with reasons for such probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 74-206, Idaho Code, and may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

(6) If the board of trustees takes action to immediately discharge or discharge upon termination of the current contract a certificated person whose contract would otherwise be automatically renewed, the action of

the board shall be consistent with the procedures specified in section 33-513(5), Idaho Code, and furthermore, the board shall notify the employee in writing whether there is just and reasonable cause not to renew the contract or to reduce the salary of the affected employee, and if so, what reasons it relied upon in that determination.

(7) If the board of trustees takes action after the declaration of a financial emergency pursuant to section 33-522, Idaho Code, and such action is directed at more than one (1) certificated employee, and if mutually agreed to by both parties, a single informal review shall be conducted. Without mutual consent of both parties, the board of trustees shall use the following procedure to conduct a single due process hearing within sixty-seven (67) days of the declaration of financial emergency pursuant to section 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the change in the length of the term stated in the current contract or reduce the salary of any certificated employee by filing with the board of trustees written notice specifying the purported reasons for such changes.

(b) Upon receipt of such notice, the board of trustees, acting through its duly authorized administrative official, shall give the affected employees written notice of the reductions and the recommendation of the change in the length of the term stated in the current contract or the reduction of salary, along with written notice of a hearing before the board of trustees prior to any determination by the board of trustees.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than fourteen (14) days after receipt of the notice by the employees. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be open to the public.

(e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board of trustees, may administer oaths to witnesses or affirmations by witnesses.

(f) The employees may be represented by legal counsel and/or by a representative of a local or state education association.

(g) The chairman of the board of trustees or the designee of the chairman shall conduct the hearing.

(h) The board of trustees shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board of trustees upon request of the employee.

(i) At the hearing, the superintendent or other duly authorized administrative officer shall present evidence to substantiate the reduction contained in such notice.

(j) The employees may produce evidence to refute the reduction. Any witness presented by the superintendent or by the employees shall be subject to cross-examination. The board of trustees may also examine witnesses and be represented by counsel.

(k) The affected employees may file written briefs and arguments with the board of trustees within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employees and the board of trustees.

(l) Within seven (7) days following the close of the hearing, the board of trustees shall determine and, acting through its duly authorized administrative official, shall notify the employees in writing whether the evidence presented at the hearing established the need for the action taken.

The due process hearing pursuant to this subsection shall not be required if the board of trustees and the local education association reach an agreement on issues agreed upon pursuant to section 33-522(3), Idaho Code.

(8) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract, reduce the salary or not renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.

(9) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract or reduce the salary of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require any individualized due process proceeding. In such circumstance, the board shall hold a single informal review for all impacted employees. The process and procedure for the single informal review shall be determined by the local board of trustees.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 6 of this act shall be in full force and effect on and after passage and approval. The provisions of Section 4 of this act shall be in full force and effect on and after July 1, 2020. All other provisions of this act shall be in full force and effect on and after July 1, 2016.

Approved March 28, 2016

CHAPTER 246
(H.B. No. 574)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; AND REQUIRING BIENNIAL REPORTS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$14,620,900	\$5,919,200		\$20,540,100
Economic Recovery Reserve				
Fund		1,829,700		1,829,700

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
Cooperative Welfare (Dedicated)				
Fund	1,309,200	3,539,000		4,848,200
Cooperative Welfare (Federal)				
Fund	<u>26,380,800</u>	<u>26,509,800</u>		<u>52,890,600</u>
TOTAL	\$42,310,900	\$37,797,700		\$80,108,600
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$20,257,900	\$20,257,900
Cooperative Welfare (Dedicated)				
Fund			250,200	250,200
Cooperative Welfare (Federal)				
Fund			<u>68,333,000</u>	<u>68,333,000</u>
TOTAL			\$88,841,100	\$88,841,100
GRAND TOTAL	\$42,310,900	\$37,797,700	\$88,841,100	\$168,949,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare for the Welfare Division is authorized no more than six hundred thirty-five and fifty-five hundredths (635.55) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2017.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. ACTUAL AND FORECAST DETAIL REPORTING. The Division of Welfare shall deliver the Self-Reliance Programs Forecast biannually to the Legislative Services Office and Division of Financial Management. The report shall include monthly caseload details for Temporary Assistance for Needy Families (TANF), Child Care, Medicaid, Advanced Premium Tax Credit (APTC), Aid to the Aged, Blind and Disabled, Food Stamps, and Child Support programs. The Self-Reliance Programs Forecast shall also include expenditure details for all of the named programs with the exception of Medicaid.

The format of the report, and any additional information contained therein, shall be determined by the Legislative Services Office and Division of Financial Management. The first report shall be submitted no later than December 31, 2016, and the second report shall be submitted no later than June 30, 2017.

Approved March 28, 2016

CHAPTER 247
(H.B. No. 575)

AN ACT

RELATING TO COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO INCREASE THE SALARIES OF THE PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO INCREASE THE SALARIES OF THE INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2017; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2017.

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

SECTION 1. That Section 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, ~~2015~~ 2016, the annual salary of members of the public utilities commission shall be ~~ninety-seven one hundred thousand seven hundred ninety-nine thirty-three dollars (\$97,799)~~ (\$100,733) and shall be paid from sources set by the legislature.

SECTION 2. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, ~~2015~~ 2016, the annual salary for members of the state tax commission shall be ~~ninety-three thousand six hundred sixty eight-nine dollars (\$90,669)~~ (\$93,389).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with

responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, ~~2015~~ 2016, the annual salary of each member of the industrial commission shall be ~~ninety-five~~eight thousand ~~one hundred ninety-three~~ forty-nine dollars ~~(\$95,193)~~ (\$98,049). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. In addition to any other appropriation made by law, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated \$10,700 to the Public Utilities Commission to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2016, through June 30, 2017.

SECTION 5. In addition to any other appropriation made by law, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the Idaho State Tax Commission the following amounts to be expended according to the designated programs for personnel costs from the listed funds for the period July 1, 2016, through June 30, 2017:

I. GENERAL SERVICES:

FROM:

General Fund	\$10,400
Administration Services for Transportation Fund	<u>1,500</u>
TOTAL	\$11,900

II. AUDIT DIVISION:

FROM:

Multistate Tax Compact Fund	\$700
Administration and Accounting Fund	300
Administration Services for Transportation Fund	<u>300</u>
TOTAL	\$1,300

GRAND TOTAL	\$13,200
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SECTION 6. In addition to any other appropriation made by law, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated \$10,400 to the Industrial Commission to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2016, through June 30, 2017.

Approved March 28, 2016

CHAPTER 248
(H.B. No. 576)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2017; AND EXEMPT-
ING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Supreme Court, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPREME COURT:					
FROM:					
General					
Fund	\$3,942,400	\$820,600		\$225,600	\$4,988,600
Economic Recovery Reserve					
Fund		27,500	\$166,500		194,000
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>332,500</u>	<u>1,432,800</u>	<u>0</u>	<u>0</u>	<u>1,765,300</u>
TOTAL	\$4,274,900	\$2,599,400	\$166,500	\$225,600	\$7,266,400
II. DISTRICT COURTS:					
FROM:					
General					
Fund	\$13,143,100	\$430,300			\$13,573,400
Economic Recovery Reserve					
Fund			\$2,000,000		2,000,000
Court Technology					
Fund	2,669,300	2,058,200	5,798,000		10,525,500
Drug Court, Mental Health and Family Court Services					
Fund	<u>4,520,400</u>	<u>2,066,200</u>	<u>0</u>		<u>6,586,600</u>
TOTAL	\$20,332,800	\$4,554,700	\$7,798,000		\$32,685,500
III. MAGISTRATES DIVISION:					
FROM:					
General					
Fund	\$13,437,800	\$292,800			\$13,730,600
Drug Court, Mental Health and Family Court Services					
Fund	916,000	1,173,300			2,089,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Guardianship Pilot Project					
Fund	353,900	78,300			432,200
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>			<u>110,000</u>
TOTAL	\$14,707,700	\$2,164,400			\$16,872,100
IV. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
V. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,047,500	\$54,000			\$2,101,500
VI. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$625,000	\$641,700
VII. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$695,400	\$166,300			\$861,700
VIII. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,594,800	\$1,594,800
Substance Abuse Treatment					
Fund	<u>\$211,000</u>	<u>\$96,200</u>		<u>3,220,100</u>	<u>3,527,300</u>
TOTAL	\$211,000	\$96,200		\$4,814,900	\$5,122,100
IX. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,028,100				\$1,028,100
GRAND TOTAL	\$43,315,900	\$9,764,000	\$7,964,500	\$5,665,500	\$66,709,900

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the Supreme Court is hereby exempted from the provisions of Sections 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 28, 2016

CHAPTER 249
(H.B. No. 578)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2017;
AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Public Defense Commission from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$132,700
Operating Expenditures	<u>181,400</u>
TOTAL	\$314,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than one and five-tenths (1.5) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 250
(H.B. No. 579)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES, PSYCHIATRIC HOSPITALIZATION AND SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING LEGISLATIVE INTENT REGARDING A BEHAVIORAL HEALTH CRISIS CENTER LOCATION; PROVIDING LEGISLATIVE INTENT REGARDING FUNDING FOR THE IDAHO FALLS COMMUNITY CRISIS CENTER; AND PROVIDING GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$4,371,500	\$832,100		\$4,151,000	\$9,354,600
Economic Recovery Reserve					
Fund		1,100,000			1,100,000
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>2,088,500</u>	<u>1,357,000</u>		<u>1,117,600</u>	<u>4,563,100</u>
TOTAL	\$6,460,000	\$3,289,100		\$5,433,100	\$15,182,200
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$14,229,100	\$2,927,700		\$5,777,900	\$22,934,700
Cooperative Welfare (Dedicated)					
Fund	108,900			350,000	458,900
Cooperative Welfare (Federal)					
Fund	<u>2,175,500</u>	<u>1,151,600</u>		<u>803,700</u>	<u>4,130,800</u>
TOTAL	\$16,513,500	\$4,079,300		\$6,931,600	\$27,524,400
DIVISION TOTAL	\$22,973,500	\$7,368,400		\$12,364,700	\$42,706,600
II. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$3,069,000	\$3,069,000
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,260,600	\$131,400		\$72,400	\$7,464,400
Economic Recovery Reserve					
Fund		57,600	\$59,200		116,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)					
Fund	152,100				152,100
State Hospital North Endowment Income					
Fund	<u>394,000</u>	<u>1,057,600</u>	<u>0</u>	<u>44,500</u>	<u>1,496,100</u>
TOTAL	\$7,806,700	\$1,246,600	\$59,200	\$116,900	\$9,229,400
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$9,607,200	\$83,600		\$217,200	\$9,908,000
Economic Recovery Reserve					
Fund		127,900	\$353,900		481,800
Cooperative Welfare (Dedicated)					
Fund	3,637,200	1,003,500	20,000	900	4,661,600
Mental Hospital Endowment Income					
Fund	2,942,300	1,505,100	115,000		4,562,400
Cooperative Welfare (Federal)					
Fund	<u>4,921,300</u>	<u>1,169,200</u>	<u>47,000</u>	<u>25,900</u>	<u>6,163,400</u>
TOTAL	\$21,108,000	\$3,889,300	\$535,900	\$244,000	\$25,777,200
DIVISION TOTAL	\$28,914,700	\$5,135,900	\$595,100	\$3,429,900	\$38,075,600
III. SUBSTANCE ABUSE TREATMENT AND PREVENTION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$292,600	\$673,500		\$1,505,400	\$2,471,500
Prevention of Minors' Access to Tobacco					
Fund	6,600	43,800			50,400
Cooperative Welfare (Dedicated)					
Fund	47,500	438,300			485,800
Liquor Control					
Fund				650,000	650,000
Cooperative Welfare (Federal)					
Fund	<u>1,077,500</u>	<u>3,459,200</u>		<u>8,628,400</u>	<u>13,165,100</u>
TOTAL	\$1,424,200	\$4,614,800		\$10,783,800	\$16,822,800
GRAND TOTAL	\$53,312,400	\$17,119,100	\$595,100	\$26,578,400	\$97,605,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appr-

priations Committee will be notified promptly of any increased positions so authorized.

Adult Mental Health	208.56
Children's Mental Health	79.67
State Hospital North	106.10
State Hospital South	285.25
Substance Abuse Treatment and Prevention	16.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2017.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, Cooperative Welfare (General) Fund moneys appropriated to the Division of Mental Health and the Psychiatric Hospitalization Division may be transferred between divisions, but shall not be transferred to any other division or program within the Department of Health and Welfare without legislative approval.

SECTION 7. LEGISLATIVE INTENT. It is the finding of the Legislature that the Department of Health and Welfare is responsible for the educational needs of school-age children placed in its custody by the courts for either child protective or for mental health issues. If the Department of Health and Welfare places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the Department of Health and Welfare that it is in the best interest of the child to be educated at the residential treatment facility, then it is the responsibility of the Department of Health and Welfare to pay for such education at the rate of \$71.05 per student per educational day. This intent language does not preclude other Idaho state agencies from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this language is approximately \$690,000 from existing appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall, no later than July 16, 2016, make an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be used for the purchase of contract clinician services with juvenile detention facilities in Idaho, for the period July 1, 2016, through June 30, 2017.

SECTION 9. BEHAVIORAL HEALTH CRISIS CENTER LOCATION. It is the intent of the Legislature that \$1,013,300 of the amount provided in Section 1 of this act, for the Adult Mental Health Program, is for a Behavioral Health Crisis Center, to be located in Health and Welfare Region 5. Further, it is the intent of the Legislature that \$506,700 of the amount provided in Section

1 of this act, for the Adult Mental Health Program, is for a Behavioral Health Crisis Center, to be located in Health and Welfare Region 4.

SECTION 10. IDAHO FALLS BEHAVIORAL HEALTH CRISIS CENTER. It is the intent of the Legislature that the Behavioral Health Community Crisis Center located in Idaho Falls, share its two-year plan, as required by contract with the Department of Health and Welfare, that will demonstrate to what extent the region will provide financial support from local sources for ongoing operations of the center. The contractually required plan is to be submitted to the Legislative Services Office no later than December 31, 2016. Further it is the expectation that all other community crisis centers will be required to share their two-year plan as required by their contract with the Department of Health and Welfare upon completion of two years of operations.

SECTION 11. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Health and Welfare for the Adult Mental Health Program, up to \$715,000 of the unexpended and unencumbered balance of Cooperative Welfare (General) Fund moneys as appropriated for fiscal year 2016, to be used for nonrecurring expenditures related to the implementation of Behavioral Health Community Crisis Centers to be located in Health and Welfare Region 4 and Region 5, for the period July 1, 2016, through June 30, 2017.

Approved March 28, 2016

CHAPTER 251
(H.B. No. 587)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE IDAHO GLOBAL ENTREPRENEURIAL MISSION FUND.

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

SECTION 1. There is hereby appropriated to the Department of Commerce, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,481,900	\$1,031,900	\$2,200,000	\$5,713,800
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				
Fund	816,900	5,110,600	4,761,000	10,688,500
Idaho Global Entrepreneurial Mission				
Fund			29,600	29,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue				
Fund		157,500		157,500
Seminars and Publications				
Fund		378,400		378,400
Federal Grant				
Fund	394,600	249,500	15,620,800	16,264,900
TOTAL	\$3,693,400	\$6,927,900	\$25,611,400	\$36,232,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-three (43) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Commerce and the State Controller shall transfer \$17,000 from the Small Business Assistance Fund to the Idaho Global Entrepreneurial Mission Fund, on July 1, 2016, or as soon thereafter as practicable.

Approved March 28, 2016

CHAPTER 252
(H.B. No. 588)

AN ACT
APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2017; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:	
Personnel Costs	\$488,100
Operating Expenditures	<u>77,200</u>
TOTAL	\$565,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 253
(H.B. No. 589)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2017; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Tax Commission, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$4,987,400	\$4,301,700	\$209,900	\$9,499,000
Multistate Tax Compact				
Fund	94,100	485,700	37,000	616,800
Administration and Accounting				
Fund	37,100	27,700	2,500	67,300
Administration Services for Transportation				
Fund	504,900	667,200	92,900	1,265,000
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>0</u>	<u>19,100</u>
TOTAL	\$5,623,500	\$5,501,400	\$342,300	\$11,467,200
II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$7,255,200	\$1,074,600		\$8,329,800
Multistate Tax Compact				
Fund	1,503,700	483,700		1,987,400
Administration and Accounting				
Fund	13,500	24,400		37,900
Administration Services for Transportation				
Fund	1,737,400	345,500		2,082,900
Federal Grant				
Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
TOTAL	\$10,509,800	\$1,936,200		\$12,446,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. COLLECTIONS DIVISION:				
FROM:				
General				
Fund	\$6,968,400	\$989,900		\$7,958,300
Administration Services for Transportation				
Fund	<u>197,300</u>	<u>22,600</u>		<u>219,900</u>
TOTAL	\$7,165,700	\$1,012,500		\$8,178,200
IV. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$4,113,400	\$1,679,300		\$5,792,700
Multistate Tax Compact				
Fund		4,000		4,000
Administration and Accounting				
Fund	87,200	33,100		120,300
Administration Services for Transportation				
Fund	641,600	259,300	\$2,300	903,200
Seminars and Publications				
Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
TOTAL	\$4,842,200	\$2,002,100	\$2,300	\$6,846,600
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$3,149,300	\$423,100		\$3,572,400
Seminars and Publications				
Fund	<u>0</u>	<u>131,000</u>	<u>\$8,800</u>	<u>139,800</u>
TOTAL	\$3,149,300	\$554,100	\$8,800	\$3,712,200
GRAND TOTAL	\$31,290,500	\$11,006,300	\$353,400	\$42,650,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred fifty-one (451) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2016

CHAPTER 254
(H.B. No. 598)

AN ACT

APPROPRIATING MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Medical Boards, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory				
Fund	\$297,300	\$307,100	\$7,000	\$611,400
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory				
Fund	\$1,080,400	\$757,400	\$18,700	\$1,856,500
III. BOARD OF NURSING:				
FROM:				
State Regulatory				
Fund	\$874,600	\$607,900	\$38,600	\$1,521,100
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory				
Fund	\$1,144,800	\$625,500	\$250,000	\$2,020,300
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory				
Fund	\$180,700	\$117,300	\$2,600	\$300,600
GRAND TOTAL	\$3,577,800	\$2,415,200	\$316,900	\$6,309,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Medical Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Dentistry	Three and six-tenths (3.6)
Board of Medicine	Fifteen (15.0)
Board of Nursing	Twelve (12.0)
Board of Pharmacy	Fifteen (15.0)
Board of Veterinary Medicine	Two and six-tenths (2.6)

Approved March 28, 2016

CHAPTER 255
(H.B. No. 600)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; AND PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS.

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

SECTION 1. There is hereby appropriated to the Office of the State Appellate Public Defender, the following amounts to be expended according to the designated programs and expense classes, from the listed funds, for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. OFFICE OF STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$2,111,500	\$222,700	\$2,334,200
Miscellaneous Revenue			
Fund	0	25,000	25,000
TOTAL	\$2,111,500	\$247,700	\$2,359,200
II. CAPITAL AND CONFLICT REPRESENTATION:			
FROM:			
General			
Fund		\$302,400	\$302,400
GRAND TOTAL	\$2,111,500	\$550,100	\$2,661,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Appellate Public Defender is authorized no more than twenty-three (23) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. OUTSIDE COUNSEL COSTS. Of the amount appropriated in Section 1 of this act, \$207,500 from the General Fund, or so much thereof as is necessary, shall be used solely to pay outside counsel for noncapital appeals in which a conflict of interest is identified and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, capital representation costs and the operating, personnel and capital outlay costs of the Office of the State Appellate Public Defender Program. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

SECTION 4. CAPITAL REPRESENTATION COSTS. Of the amount appropriated in Section 1 of this act, \$94,900 from the General Fund, or so much thereof as is necessary, shall be used solely for costs directly related to the provision of representation in capital cases and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, outside counsel costs of noncapital appeals and the operating, personnel and capital outlay costs of the Office of the State Appellate Public Defender Program. Such costs may include, but are not limited to, consultation with experts; travel, lodging, and per diem for expert and lay witnesses; depositions; investigation; employee travel associated with witness interviews; court reporting and transcription services; expert witness fees; outside counsel in the event of a conflict of interest; and preparation of trial exhibits. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

Approved March 28, 2016

CHAPTER 256
(H.B. No. 601)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT REGARDING CONFERENCE-RELATED ACTIVITIES; PROVIDING LEGISLATIVE INTENT REGARDING PAYMENT OF BANK SERVICE FEES; AND PROVIDING LEGISLATIVE INTENT REGARDING MITIGATION OF BANK SERVICE FEES.

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

SECTION 1. There is hereby appropriated to the State Treasurer, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$887,000	\$518,600	\$1,405,600
State Treasurer LGIP			
Fund	190,700	133,700	324,400
Treasurer's Office - Professional Services			
Fund	597,600	573,600	1,171,200
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>774,500</u>	<u>280,100</u>	<u>1,054,600</u>
TOTAL	\$2,449,800	\$1,586,000	\$4,035,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. STATE TREASURER LGIP FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Treasurer any unexpended and unencumbered balances of moneys in the State Treasurer Local Government Investment Pool Fund as appropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 4. CONFERENCE-RELATED ACTIVITIES. It is the intent of the Legislature that no more than \$10,000 from the General Fund, as appropriated in Section 1 of this act, shall be spent on various conference-related activities including, but not limited to, sponsorships, in-kind donations, and information booths. No moneys appropriated in Section 1 of this act from dedicated funds shall be used for conference-related activities unless otherwise provided by Idaho Code; provided, however, that in no event shall more than a total of \$10,000 from any fund source or combination thereof be used for said conference-related activities.

SECTION 5. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, \$435,900 from the General Fund and \$192,400 from the Professional Services Fund or so much thereof as is necessary, is to be used solely and only for the payment of bank service fees for the period July 1, 2016, through June 30, 2017.

SECTION 6. MITIGATION OF BANK SERVICE FEES. The State Treasurer shall continue to make all efforts reasonably necessary to reduce or eliminate bank service fees associated with the State Treasurer's bank accounts including, but not limited to, entering into competitive bidding for bank services. Said fees include, but are not limited to, those associated with processing warrants, merchant services, account maintenance, balance and compensation services, general account services, depository services, paper disbursement services, automated clearinghouse services, electronic data interchange payment services, wire and transfer services, file transmission, client analysis, image retrieval, account reconciliation, and other miscellaneous services. On or before September 1, 2016, the State

Treasurer shall report to the Legislature regarding the specific efforts made to reduce or eliminate bank service fees; the outcomes of those efforts; an estimate of the savings realized, or expected to be realized, as a result of those efforts; and a plan on how the State Treasurer will continue to make all efforts reasonably necessary to reduce or eliminate bank service fees.

Approved March 28, 2016

CHAPTER 257
(H.B. No. 617)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONIES FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2017; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS; AND LIMITING THE DISTRIBUTION TO SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Administrators for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$86,798,500
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SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$86,798,500
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2016, through June 30, 2017:

FROM:

Public School Income Fund	\$86,798,500
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SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section

33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-four thousand fifty-five dollars (\$24,055). The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-two thousand seven hundred three dollars (\$32,703).

(3) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of ~~thirty-three~~four thousand one hundred ~~sixteen nine~~ dollars (\$~~33,116~~34,109). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that notwithstanding Section 33-320, Idaho Code, the distribution to each school district and charter school for continuous improvement planning and training shall be up to \$4,000 for the period July 1, 2016, through June 30, 2017.

Approved March 28, 2016

CHAPTER 258
(H.B. No. 618)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2017; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT, TRAINING AND ASSISTANCE; AND DEFINING THE TERM "DISTRIBUTED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Teachers for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$840,733,000
Federal Grant	<u>15,000,000</u>
TOTAL	\$855,733,000

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$840,733,000
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Teachers the following amount to be expended from the listed funds for the period July 1, 2016, through June 30, 2017:

FROM:

Public School Income Fund	\$840,733,000
Federal Grant	<u>15,000,000</u>
TOTAL	\$855,733,000

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that of the moneys appropriated in Section 3 of this act, \$13,000,000 shall be distributed for professional development that supports instructors and pupil services staff to increase student learning. Professional development efforts should be measurable, provide the instructors and pupil service staff with a clear understanding of their progress, and be incorporated into their performance evaluations. When possible, efforts should focus on teacher mentoring. Funding shall be distributed by a formula prescribed by the Superintendent of Public Instruction and the superintendent shall, to the extent possible, track usage and effectiveness of professional development efforts at the state and local levels through the newly created professional development portal.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that, for the purposes of this act, the term "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

Approved March 28, 2016

CHAPTER 259
(H.B. No. 621)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2017; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; AND LIMITING THE AMOUNT OF FUNDS DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program/Division of Facilities, the following amount to be expended from the listed funds for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$18,958,000
Bond Levy Equalization Fund	12,452,500
School District Building Account	<u>18,000,000</u>
TOTAL	\$49,410,500

SECTION 2. Of the moneys appropriated to the Public Schools Educational Support Program/Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropriated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

SECTION 3. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$9,947,500 for the period July 1, 2016, through June 30, 2017.

Approved March 28, 2016

CHAPTER 260
(H.B. No. 622)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2017.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$9,794,800
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	184,800
Federal Grant	<u>223,500</u>
TOTAL	\$10,312,300

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$9,794,800
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind the following amount to be expended from the listed funds for the period July 1, 2016, through June 30, 2017:

FROM:

Public School Income Fund	\$9,794,800
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	184,800
Federal Grant	<u>223,500</u>
TOTAL	\$10,312,300

Approved March 28, 2016

CHAPTER 261

(S.B. No. 1257, As Amended in the House)

AN ACT

RELATING TO SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION 33-502B, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTIONS FOR SCHOOL DISTRICT BOARD TRUSTEES.

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

SECTION 1. That Section 33-502B, Idaho Code, be, and the same is hereby amended to read as follows:

33-502B. BOARD OF TRUSTEES -- ONE NOMINATION -- NO ELECTION. In any election for trustees, if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for a position to be filled or if only one (1) candidate has filed a write-in declaration of intent as provided by section 34-1407, Idaho Code, and has provided to the district's board clerk the signatures of five (5) electors of the candidate's specific zone, then no election shall be held for that position,~~and the.~~ The board of trustees or the school district clerk, with the written permission of the board, shall declare such candidate elected as a trustee,~~and the.~~ The school district clerk shall immediately prepare and deliver to the person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this section shall not apply to any other school district election.

Approved March 30, 2016

CHAPTER 262

(S.B. No. 1302)

AN ACT

RELATING TO ESTATES; AMENDING SECTION 15-2-203, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-2-206, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-2-208, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE; AMENDING SECTION 15-3-906, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-3-1004, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 68-10-201, IDAHO CODE, TO REMOVE REFERENCE TO A FAMILY ALLOWANCE.

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

SECTION 1. That Section 15-2-203, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-203. ELECTIVE RIGHT TO QUASI-COMMUNITY PROPERTY AND AUGMENTED ESTATE. (a) The right of the surviving spouse in the augmented quasi-community property estate shall be elective and shall be limited to one-half (1/2) of the total augmented quasi-community property estate which will include, as a part of the property described in sections 15-2-201 and section 15-2-202, ~~of this code~~ Idaho Code, property received from the decedent and owned by the surviving spouse at the decedent's death, plus the value of such property transferred by the surviving spouse at any time during marriage to any person other than the decedent which would have been in the surviving spouse's quasi-community property augmented estate if that spouse had predeceased the decedent to the extent that the owner's transferred property is derived from the decedent by any means other than testate or intestate succession without a full consideration in money or money's worth. This shall not include any benefits derived from the federal social security system by reason of service performed or disability incurred by the decedent and shall include property transferred from the decedent to the surviving spouse by virtue of joint ownership and through the exercise of a power of appointment also exercisable in favor of others than the surviving spouse and appointed to the surviving spouse.

(b) The elective share to the quasi-community estate thus computed shall be reduced by an allocable portion of general administration expenses, homestead allowance, ~~family allowance~~, exempt property and enforceable claims.

(c) Property owned by the surviving spouse at the time of the decedent's death and property transferred by the surviving spouse is presumed to have been derived from the decedent except to the extent that the surviving spouse establishes that it was derived from another source.

SECTION 2. That Section 15-2-206, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-206. EFFECT OF ELECTION ON BENEFITS BY WILL OR STATUTE. (a) The surviving spouse's election of his elective share does not affect the share of the surviving spouse under the provisions of the decedent's will or intestate succession unless the surviving spouse also expressly renounces in the petition for an elective share the benefit of all or any of the provisions. If any provision is so renounced, the property or other benefit which would otherwise have passed to the surviving spouse thereunder is treated, subject to contribution under subsection 15-2-207(b), Idaho Code, as if the surviving spouse had predeceased the testator.

(b) A surviving spouse is entitled to homestead allowance, and exempt property ~~and family allowance~~ whether or not he elects to take an elective share and whether or not he renounces the benefits conferred upon him by the will except that, if it clearly appears from the will that a provision therein made for the surviving spouse was intended to be in lieu of these rights, he is not so entitled if he does not renounce the provision so made for him in the will.

SECTION 3. That Section 15-2-208, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-208. WAIVER. The right of election of a surviving spouse and the rights of the surviving spouse to homestead allowance, and exempt property ~~and family allowance~~, or any either of them, may be waived, wholly or par-

tially, before or after marriage, by a written contract, agreement or waiver signed by the party waiving after fair disclosure. Unless it provides to the contrary, a waiver of "all rights" (or equivalent language) in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights to elective share, homestead allowance, and exempt property and family allowance by each spouse in the property of the other and a renunciation by each of all benefits which would otherwise pass to him from the other by intestate succession or by virtue of the provisions of any will executed before the waiver or property settlement.

SECTION 4. That Section 15-3-906, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-906. DISTRIBUTION IN KIND -- VALUATION -- METHOD. (a) Unless a contrary intention is indicated by the will, the distributable assets of a decedent's estate shall be distributed in kind to the extent possible through application of the following provisions:

(1) A specific devisee is entitled to distribution of the thing devised to him, and a spouse or child who has selected particular assets of an estate as provided in section 15-2-403 ~~of this code, Idaho Code,~~ shall receive the items selected.

(2) Any homestead ~~or family allowance~~ or devise payable in money may be satisfied by value in kind provided:

(A) ~~The~~ The person entitled to the payment has not demanded payment in cash;

(B) ~~The~~ The property distributed in kind is valued at fair market value as of the date of its distribution, and

(C) ~~n~~ No residuary devisee has requested that the asset in question remain a part of the residue of the estate.

(3) For the purpose of valuation under paragraph (2), securities regularly traded on recognized exchanges, if distributed in kind, are valued at the price for the last sale of like securities traded on the business day prior to distribution, or if there was no sale on that day, at the median between amounts bid and offered at the close of that day. Assets consisting of sums owed the decedent or the estate by solvent debtors as to which there is no known dispute or defense are valued at the sum due with accrued interest or discounted to the date of distribution. For assets which that do not have readily ascertainable values, a valuation as of a date not more than thirty (30) days prior to the date of distribution, if otherwise reasonable, controls. For purposes of facilitating distribution, the personal representative may ascertain the value of the assets as of the time of the proposed distribution in any reasonable way, including the employment of qualified appraisers, even if the assets may have been previously appraised.

(4) The residuary estate shall be distributed in kind if there is no objection to the proposed distribution and it is practicable to distribute undivided interests. In other cases, residuary property may be converted into cash for distribution.

(b) After the probable charges against the estate are known, the personal representative may mail or deliver a proposal for distribution to all persons who have a right to object to the proposed distribution. The right of any distributee to object to the proposed distribution on the basis of the kind or value of asset he is to receive, if not waived earlier in writing, terminates if he fails to object in writing received by the personal representative within thirty (30) days after mailing or delivery of the proposal.

SECTION 5. That Section 15-3-1004, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-1004. LIABILITY OF DISTRIBUTEES TO CLAIMANTS. After assets of an estate have been distributed and subject to section 15-3-1006 of this Part, Idaho Code, an undischarged claim not barred may be prosecuted in a proceeding against one (1) or more distributees. No distributee shall be liable to claimants for amounts received as exempt property, or homestead or family allowances, or for amounts in excess of the value of his distribution as of the time of distribution. As between distributees, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied in the course of administration. Any distributee who shall have failed to notify other distributees of the demand made upon him by the claimant in sufficient time to permit them to join in any proceeding in which the claim was asserted against him loses his right of contribution against other distributees.

SECTION 6. That Section 68-10-201, Idaho Code, be, and the same is hereby amended to read as follows:

68-10-201. DETERMINATION AND DISTRIBUTION OF NET INCOME. After a decedent dies, in the case of an estate, or after an income interest in a trust ends, the following rules apply:

(1) A fiduciary of an estate or of a terminating income interest shall determine the amount of net income and net principal receipts received from property specifically given to a beneficiary under the rules in parts 3 through 5 of this chapter which apply to trustees and the rules in subsection (5) of this section. The fiduciary shall distribute the net income and net principal receipts to the beneficiary who is to receive the specific property.

(2) A fiduciary shall determine the remaining net income of a decedent's estate or a terminating income interest under the rules in parts 3 through 5 of this chapter which apply to trustees and by:

(A) Including in net income all income from property used to discharge liabilities;

(B) Paying from income or principal, in the fiduciary's discretion, fees of attorneys, accountants and fiduciaries; court costs and other expenses of administration; and interest on death taxes, but the fiduciary may pay those expenses from income of property passing to a trust for which the fiduciary claims an estate tax marital or charitable deduction only to the extent that the payment of those expenses from income will not cause the reduction or loss of the deduction; and

(C) Paying from principal all other disbursements made or incurred in connection with the settlement of a decedent's estate or the winding up of a terminating income interest, including debts, funeral expenses, disposition of remains, ~~family allowances~~, and death taxes and related penalties that are apportioned to the estate or terminating income interest by the will, the terms of the trust, or applicable law.

(3) A fiduciary shall distribute to a beneficiary who receives a pecuniary amount outright the interest or any other amount provided by the will, the terms of the trust, or applicable law from net income determined under subsection (2) of this section or from principal to the extent that net income is insufficient. If a beneficiary is to receive a pecuniary amount outright from a trust after an income interest ends and no interest or other amount is provided for by the terms of the trust or applicable law, the fiduciary shall distribute the interest or other amount to which the beneficiary would be entitled under applicable law if the pecuniary amount were required to be paid under a will.

(4) A fiduciary shall distribute the net income remaining after distributions required by subsection (3) of this section in the manner described in section 68-10-202, Idaho Code, to all other beneficiaries, including a beneficiary who receives a pecuniary amount in trust, even if the benefi-

ciary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust.

(5) A fiduciary may not reduce principal or income receipts from property described in subsection (1) of this section because of a payment described in section 68-10-501 or 68-10-502, Idaho Code, to the extent that the will, the terms of the trust, or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent that the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property are determined by including all of the amounts the fiduciary receives or pays with respect to the property, whether those amounts accrued or became due before, on, or after the date of a decedent's death or an income interest's terminating event, and by making a reasonable provision for amounts that the fiduciary believes the estate or terminating income interest may become obligated to pay after the property is distributed.

Approved March 30, 2016

CHAPTER 263
(S.B. No. 1303, As Amended)

AN ACT

RELATING TO THE REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT; AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 15, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO PROVIDE FOR AN INDIVIDUAL'S DIRECTION FOR DISCLOSURE OF DIGITAL ASSETS, TO PRESERVE RIGHTS IN A TERMS OF SERVICE AGREEMENT, TO PROVIDE A PROCEDURE FOR DISCLOSING DIGITAL ASSETS, TO AUTHORIZE DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF A DECEASED USER, TO AUTHORIZE DISCLOSURE OF OTHER DIGITAL ASSETS OF A DECEASED USER, TO AUTHORIZE DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF A PRINCIPAL, TO AUTHORIZE DISCLOSURE OF OTHER DIGITAL ASSETS OF A PRINCIPAL, TO AUTHORIZE DISCLOSURE OF DIGITAL ASSETS HELD IN TRUST WHEN A TRUSTEE IS THE ORIGINAL USER, TO AUTHORIZE DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS HELD IN TRUST WHEN THE TRUSTEE IS NOT AN ORIGINAL USER, TO AUTHORIZE DISCLOSURE OF OTHER DIGITAL ASSETS HELD IN TRUST WHEN A TRUSTEE IS NOT AN ORIGINAL USER, TO AUTHORIZE DISCLOSURE OF DIGITAL ASSETS TO A CONSERVATOR OF A PROTECTED PERSON, TO PROVIDE FOR FIDUCIARY DUTY AND AUTHORITY, TO PROVIDE FOR CUSTODIAN COMPLIANCE AND IMMUNITY, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 14, Title 15, Idaho Code, and to read as follows:

CHAPTER 14
REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

15-14-101. SHORT TITLE. This chapter shall be known and may be cited as the "Revised Uniform Fiduciary Access to Digital Assets Act."

15-14-102. DEFINITIONS. As used in this chapter:

(1) "Account" means an arrangement under a terms of service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of the user or provides goods or services to the user.

(2) "Agent" means an attorney in fact granted authority under a durable or nondurable power of attorney.

(3) "Carries" means engages in the transmission of an electronic communication.

(4) "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication and the electronic address of the person.

(5) "Conservator" means a person appointed by a court to manage the estate of a living individual. The term includes a limited conservator.

(6) "Content of an electronic communication" means information concerning the substance or meaning of the communication that:

(a) Has been sent or received by a user;

(b) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(c) Is not readily accessible to the public.

(7) "Court" means the court in this state having jurisdiction in matters relating to the content of this chapter.

(8) "Custodian" means a person that carries, maintains, processes, receives or stores a digital asset of a user.

(9) "Designated recipient" means a person chosen by a user using an on-line tool to administer digital assets of the user.

(10) "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

(11) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(12) "Electronic communication" has the meaning set forth in 18 U.S.C. 2510(12).

(13) "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

(14) "Fiduciary" means an original, additional or successor personal representative, conservator, agent or trustee.

(15) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases or the like.

(16) "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(17) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.

(18) "Personal representative" means an executor, administrator, special administrator or person that performs substantially the same function under the law of this state other than this chapter.

(19) "Power of attorney" means a record that grants an agent authority to act in the place of a principal.

(20) "Principal" means an individual who grants authority to an agent in a power of attorney.

(21) "Protected person" means an individual for whom a conservator has been appointed. The term includes an individual for whom an application for the appointment of a conservator is pending.

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(23) "Remote computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. 2510(14).

(24) "Terms of service agreement" means an agreement that controls the relationship between a user and a custodian.

(25) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(26) "User" means a person that has an account with a custodian.

(27) "Will" includes a codicil, testamentary instrument that only appoints an executor and instrument that revokes or revises a testamentary instrument.

15-14-103. APPLICABILITY. (1) This chapter applies to:

(a) A fiduciary acting under a will or power of attorney executed before, on or after July 1, 2016;

(b) A personal representative acting for a decedent who died before, on or after July 1, 2016;

(c) A conservatorship proceeding commenced before, on or after July 1, 2016; and

(d) A trustee acting under a trust created before, on or after July 1, 2016.

(2) This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user's death.

(3) This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

15-14-104. USER DIRECTION FOR DISCLOSURE OF DIGITAL ASSETS. (1) A user may use an online tool to direct the custodian to disclose to the designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney or other record.

(2) If a user has not used an online tool to give direction under subsection (1) of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney or other record, the disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(3) A user's direction under subsection (1) or (2) of this section overrides a contrary provision in a terms of service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

15-14-105. TERMS OF SERVICE AGREEMENT. (1) This chapter does not change or impair a right of a custodian or a user under a terms of service agreement to access and use digital assets of the user.

(2) This chapter does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(3) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law or by a terms of service agreement if the user has not provided direction under section 15-14-104, Idaho Code.

15-14-106. PROCEDURE FOR DISCLOSING DIGITAL ASSETS. (1) When disclosing the digital assets of a user under this chapter, the custodian may at its sole discretion:

(a) Grant a fiduciary or designated recipient full access to the user's account;

(b) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(c) Provide a fiduciary or designated recipient with a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(2) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(3) A custodian need not disclose a digital asset deleted by a user.

(4) If a user directs or a fiduciary requests a custodian to disclose some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or the fiduciary may seek an order from the court for an order to disclose:

(a) A subset limited by date of the user's digital assets;

(b) All of the user's digital assets to the fiduciary or designated recipient;

(c) None of the user's digital assets; or

(d) All of the user's digital assets to the court for review in camera.

15-14-107. DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF DECEASED USER. If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the personal representative gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the death certificate of the user;

(3) A certified copy of the letter of appointment of the personal representative or a small estate affidavit or court order;

(4) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney or other record evidencing the user's consent to disclosure of the content of electronic communications; and

(5) If requested by the custodian:

(a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(b) Evidence linking the account to the user; or

(c) A finding by the court that:

(i) The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subsection; or

(ii) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. 2701 et seq., 47 U.S.C. 222, or other applicable law;

(iii) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(iv) Disclosure of the content of electronic communications of the user is reasonably necessary for the administration of the estate.

15-14-108. DISCLOSURE OF OTHER DIGITAL ASSETS OF DECEASED USER. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalog of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the personal representative gives to the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the letter of appointment of the representative or a small estate affidavit or court order; and
- (4) If requested by the custodian:
 - (a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (b) Evidence linking the account to the user;
 - (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for the administration of the estate; or
 - (d) A finding by the court that:
 - (i) The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subsection; or
 - (ii) Disclosure of the user's digital assets is reasonably necessary for the administration of the estate.

15-14-109. DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF PRINCIPAL. To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content of an electronic communication sent or received by the principal if the agent gives to the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian:
 - (a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
 - (b) Evidence linking the account to the principal.

15-14-110. DISCLOSURE OF OTHER DIGITAL ASSETS OF PRINCIPAL. Unless otherwise ordered by the court, directed by the principal or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of the principal a catalog of electronic communications sent or received by the principal and digital assets of the principal, other than the content of electronic communications, if the agent gives to the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian:

- (a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
- (b) Evidence linking the account to the principal.

15-14-111. DISCLOSURE OF DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS ORIGINAL USER. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including any catalog of electronic communications of the trustee and the content of electronic communications.

15-14-112. DISCLOSURE OF CONTENTS OF ELECTRONIC COMMUNICATIONS HELD IN TRUST WHEN TRUSTEE IS NOT ORIGINAL USER. Unless otherwise ordered by the court, directed by the user or provided in a trust, a custodian shall disclose to a trustee that is not an original user of the account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received or stored by the custodian in the account of the trust if the trustee gives to the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under chapter 1, title 68, Idaho Code, that includes consent to disclosure of the content of electronic communications to the trustee;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and that the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian:
 - (a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
 - (b) Evidence linking the account to the trust.

15-14-113. DISCLOSURE OF OTHER DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS NOT ORIGINAL USER. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account a catalog of electronic communications sent or received by an original or successor user and stored, carried or maintained by the custodian in an account of the trust and any digital assets in which the trust has a right or interest, other than the content of electronic communications, if the trustee gives to the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under chapter 1, title 68, Idaho Code;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and that the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian:
 - (a) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
 - (b) Evidence linking the account to the trust.

15-14-114. DISCLOSURE OF DIGITAL ASSETS TO CONSERVATOR OF PROTECTED PERSON. (1) The court, after an opportunity for a hearing under part 4, chapter 5, title 15, Idaho Code, may grant a conservator the right to access a protected person's digital assets.

(2) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalog of electronic communications sent or received by the protected person and any digital assets in

which the protected person has a right or interest, other than the content of electronic communications, if the conservator gives to the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the court order that gives the conservator authority over the protected person's digital assets; and
- (c) If requested by the custodian:
 - (i) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the protected person's account; or
 - (ii) Evidence linking the account to the protected person.

(3) A conservator with general authority to manage the assets of a protected person may request a custodian of the protected person's digital assets to suspend or terminate an account of the protected person for good cause. A request made under this section must be accompanied by a certified copy of the court order giving the conservator authority over the protected person's property.

15-14-115. FIDUCIARY DUTY AND AUTHORITY. (1) The legal duties imposed on a fiduciary charged with managing tangible personal property apply to the management of digital assets, including:

- (a) The duty of care;
- (b) The duty of loyalty; and
- (c) The duty of confidentiality.

(2) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (a) Is subject to the applicable terms of service agreement governing the account, except as otherwise provided in section 15-14-104, Idaho Code;
- (b) Is subject to other applicable laws, including copyright law;
- (c) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (d) May not be used to impersonate the user.

(3) A fiduciary with authority over the property of a decedent, protected person, principal or settlor has the right to access any digital asset in which the decedent, protected person, principal or settlor had a right or interest and that is not held by a custodian or subject to a terms of service agreement.

(4) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including section 18-2202, Idaho Code.

(5) A fiduciary with authority over the tangible personal property of a decedent, protected person, principal or settlor:

- (a) Has the right to access the property and any digital asset stored in it; and
- (b) Is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including section 18-2202, Idaho Code.

(6) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(7) A fiduciary of a user may request a custodian to terminate the user's account. A request for account termination must be in writing, in either physical or electronic form, and accompanied by:

- (a) If the user is deceased, a certified copy of the death certificate of the user;
- (b) A certified copy of the letter of appointment of the personal representative or a small estate affidavit, court order, power of attorney or trust giving the fiduciary authority over the account; and
- (c) If requested by the custodian:

- (i) A number, user name, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
- (ii) Evidence linking the account to the user; or
- (iii) An order of the court finding that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (i) of this paragraph.

15-14-116. CUSTODIAN COMPLIANCE AND IMMUNITY. (1) Not later than sixty (60) days after receipt of the information required under sections 15-14-107 through 15-14-115, Idaho Code, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or to terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(2) An order directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. 2702.

(3) A custodian may notify the user that a request for disclosure of digital assets or account termination was made pursuant to this chapter.

(4) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or account termination if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(5) This chapter does not limit a custodian's ability to obtain or to require a fiduciary or designated recipient requesting disclosure or termination to obtain a court order which:

- (a) Specifies that an account belongs to the protected person or principal;
- (b) Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and
- (c) Contains a finding required by any other applicable law.

(6) A custodian and its officers, employees and agents are immune from liability for an act or omission done reasonably and in good faith compliance with this chapter.

15-14-117. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15-14-118. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. 7003(b).

15-14-119. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 264

(S.B. No. 1322, As Amended in the House)

AN ACT

RELATING TO EPINEPHRINE AUTO-INJECTORS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT THE PRACTICE OF PHARMACY INCLUDES PRESCRIBING EPINEPHRINE AUTO-INJECTORS; AMENDING SECTION 54-1732, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIOLATIONS AND PENALTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1733, IDAHO CODE, TO REVISE PROVISIONS REGARDING VALIDITY OF PRESCRIPTION DRUG ORDERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733C, IDAHO CODE, TO PROVIDE THAT EPINEPHRINE AUTO-INJECTORS MAY BE PRESCRIBED AND DISPENSED TO CERTAIN ENTITIES, TO PROVIDE THAT CERTAIN ENTITIES MAY STOCK EPINEPHRINE AUTO-INJECTORS, TO PROVIDE THAT EPINEPHRINE AUTO-INJECTORS MAY BE PROVIDED OR ADMINISTERED TO CERTAIN PERSONS, TO REQUIRE TRAINING, TO PROVIDE THAT CERTAIN PERSONS ARE EXEMPT FROM TRAINING, TO PROVIDE IMMUNITY, TO REQUIRE DISPOSAL OF OUTDATED PRODUCT AND TO DEFINE TERMS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733D, IDAHO CODE, TO PROVIDE THAT PHARMACISTS OR PRESCRIBERS MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS TO CERTAIN PERSONS; AND AMENDING SECTION 54-1734, IDAHO CODE, TO REVISE PROVISIONS REGARDING POSSESSION OF LEGEND DRUGS.

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

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

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

- (1) The interpretation, evaluation and dispensing of prescription drug orders;
- (2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;
- (3) The provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care;
- (4) The responsibility for:
 - (a) Compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices;
 - (b) Proper and safe storage of drugs and devices, and maintenance of proper records for them; and
 - (c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;
- (5) The prescribing of:
 - (a) Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;
 - (b) Agents for active immunization when prescribed for susceptible persons twelve (12) years of age or older for the protection from communicable disease; and
 - (c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; and
 - (d) Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code.

SECTION 2. That Section 54-1732, Idaho Code, be, and the same is hereby amended to read as follows:

54-1732. VIOLATIONS AND PENALTIES. (1) No drug outlet designated in section 54-1729, Idaho Code, shall be operated until a certificate of registration has been issued to said facility by the board. Upon the finding of a violation of this subsection, the board may impose one (1) or more of the penalties enumerated in section 54-1728, Idaho Code.

(2) Reinstatement of a certificate that has been suspended, revoked or restricted by the board may be granted in accordance with the procedures specified in section 54-1728(6), Idaho Code.

(3) The following acts, or the failure to act, and the causing of any such act or failure are unlawful:

(a) The sale, delivery or administration of any prescription drug or legend drug, except an opioid antagonist pursuant to section 54-1733B, Idaho Code, or an epinephrine auto-injector pursuant to sections 54-1733C and 54-1733D, Idaho Code, unless:

(i) Such legend drug is dispensed or delivered by a pharmacist upon an original prescription, drug order or prescription drug order by a practitioner in good faith in the course of his practice. Any person violating the provisions of this subparagraph shall be guilty of a felony, and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars (\$5,000) or by both such fine and imprisonment.

(ii) In the case of a legend drug dispensed by a pharmacist or prescriber, there is a label affixed to the immediate container in which such drug is dispensed. Any person violating this subparagraph shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500). Nothing in this subparagraph prohibits a practitioner from delivering professional samples of legend drugs in their original containers in the course of his practice when oral directions for use are given at the time of such delivery.

(b) The refilling of any prescription or drug order for a legend drug except as designated on the prescription or drug order, or by the authorization of the practitioner. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars (\$1,000) or by both such fine and incarceration.

(c) The possession or use of a legend drug or a precursor, except an opioid antagonist pursuant to section 54-1733B, Idaho Code, or an epinephrine auto-injector pursuant to sections 54-1733C and 54-1733D, Idaho Code, by any person unless such person obtains such drug on the prescription or drug order of a practitioner. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars (\$1,000) or by both such fine and incarceration.

(d) The wholesale distribution of drugs or devices by a pharmacy except for:

(i) The sale, transfer, merger or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(ii) The sale of minimal quantities of prescription drugs to practitioners for office use.

(iii) The sale of a prescription drug for emergency medical reasons, but never to a wholesale distributor.

(iv) Intracompany sales of prescription drugs, meaning any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership and control of a corporate entity, or any transaction or transfer between colicensees or a colicensed product, but never to a wholesale distributor.

(e) The failure to keep records as required by the board. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars (\$1,000) or by both such fine and incarceration.

(f) The refusal to make available and to accord full opportunity to check any record, as required by the board. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars (\$1,000) or by both such fine and incarceration.

(g) It is unlawful to:

(i) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by fraud, deceit, misrepresentation or subterfuge; by the forgery or alteration of a prescription, drug order, or of any written order; by the concealment of a material fact; or by the use of a false name or the giving of a false address.

(ii) Communicate information to a physician in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug. Any such communication shall not be deemed a privileged communication.

(iii) Intentionally make a false statement in any prescription, drug order, order, report or record required by this chapter.

(iv) For the purpose of obtaining a legend drug to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other person.

(v) Make or utter any false or forged prescription or false drug order or forged written order.

(vi) Affix any false or forged label to a package or receptacle containing legend drugs. This subparagraph does not apply to law enforcement agencies or their representatives while engaged in enforcing state and federal drug laws.

(vii) Wholesale or retail any prescription or legend drug to any person in this state not entitled by law to deliver such drug to another.

Every violation of paragraph (g) (i) through (vi) of this subsection shall be a misdemeanor, and any person convicted thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or fined not more than one thousand dollars (\$1,000), or punished by both such fine and imprisonment. Any person violating paragraph (g) (vii) of this subsection is guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(4) Provided however, that a veterinarian may dispense or deliver a legend drug prescribed for an animal upon the prescription, drug order, or prescription drug order of another veterinarian. The label shall be affixed pursuant to subsection (3) (a) (ii) of this section, and penalties for

violations of the provisions of this subsection shall be as provided in this section for like violations by a pharmacist.

(5) The ultimate user of a legend drug who has lawfully obtained such legend drug may deliver, without being registered, the legend drug to another person for the purpose of disposal of the legend drug if the person receiving the legend drug for purposes of disposal is authorized under a state or federal law or regulation to engage in such activity.

SECTION 3. That Section 54-1733, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription drug order for a legend drug is valid only if it is issued by a prescriber for a legitimate medical purpose arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses and identify underlying conditions and/or contraindications to the treatment.

(2) A prescriber who is otherwise authorized to perform any of the activities listed herein in this section may prescribe or perform any of the following activities for a patient with whom the prescriber does not have a prescriber-patient relationship under the following circumstances:

- (a) Writing initial admission orders for a newly hospitalized patient;
- (b) Writing a prescription drug order for a patient of another prescriber for whom the prescriber is taking call;
- (c) Writing a prescription drug order for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship;
- (d) Writing a prescription drug order for a medication on a short-term basis for a new patient prior to the patient's first appointment;
- (e) Writing a prescription for an opioid antagonist pursuant to section 54-1733B, Idaho Code;
- (f) In emergency situations where the life or health of the patient is in imminent danger;
- (g) In emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;
- (h) Epinephrine auto-injectors in the name of a school pursuant to section 33-520A, Idaho Code, or an authorized entity pursuant to section 54-1733C, Idaho Code; and
- (i) If a prescriber makes a diagnosis of a sexually transmitted disease in a patient, the prescriber may prescribe or dispense antibiotics to the infected patient's named sexual partner or partners for treatment of the sexually transmitted disease as recommended by the most current centers for disease control and prevention (CDC) guidelines.

(3) Treatment, including issuing a prescription drug order, based solely on an online questionnaire or consultation outside of an ongoing clinical relationship does not constitute a legitimate medical purpose.

(4) A prescription drug order shall only be issued by a prescriber including a prescriber who is licensed in a jurisdiction other than the state of Idaho and is permitted by such license to prescribe legend drugs in the course of his professional practice so long as the individual is acting within the jurisdiction, scope and authority of his license when issuing the prescription drug order.

(5) The following acts shall be unlawful:

- (a) To knowingly issue an invalid prescription drug order for a legend drug;
- (b) To knowingly dispense a legend drug pursuant to an invalid prescription drug order; or
- (c) To prescribe drugs to individuals without a prescriber-patient relationship, unless excepted in this section.

Such acts shall constitute unprofessional conduct and the prescriber or dispenser shall be subject to discipline according to the provisions of the Idaho Code chapter pursuant to which the prescriber or dispenser is licensed, certified or registered.

SECTION 4. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1733C, Idaho Code, and to read as follows:

54-1733C. EPINEPHRINE AUTO-INJECTORS -- EMERGENCY ADMINISTRATION. Notwithstanding any provision of law to the contrary:

(1) A health care practitioner, including a pharmacist, may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists and other health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

(2) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use. Following administration, the administering person shall contact emergency medical services as soon as possible.

(3) An employee or agent of an authorized entity or other individual who has completed the training required by subsection (4) of this section may use an epinephrine auto-injector prescribed pursuant to subsection (1) of this section to:

(a) Provide an epinephrine auto-injector to any individual whom the employee, agent or other individual believes in good faith to be experiencing anaphylaxis, or the parent, guardian or caregiver of such an individual, for immediate administration, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; or

(b) Administer an epinephrine auto-injector to any individual whom the employee, agent or other individual believes in good faith to be experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(4) An employee, agent or other individual described in subsection (2) or (3) of this section must complete a biennial anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment. Training may be conducted online or in person, and at a minimum shall cover:

(a) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(b) Standards and procedures for the storage, administration and disposal of an epinephrine auto-injector; and

(c) Emergency follow-up procedures.

The entity that conducts training shall issue a document of completion to each person who successfully completes the anaphylaxis training program.

(5) Nurses, pharmacists or other health care practitioners may act pursuant to subsection (3) of this section without completing the training required by subsection (4) of this section.

(6) The following shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this section:

(a) An authorized entity that possesses and makes available epinephrine auto-injectors, and the employees, agents or other individuals associated with such entity;

(b) A pharmacist or other health care practitioner who prescribes or dispenses epinephrine auto-injectors to an authorized entity; and

(c) An individual or entity that conducts the training required by subsection (4) of this section.

This provision of immunity does not apply to acts or omissions constituting gross negligence. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure. This section does not eliminate, limit or reduce any other immunity or defense that may be available under state law, including that provided under section 5-330, Idaho Code.

(7) An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this state if the entity:

(a) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(b) Is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

(8) An authorized entity that possesses and makes available epinephrine auto-injectors shall take effort to remove outdated product and dispose of it properly.

(9) As used in this section:

(a) "Administer" means the direct application of an epinephrine auto-injector to the body of an individual.

(b) "Authorized entity" means any entity or organization, other than a school pursuant to section 33-520A, Idaho Code, in connection with or at which allergens capable of causing anaphylaxis may be present including, but not limited to, recreation camps, colleges and universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment and sports arenas.

(c) "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(d) "Health care practitioner" means an individual currently licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

(e) "Provide" means to supply one (1) or more epinephrine auto-injectors to an individual.

SECTION 5. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1733D, Idaho Code, and to read as follows:

54-1733D. EPINEPHRINE AUTO-INJECTORS -- PRESCRIPTION AND ADMINISTRATION. Notwithstanding any other provision of law, any prescriber or pharmacist acting in good faith and exercising reasonable care may prescribe an epinephrine auto-injector to:

- (1) A person at risk of experiencing anaphylaxis;
- (2) A person in a position to assist a person at risk of experiencing anaphylaxis;
- (3) A person who, in the course of the person's official duties or business, may encounter a person experiencing anaphylaxis; and
- (4) A person who, in the opinion of the prescriber or pharmacist, has a valid reason to be in possession of an epinephrine auto-injector.

SECTION 6. That Section 54-1734, Idaho Code, be, and the same is hereby amended to read as follows:

54-1734. POSSESSION OF LEGEND DRUGS. (1) The following persons or their agents or employees may possess legend drugs for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order:

- (a) Pharmacists;
- (b) Prescribers;
- (c) Researchers who are prohibited from further distribution;
- (d) Hospitals and other institutional facilities;
- (e) Manufacturers and wholesalers;
- (f) Common carriers solely in the usual course of business of transporting prescription drugs;
- (g) Schools or other authorized entities possessing stock supplies of epinephrine auto-injectors pursuant to section 33-520A or 54-1733C, Idaho Code, upon presenting proof that the authorized entity has at least one (1) individual who has completed the training requirement of section 33-520A(5) (b) or 54-1733C(4), Idaho Code; and
- (h) Persons, agencies and organizations possessing opioid antagonists pursuant to section 54-1733B, Idaho Code.

(2) Veterinary drug outlets or their agents or employees may possess legend drugs, excluding controlled substances, for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order.

Approved March 30, 2016

CHAPTER 265
(S.B. No. 1328, As Amended)

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1602, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 16-1615, IDAHO CODE, TO REVISE CRITERIA USED BY A COURT IN A SHELTER CARE HEARING; AMENDING SECTION 16-1619, IDAHO CODE, TO REQUIRE A COURT TO MAKE CERTAIN INQUIRIES IN AN ADJUDICATORY HEARING AND TO REQUIRE THE DEPARTMENT TO MAKE A CERTAIN REPORT TO A COURT FOR CERTAIN CHILDREN; AMENDING SECTION 16-1620, IDAHO CODE, TO REQUIRE A PERMANENCY HEARING FOR A CERTAIN TIME PERIOD, TO PROVIDE FOR CERTAIN PERSONS IN A PERMANENCY PLAN, TO REVISE REQUIREMENTS FOR A PERMANENCY PLAN, TO PROVIDE REQUIREMENTS FOR A PERMANENCY HEARING AND TO PROVIDE FOR CERTAIN YOUTH WITH CERTAIN PERMANENCY GOALS; AMENDING SECTION 16-1621, IDAHO CODE, TO REQUIRE A COURT TO MAKE CERTAIN INQUIRIES IN A CASE PLAN HEARING, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS REGARDING THE REQUIREMENTS OF A CASE PLAN; AMENDING SECTION

16-1622, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS FOR A REVIEW HEARING, TO PROVIDE FOR A STATUS HEARING, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS FOR A PERMANENCY PLAN AND HEARING AND TO PROVIDE FOR A REVIEW OR PERMANENCY HEARING FOLLOWING THE FILING OF A TRANSITION PLAN; AMENDING SECTION 16-1623, IDAHO CODE, TO PROVIDE FOR A REDISPOSITION HEARING IN CERTAIN INSTANCES AND TO REVISE A PROVISION REGARDING CASE PLAN HEARINGS; AND AMENDING SECTION 16-2002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

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

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

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

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

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

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

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

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

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

(5) "Age of developmentally appropriate" means:

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

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

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

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

(i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that

return of the child to the home would result in unacceptable risk to the health and welfare of the child.

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108 or 18-6608, Idaho Code.

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

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

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

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

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

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

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

(911) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

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

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

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

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

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

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

(168) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activity of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be

determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

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

(1820) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.

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

(1922) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

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

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

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

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

(247) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

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

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

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

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

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

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

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

(2730) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

~~(2831)~~ "Neglected" means a child:

(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for

that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or

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

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

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

(2932) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, and review reasonable efforts in accomplishing the permanency plan.

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

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

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

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

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

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

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

(3540) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(3641) "Supportive services," as used in this chapter, shall mean services which assist parents with a disability to compensate for those aspects of their disability which affect their ability to care for their child and which will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations or assistance with effectively using adaptive equipment and accommodations which allow parents with a disability to benefit from other services including, but not limited to, Braille texts or sign language interpreters.

SECTION 2. That Section 16-1615, Idaho Code, be, and the same is hereby amended to read as follows:

16-1615. SHELTER CARE HEARING. (1) Notwithstanding any other provision of this chapter, when a child is taken into shelter care pursuant to section 16-1608 or 16-1611, Idaho Code, a hearing to determine whether the child should be released shall be held according to the provisions of this section.

(2) Each of the parents or custodian from whom the child was removed shall be given notice of the shelter care hearing. Such notice shall include the time, place, and purpose of the hearing; and, that such person is entitled to be represented by legal counsel. Notice as required by this subsection shall be given at least twenty-four (24) hours before the shelter care hearing.

(3) Notice of the shelter care hearing shall be given to the parents or custodian from whom the child was removed by personal service and the return of service shall be filed with the court and to any person having joint legal or physical custody of the subject child. Provided, however, that such service need not be made where the undelivered notice is returned to the court along with an affidavit stating that such parents or custodian could not be located or were out of the state.

(4) The shelter care hearing may be continued for a reasonable time upon request by the parent, custodian or counsel for the child.

(5) If, upon the completion of the shelter care hearing, it is shown that:

(a) A petition has been filed; and

(b) There is reasonable cause to believe the child comes within the jurisdiction of the court under this chapter and either:

(i) The department made reasonable efforts to eliminate the need for shelter care but the efforts were unsuccessful; or

(ii) The department made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventive services; and

(c) The child could not be placed in the temporary sole custody of a parent having joint legal or physical custody; and

(d) It is contrary to the welfare of the child to remain in the home; and

(e) It is in the best interests of the child to remain in temporary shelter care pending the conclusion of the adjudicatory hearing; ~~or.~~

~~(f) There is reasonable cause to believe that the child comes within the jurisdiction of the court under this chapter, but a reasonable effort to prevent placement of the child outside the home could be affected by a protective order safeguarding the child's welfare and maintaining the child in his present surroundings;~~

~~†The court shall issue, within twenty-four (24) hours of such hearing, an a shelter care order of placing the child in the temporary legal custody and/or a protective order of the department or other authorized agency. Any evidence may be considered by the court which is of the type which reasonable people may rely upon.~~

~~(6) Upon ordering shelter care finding reasonable cause pursuant to subsection (5) (b) of this section, the court shall also order an adjudicatory hearing to be held as soon as possible, but in no event later than thirty (30) days from the date the petition was filed. In addition, the court shall inquire whether there is reason to believe that the child is an Indian child.~~

~~(7) If the court does not find that the child should remain in shelter care under subsection (5) of this section, the child shall be released and the court may dismiss the petition. Upon entry of an order of shelter care, the court shall inquire:~~

~~(a) If the child is of school age, about the department's efforts to keep the child in the school at which the child is currently enrolled; and~~

~~(b) If a sibling group was removed from their home, about the department's efforts to place the siblings together, or if the department has not placed or will not be placing the siblings together, about a~~

plan to ensure frequent visitation or ongoing interaction among the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.

(8) If there is reasonable cause to believe that the child comes within the jurisdiction of the court under this chapter, but a reasonable effort to prevent placement of the child outside the home could be affected by a protective order safeguarding the child's welfare, the court may issue, within twenty-four (24) hours of such hearing, a protective order. Any evidence may be considered by the court that is of the type which reasonable people may rely upon.

(9) If the court does not find that the child should be placed in or remain in shelter care under subsection (5) of this section, the child shall be released.

(10) If the court does not find reasonable cause pursuant to subsection (5) (b) of this section, the court shall dismiss the petition.

SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDATION. (1) When a petition has been filed, the court shall set an adjudicatory hearing to be held no later than thirty (30) days after the filing of the petition.

(2) A pretrial conference shall be held outside the presence of the court within three (3) to five (5) days before the adjudicatory hearing. Investigative reports required under section 16-1616, Idaho Code, shall be delivered to the court with copies to each of the parents and other legal custodians, guardian ad litem and attorney for the child prior to the pretrial conference.

(3) At the adjudicatory hearing, parents or guardians with disabilities shall have the right to introduce admissible evidence regarding how use of adaptive equipment or supportive services may enable the parent or guardian to carry out the responsibilities of parenting the child by addressing the reason for the removal of the child.

(4) If a preponderance of the evidence at the adjudicatory hearing shows that the child comes within the court's jurisdiction under this chapter upon the grounds set forth in section 16-1603, Idaho Code, the court shall so decree and in its decree shall make a finding on the record of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(5) Upon entering its decree the court shall consider any information relevant to the disposition of the child but in any event shall:

(a) Place the child under the protective supervision of the department for an indeterminate period not to exceed the child's eighteenth birthday; or

(b) Vest legal custody in the department or other authorized agency subject to residual parental rights and subject to full judicial review by the court of all matters relating to the custody of the child by the department or other authorized agency.

(6) If the court vests legal custody in the department or other authorized agency, the court shall make detailed written findings based on facts in the record, that, in addition to the findings required in subsection (4) of this section, continuation of residence in the home would be contrary to the welfare of the child and that vesting legal custody with the department or other authorized agency would be in the best interests of the child. In addition the court shall make detailed written findings based on facts in the record as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that:

- (a) Reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child;
- (b) The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;
- (c) Reasonable efforts to temporarily place the child with related persons were made but were not successful; or
- (d) Reasonable efforts to reunify the child with one (1) or both parents were not required because aggravated circumstances were present. If aggravated circumstances are found, a permanency hearing for the child shall be held within thirty (30) days of the determination of aggravated circumstances.

(7) (a) The court shall also inquire regarding:

(i) Whether there is reason to believe that the child is an Indian child;

(ii) The efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(iii) The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(b) In addition, if the court vests legal custody of the child in the department or other authorized agency, the court shall inquire as to:

(i) If the child is of school age, the department's efforts to keep the child in the school at which the child is currently enrolled; and

(ii) If a sibling group was removed from their home, the department's efforts to place the siblings together, or if the department has not placed or will not be placing the siblings together, about a plan to ensure frequent visitation or ongoing interaction among the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.

(c) If the court vests legal custody of the child in the department or other authorized agency and the child is being treated with psychotropic medication, these additional requirements shall apply:

(i) The department shall report to the court the medications and dosages prescribed for the child and the medical professional who prescribed the medication; and

(ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medications.

(8) A decree vesting legal custody in the department shall be binding upon the department and may continue until the child's eighteenth birthday.

(89) A decree vesting legal custody in an authorized agency other than the department shall be for a period of time not to exceed the child's eighteenth birthday, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(910) In order to preserve the unity of the family system and to ensure the best interests of the child whether issuing an order of protective supervision or an order of legal custody, the court may consider extending or initiating a protective order as part of the decree. The protective order shall be determined as in the best interests of the child and upon a showing of continuing danger to the child. The conditions and terms of the protective order shall be clearly stated in the decree.

(101) If the court does not find that the child comes within the jurisdiction of this chapter pursuant to subsection (4) of this section it shall dismiss the petition.

SECTION 4. That Section 16-1620, Idaho Code, be, and the same is hereby amended to read as follows:

16-1620. FINDING OF AGGRAVATED CIRCUMSTANCES -- PERMANENCY PLAN -- HEARING. (1) After a judicial determination that reasonable efforts to return the child to his home are not required because aggravated circumstances were found to be present, the court shall hold a permanency hearing within thirty (30) days after the finding, and every twelve (12) months thereafter for as long as the court has jurisdiction. The department shall prepare a permanency plan and file the permanency plan with the court at least five (5) days prior to the permanency hearing. If the permanency plan has a goal of termination of parental rights and adoption, the department shall file the petition to terminate as required in section 16-1624(2), Idaho Code. Copies of the permanency plan shall be delivered to the parents and other legal guardians, prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(2) The permanency plan shall have a permanency goal of termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement and shall set forth the reasonable efforts necessary to finalize the permanency goal.

(3) The permanency plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any special educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement;

(b) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(c) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(d) Specifically identify the actions necessary to implement the recommended option;

(e) Specifically set forth a schedule for accomplishing the actions necessary to implement the permanency goal;

(f) ~~Consider~~ Address the options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection. This shall also include the efforts made to ensure educational stability for the child, the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child; and

(g) ~~In the case of a child who has attained the age of sixteen (16) years, identify the services needed to assist the child to make the transition from foster care to independent living~~ Document that siblings were placed together, or if siblings were not placed together, document the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;

(h) For youth age fourteen (14) years and older:

(i) Identify the services needed to assist the youth to make the transition from foster care to successful adulthood; and

(ii) Document the youth's rights in regard to his education, health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age or developmentally appropriate manner;

(i) For youth age sixteen (16) years and older with a proposed permanency goal of another planned permanent living arrangement, document:

~~(7) If the For youth with a proposed or current permanency goal is not termination of parental rights and adoption or guardianship, another planned permanent living arrangement, at each permanency hearing the court may approve a shall make written, case-specific findings that as of the date of the permanency plan with a permanency goal of hearing, another planned permanent living arrangement only upon written case-specific findings that specify why a more permanent plan is not in the is the best permanency plan for the youth and that there are compelling reasons why it is not in the youth's best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.~~

(8) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a petition or other motion is filed in a child protection proceeding seeking a determination of the court that aggravated circumstances were present.

SECTION 5. That Section 16-1621, Idaho Code, be, and the same is hereby amended to read as follows:

16-1621. CASE PLAN HEARING -- NO FINDING OF AGGRAVATED CIRCUMSTANCES. (1) In every case in which the child is determined to be within the jurisdiction of the court, and there is no judicial determination that aggravated circumstances were present, the department shall prepare a written case plan, including cases in which the parent(s) is incarcerated. The court shall schedule a case plan hearing to be held within thirty (30) days after the adjudicatory hearing. The case plan shall be filed with the court no later than five (5) days prior to the case plan hearing. Copies of the case plan shall be delivered to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(a) The court shall hold a case plan hearing to determine whether the best interest of the child is served by adopting, rejecting or modifying the case plan proposed by the department.

(b) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(c) If the child is being treated with psychotropic medication, the court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(2) Notice of the case plan hearing shall be provided to the parents, and other legal guardians, the prosecuting attorney or deputing deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents. Although foster parents are provided notice of this hearing, they are not parties to the child protective act action.

(3) If the child is placed in the legal custody of the department, the case plan filed by the department shall set forth reasonable efforts that will be made to make it possible for the child to return home. The case plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any special educational, emotional, physical or developmental needs the child may have, and to assist the child in

adjusting to the placement or to ensure the stability of the placement.
For youth age fourteen (14) years and older:

(i) Identify the services needed to assist the youth in making the transition to successful adulthood; and

(ii) Document the youth's rights in regard to his education and health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age or developmentally appropriate manner.

(b) Address the options for maintaining the child's connection to the community, including:

(i) Include connections to individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection;

(ii) Ensure educational stability for the child, including the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child;

(iii) Include a visitation plan and identify the need for supervision of visitation and child support;

(iv) Document either that siblings were placed together, or if siblings were not placed together, document the efforts made to place the siblings together, the reasons why siblings were not placed together and a plan for ensuring frequent visitation or other ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings; and

(v) If there is reason to believe the child is an Indian child and there has been no final determination as to the child's status as an Indian child, document:

1. The efforts made to determine whether the child is an Indian child; and

2. The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(c) Include a goal of reunification and a plan for achieving that goal. The reunification plan shall identify all issues that need to be addressed before the child can safely be returned home without department supervision. The court may specifically identify issues to be addressed by the plan. The reunification plan shall specifically identify the tasks to be completed by the department, each parent or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The case plan shall state with specificity the role of the department toward each parent. When appropriate, the reunification plan should identify terms for visitation, supervision of visitation and child support.

(d) Include a concurrent permanency goal and a plan for achieving that goal. The concurrent permanency goal may be one (1) of the following: termination of parental rights and adoption, guardianship or for youth age sixteen (16) years or older only, another planned permanent living arrangement. The concurrent plan shall:

(i) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(ii) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(iii) Specifically identify the actions necessary to implement the recommended option;

(iv) Specifically set forth a schedule for accomplishing the actions necessary to implement the concurrent permanency goal;

(v) Address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection;

(vi) In the case of a child who has attained the age of ~~sixteen~~ fourteen (164) years, include the services needed to assist the child to make the transition from foster care to independent living successful adulthood; and

(vii) For youth with a proposed permanency goal of another permanent planned living arrangement, document:

1. The intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

2. Why another planned permanent living arrangement is the best permanency goal for the youth and a compelling reason why, as of the date of the case plan hearing, it would not be in the best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

3. The steps taken by the department to ensure that the youth's foster parents or child care institution are following the reasonable and prudent parent standard when making decisions about whether the youth can engage in extracurricular, enrichment, cultural and social activities; and

4. The opportunities provided to the youth to regularly engage in age or developmentally appropriate activities; and

(viii) Identify further investigation necessary to identify or assess other options for permanent placement, to identify actions necessary to implement the recommended placement or to identify options for maintaining the child's significant connections.

(4) If the child has been placed under protective supervision of the department, the case plan, filed by the department, shall:

(a) Identify the services to be provided to the child, including services to identify and meet any ~~special~~ educational, emotional, physical or developmental needs the child may have, and to assist the child in adjusting to the placement or to ensure the stability of the placement. For youth age fourteen (14) years and older, identify the services needed to assist the youth in making the transition to successful adulthood and document the youth's rights in regard to his education and health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of his rights and that the rights were explained to the youth in an age or developmentally appropriate manner. The plan shall also address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection.

(b) Identify all issues that need to be addressed to allow the child to remain at home without department supervision. The court may specifically identify issues to be addressed by the plan. The case plan shall specifically identify the tasks to be completed by the department, the parents or others to address each issue, including services to be made

available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The plan shall state with specificity the role of the department toward each parent.

(5) The case plan, as approved by the court, shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the case plan and finalizing the permanency goal. The court's order shall provide that reasonable efforts shall be made to reunify the family in a timely manner in accordance with the case plan. Unless the child has been placed under the protective supervision of the department, the court's order shall also require the department to simultaneously take steps to accomplish the goal of reunification and the concurrent permanency goal.

SECTION 6. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. REVIEW HEARINGS -- STATUS HEARINGS -- ANNUAL PERMANENCY HEARINGS. (1) Review hearing.

(a) A hearing for review of the child's case and permanency plan shall be held no later than six (6) months after entry of the court's order taking jurisdiction under this act and every six (6) months thereafter. The department and the guardian ad litem shall file reports to the court no later than five (5) days prior to the six (6) month review hearing. The purpose of the review hearing is:

(i) ~~to~~ To determine:

~~(i)~~ 1. The safety of the child;

~~(ii)~~ 2. The continuing necessity for and appropriateness of the placement;

~~(iii)~~ 3. The extent of compliance with the case plan; and

~~(iv)~~ 4. The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care; and

(ii) To determine or continue to investigate whether the child is an Indian child. If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child:

1. The department shall document and the court shall inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

2. The department shall document and the court shall determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership;

(iii) To inquire regarding the child's educational stability. The department shall document and the court shall inquire as to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or the reason that remaining in the school is not in the child's best interests;

(iv) To inquire regarding sibling placement. The department shall document and the court shall inquire whether siblings were placed together, or if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;

(v) To inquire regarding permanency. The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. For a youth age fourteen (14) years and older, the hearing shall include a review of the services needed to assist the youth to make the transition from foster care to successful adulthood;

(vi) To document efforts related to the reasonable and prudent parent standard. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. That the youth's foster parents or child care institution is following the reasonable and prudent parent standard when deciding whether the child may participate in extracurricular, enrichment, cultural and social activities; and

2. The regular, ongoing opportunities to engage in age or developmentally appropriate activities that have been provided to the youth;

(vii) To document efforts made to find a permanent placement other than another planned permanent living arrangement. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. The intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling; and

2. Why another planned permanent living arrangement is the best permanency plan for the youth and a compelling reason why, as of the date of the review hearing, it would not be in the best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(viii) To make findings regarding a permanency goal of another planned permanent living arrangement. For youth whose permanency goal is another planned permanent living arrangement, the court shall make written case-specific findings, as of the date of the hearing, that:

1. Another planned permanent living arrangement is the best permanency goal for the youth; and

2. There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(ix) To document and inquire regarding psychotropic medication. At each review hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

1. The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and

2. The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication; and

(vx) ~~When reasonable, t~~To project, when reasonable, a likely date by which the child may be safely returned to and maintained in the home or placed in another permanent placement.

(b) A status hearing is a review hearing that does not address all or most of the purposes identified in paragraph (a) of this subsection and may be held at the discretion of the court. Neither the department nor

the guardian ad litem is required to file a report with the court prior to a status hearing, unless ordered otherwise by the court.

(c) A motion for revocation or modification of an order issued under section 16-1619, Idaho Code, may be filed by the department or any party; provided that no motion may be filed by the respondents under this section within three (3) months of a prior hearing on care and placement of the child. Notice of a motion for review of a child's case shall be provided to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents.

(ed) If the motion filed under paragraph (bc) of this subsection alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1619, Idaho Code, or that the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the motion.

(de) The department or authorized agency may move the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(2) Permanency plan and hearing.

(a) The permanency plan shall include a permanency goal. The permanency goal may be one (1) of the following: continued efforts at reunification, in the absence of a judicial determination of aggravated circumstances; or termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement. Every permanency plan shall include the information set forth in section 16-1621(3)(a), Idaho Code. If the permanency plan has reunification as a permanency goal, the plan shall include information set forth in section 16-1621(3)(c), Idaho Code. If the permanency plan has a permanency goal other than reunification, the plan shall include the information set forth in section 16-1621(3)(d), Idaho Code. The court may approve a permanency plan which includes a primary goal and a concurrent goal.

(b) A permanency hearing shall be held no later than twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first, and at least every twelve (12) months thereafter, so long as the court has jurisdiction over the child. The court shall approve, reject or modify the permanency plan of the department and review progress in accomplishing the permanency goal. A permanency hearing may be held at any time and may be combined with the review hearing required under subsection (1) of this section.

(c) The court shall make written case-specific findings whether the department made reasonable efforts to finalize the primary permanency goal in effect for the child. Lack of reasonable efforts to reunify may be a basis for an order approving a permanency plan with a permanency goal of reunification.

(d) Where the permanency goal is not reunification, the hearing shall include a review of the department's consideration of options for in-state and out-of-state placement of the child. In the case of a child in an out-of-state placement, the court shall determine whether the out-of-state placement continues to be appropriate and in the best interest of the child.

(e) The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. In the case of a child who has attained the age of sixteen fourteen (164) years and older, the hearing shall include a determination of the services needed to assist the child youth to make the transition from foster care to independent living successful adulthood.

(f) The court may approve a primary permanency goal of another planned permanent living arrangement only for youth age sixteen (16) years or older and only upon written, case-specific findings that there are compelling reasons why a more permanent goal is not in the best interests of the child, as of the date of the hearing:

(i) Another planned permanent living arrangement is the best permanency goal for the youth; and

(ii) There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.

(g) If the child has been in the temporary or legal custody of the department for fifteen (15) of the most recent twenty-two (22) months, the department shall file, prior to the last day of the fifteenth month, a petition to terminate parental rights, unless the court finds that:

(i) The child is placed permanently with a relative;

(ii) There are compelling reasons why termination of parental rights is not in the best interests of the child; or

(iii) The department has failed to provide reasonable efforts to reunify the child with his family.

(h) The department shall document and the court shall inquire:

(i) As to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or that remaining in the school is not in the child's best interests; and

(ii) That siblings were placed together, or, if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together or why a joint placement would be contrary to the safety or well-being of one (1) or more of the siblings, and a plan for ensuring frequent visitation or ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.

(i) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the department shall document and the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department has made active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(j) At each permanency hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

(i) The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and

(ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(k) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a permanency plan is approved by the court and the permanency plan does not include a permanency goal of reunification.

(3) If a youth is in the legal custody of the department or other authorized agency and is within ninety (90) days of his eighteenth birthday, the department shall file a report with the court that includes the department's transition plan for the youth. The court shall have a review or permanency hearing at which the court shall:

(a) Discuss with the youth his or her transition plan; and

(b) Review the transition plan with the youth for purposes of ensuring that the plan provides the services necessary to allow the youth to transition to a successful adulthood.

SECTION 7. That Section 16-1623, Idaho Code, be, and the same is hereby amended to read as follows:

16-1623. AMENDED DISPOSITION -- REMOVAL DURING PROTECTIVE SUPERVISION. (1) Where the child has been placed under the protective supervision of the department pursuant to section 16-1619, Idaho Code, the child may be removed from his or her home under the following circumstances:

(a) A peace officer may remove the child where the child is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child; or

(b) The court has ordered, based upon facts presented to the court, that the child should be removed from his or her present conditions or surroundings because continuation in such conditions or surroundings would be contrary to the welfare of the child and vesting legal custody in the department or other authorized agency would be in the child's best interests.

(2) Upon removal, the child shall be taken to a place of shelter care.

(3) When a child under protective supervision is removed from his home pursuant to subsection (1) (a) or (b) of this section without a hearing, a redisposition hearing shall be held within forty-eight (48) hours of the child's removal from the home, except for Saturdays, Sundays and holidays. At the hearing, the court shall determine whether to vest legal custody in the department or other authorized agency pursuant to section 16-1619(5) (b), Idaho Code. When a child under protective supervision is removed from his home pursuant to subsection (1) (b) of this section and the facts supporting the removal are presented to the court at a hearing, the hearing at which the court orders the child's removal is the redisposition hearing.

(4) In determining whether to vest legal custody in the department or other authorized agency, the court shall consider any information relevant to the redisposition of the child, and in any event shall make detailed written findings based upon facts in the record as required by section 16-1619(6), Idaho Code.

(5) An order vesting legal custody with the department or other authorized agency under this section shall be treated for all purposes as if such an order had been part of the court's original decree under section 16-1619, Idaho Code. The court may order the department shall to prepare a written case plan and. Tthe court shall may hold a case plan hearing. The case plan hearing shall be held within thirty (30) days of the redisposition hearing pursuant to section 16-1621, Idaho Code.

(6) Each of the parents or legal guardians from whom the child was removed shall be given notice of the redisposition hearing in the same time and manner as required for notice of a shelter care hearing under section 16-1615(2) and (3), Idaho Code.

(7) The redisposition hearing may be continued for a reasonable time upon the request of the parties.

SECTION 8. That Section 16-2002, Idaho Code, be, and the same is hereby amended to read as follows:

16-2002. DEFINITIONS. When used in this chapter, unless the text otherwise requires:

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

(2) "Child" or "minor" means any individual who is under the age of eighteen (18) years.

(3) "Neglected" means:

(a) Conduct as defined in section 16-1602(2831), Idaho Code; or

(b) The parent(s) has failed to comply with the court's orders or the case plan in a child protective act case and:

(i) The department has had temporary or legal custody of the child for fifteen (15) of the most recent twenty-two (22) months; and

(ii) Reunification has not been accomplished by the last day of the fifteenth month in which the child has been in the temporary or legal custody of the department.

(4) "Abused" means conduct as defined in section 16-1602(1), Idaho Code.

(5) "Abandoned" means the parent has willfully failed to maintain a normal parental relationship including, but not limited to, reasonable support or regular personal contact. Failure of the parent to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment under this section; provided however, where termination is sought by a grandparent seeking to adopt the child, the willful failure of the parent to maintain a normal parental relationship as provided herein without just cause for six (6) months shall constitute prima facie evidence of abandonment.

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

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

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

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

(d) To authorize medical, dental, psychiatric, psychological and other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children;

provided that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person.

(7) "Guardianship of the person" means those rights and duties imposed upon a person appointed as guardian of a minor under the laws of Idaho. It includes but is not necessarily limited either in number or kind to:

(a) The authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric and surgical treatment; to represent the minor in legal actions; and to make other decisions concerning the child of substantial legal significance;

(b) The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;

(c) The rights and responsibilities of legal custody except where legal custody has been vested in another individual or in an authorized child placement agency;

(d) When the parent and child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

(8) "Guardian ad litem" means a person appointed by the court pursuant to section 16-1614 or 5-306, Idaho Code.

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

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

(11) "Parent" means:

(a) The birth mother or the adoptive mother;

(b) The adoptive father;

(c) The biological father of a child conceived or born during the father's marriage to the birth mother; and

(d) The unmarried biological father whose consent to an adoption of the child is required pursuant to section 16-1504, Idaho Code.

(12) "Presumptive father" means a man who is or was married to the birth mother and the child is born during the marriage or within three hundred (300) days after the marriage is terminated.

(13) "Parent and child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

(14) "Parties" includes the child and the petitioners.

(15) "Unmarried biological father," as used in this chapter and chapter 15, title 16, Idaho Code, means the biological father of a child who was not married to the child's mother at the time the child was conceived or born.

(16) "Unmarried biological mother," as used in this chapter, means the biological mother of a child who was not married to the child's biological father at the time the child was conceived or born.

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

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

(19) "Supportive services" means services which assist a parent with a disability to compensate for those aspects of their disability which affect their ability to care for their child and which will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations, or assistance with effective use of adaptive equipment, and accommodations which allow a parent with a disability to benefit from other services, such as Braille texts or sign language interpreters.

Approved March 30, 2016

CHAPTER 266
(S.B. No. 1332, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2213, IDAHO CODE, TO ESTABLISH THE INDUSTRY PARTNER FUND AND RELATED PROVISIONS, GRANT RULEMAKING AUTHORITY AND TO PROVIDE REPORTING REQUIREMENTS.

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

SECTION 1. That Chapter 22, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2213, Idaho Code, and to read as follows:

33-2213. INDUSTRY PARTNER FUND. (1) There is hereby established in the state treasury the industry partner fund. The fund shall consist of moneys made available through legislative transfers and appropriations, and from any other source. The Idaho technical college leadership council (TCLC) and the administrator of the division of professional-technical education shall together administer the fund pursuant to the provisions of this section, and for the purpose of providing timely access to relevant college credit and noncredit training and support projects. If practicable, such training and projects may result in Idaho public college credits, certificates, certifications, qualifications or microcertifications of value toward postsecondary certificates or degrees.

(2) The professional-technical colleges may work with regional industry partners to provide a rapid response to gaps in skills and abilities using moneys from the fund. Any professional-technical college seeking to use moneys from the fund for this purpose must submit a proposal documenting established needs to the TCLC and administrator for approval. The TCLC and administrator shall consider the proposals in light of regional demand, labor market information, wage thresholds, impact potential and degree of employer commitment. Preference will be given to proposals with multiple employers, number of impacted workers and demonstrated commitment. Demonstrated commitment must include a promissory contribution, either in terms of cash or in-kind contribution to the project cost with highest consideration given to match proposals. Within thirty (30) days of receipt of a proposal, the TCLC and administrator shall notify in writing the professional-technical college as to whether the proposal has been approved.

(3) The state board for professional-technical education may promulgate rules to implement the provisions of this section.

(4) No later than February 1 of each year, the TCLC and the administrator of the division of professional-technical education shall provide a report to the joint finance-appropriations committee, the legislative services office, budget and policy analysis, the division of financial management within the governor's office and to the education committees of the senate and the house of representatives, details regarding the proposals submitted, the proposals approved, the expenditures made from the industry partner fund and any other information requested by the legislature.

Approved March 30, 2016

CHAPTER 267
(S.B. No. 1343)

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-229B, IDAHO CODE, TO REVISE A PROVISION REGARDING ALLEGATIONS OF A VIOLATION OF THE CONDITIONS OF PAROLE.

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

SECTION 1. That Section 20-229B, Idaho Code, be, and the same is hereby amended to read as follows:

20-229B. COMMISSION RULINGS. (1) After a factual parole revocation hearing has been concluded, the member or members of the commission for pardons and parole or the designated hearing officer, having heard the matter, shall enter a decision within twenty (20) days. If the alleged parole

violator waives the parole hearing pursuant to the provisions of section 20-229A(3), Idaho Code, then a decision shall be entered upon acceptance of the waiver.

(2) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.

(3) Except as otherwise provided in subsection (4) of this section, if the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and the violation does not result from ~~a conviction~~ either conduct that is sexual or violent in nature or a formal charge of a new felony or violent misdemeanor, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to ninety (90) days effective immediately upon entering the decision;

(b) For a second parole violation, cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(c) For a third or subsequent parole violation, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

(4) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(b) For a second or subsequent parole violation by absconding supervision, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

(5) If the commission or the hearing officer causes a parolee to be confined under subsection (3) (a), (3) (b) or (4) (a) of this section, then the commission or the hearing officer may reduce the period of confinement by up to thirty (30) days if the commission or the hearing officer finds that there has been no instance of misconduct during the period of time the parolee is confined.

(6) Upon completion of a term of confinement under this section, accounting for any reduction in subsection (5) of this section, the parolee shall be released to parole supervision.

Approved March 30, 2016

CHAPTER 268
(S.B. No. 1354, As Amended in the House)

AN ACT

RELATING TO ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-902, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-934A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-934B, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING AND APPROVAL OF AN APPLICATION FOR AN ALCOHOL BEVERAGE CATERING PERMIT; AND AMENDING SECTION 23-217, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

23-902. DEFINITIONS. The following words and phrases used in this chapter shall be given the following interpretation:

(1) "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members and to bona fide guests of members only:

(a) A post, chapter, camp or other local unit composed solely of veterans and their duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state; or

(b) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization, which has, as the owner, lessee or occupant, operated an establishment for fraternal purposes in this state and actively operates in not less than thirty-six (36) states or has been in continuous existence for not less than twenty (20) years; and which has ~~not less~~ no fewer than fifty (50) bona fide members in each unit, and which owns, maintains or operates club quarters, and is authorized and incorporated to operate as a nonprofit club under the laws of this state, and which has recognized tax exempt status under section 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been continuously incorporated and operating for a period of not less than one (1) year. The club shall have had, during that period of one (1) year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club membership shall consist of bona fide dues-paying members, recorded by the secretary of the club, paying at least six dollars (\$6.00) per year in dues, payable monthly, quarterly or annually; and the members at the time of application for a club license shall be in good standing, having paid dues for at least one (1) full year.

(2) "Convention" means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry.

(3) "Director" means the director of the Idaho state police.

(4) "Festival" means a period or program of festive activities, cultural events or entertainment lasting three (3) or more consecutive days.

(5) "Gaming" means any and all gambling or games of chance defined in chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof, whether those games are licensed or unlicensed.

(56) "Interdicted person" means a person to whom the sale of liquor is prohibited under law.

(67) "License" means a license issued by the director to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail, as provided by law.

(78) "Licensee" means the person to whom a license is issued under the provisions of law.

(89) "Liquor" means all kinds of liquor sold by and in a state liquor store of the state of Idaho.

(910) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(101) "Municipal license" means a license issued by a municipality of the state of Idaho under the provisions of law.

(112) "Party" means a social gathering especially for pleasure or amusement and includes, but is not limited to, such social events as weddings, birthdays, and special holiday celebrations to include, but not be limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the Fourth of July and Labor Day.

(123) "Person" means every individual, partnership, corporation, organization, or association holding a retail liquor license, whether conducting the business singularly or collectively.

(134) "Premises" means the building and contiguous property owned, or leased or used under a government permit by a licensee as part of the business establishment in the business of sale of liquor by the drink at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar improved appurtenances in which the sale of liquor by the drink at retail is authorized under the provisions of law.

(145) "Rules" means rules promulgated by the director in accordance with the provisions of law.

(156) "State liquor store" means a liquor store or distributor established under and pursuant to the laws of the state of Idaho for the package sale of liquor at retail.

(167) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(17) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and acceptable meanings.

SECTION 2. That Section 23-934A, Idaho Code, be, and the same is hereby amended to read as follows:

23-934A. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. An alcohol beverage catering permit is a permit issued pursuant to this section which that authorizes the permittee to serve and sell liquor by the drink, beer and wine, or beer, or wine, at a party festival or convention, and for a time period not to exceed three five (35) consecutive days, with an option to request one (1) permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity, or at a party for a time period not to exceed two (2) consecutive days. An alcohol beverage catering permit shall be limited to authorization to sell liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. Applications for such permit shall be made to the city within which the liquor, beer or wine is to be served, or if not within a city then to the county, on such form as prescribed by the city or county which shall contain at a minimum, but not limited to, the following information:

(1) The name and address of the applicant and the number of his state liquor, beer or wine license.

(2) The dates and hours during which the original permit is to be effective, not to exceed ~~three~~ five (35) consecutive days.

(3) The names of the organizations, groups, or persons sponsoring the event.

(4) The address at which the liquor, beer or wine is to be served, and if a public building, the rooms in which the liquor, beer or wine is to be served.

The application shall be verified by the applicant and filed with the appropriate governing body or its designee. A filing fee in the amount of twenty dollars (\$20.00) for each day the permit is to be effective shall be paid to the treasury of the governing body which shall not be refunded in any event. Any alcohol beverage catering permit shall be valid only within the issuing jurisdiction.

No alcohol beverage catering permit issued pursuant to this section shall be used on a licensed premise. An alcohol beverage catering permit issued pursuant to this section shall only be exercised by the licensee on record.

SECTION 3. That Section 23-934B, Idaho Code, be, and the same is hereby amended to read as follows:

23-934B. FILING OF APPLICATION -- APPROVAL. Upon the filing of an application for an alcohol beverage catering permit, the city council or its designee, or county commissioners or their designee receiving the application shall, upon the advice and recommendation of the chief of police and chief of fire or sheriff, approve or disapprove the application and indicate the determination on the face of the application by indorsement endorsement signed by the clerk of the city or county. The chief of police and chief of fire are, or the sheriff is, authorized to endorse an application for an alcohol beverage catering permit with sufficient conditions to ensure public safety. Copies of the application with signed indorsements endorsements thereon shall be mailed, delivered by electronic mail or delivered immediately to the chief of police or sheriff, the director and the applicant, and a signed copy retained by the clerk. An application approved in this manner shall constitute an alcohol beverage catering permit.

SECTION 4. That Section 23-217, Idaho Code, be, and the same is hereby amended to read as follows:

23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director of the division is hereby authorized and directed to include in the price of alcoholic liquor and all other merchandise sold in the division, and its branches, a surcharge equal to two percent (2%) of the current price per unit computed to the nearest multiple of five cents (5¢).

(2) After the price of the surcharge has been included, the director of the division is hereby authorized and directed to allow a discount of five percent (5%) from the price of each order of alcoholic liquor and all other merchandise sold to any licensee, as defined in section 23-902(78), Idaho Code.

(3) The surcharge imposed pursuant to this section shall be collected and credited monthly to the drug court, mental health court and family court services fund, as set forth in section 1-1625, Idaho Code.

CHAPTER 269
(S.B. No. 1362)

AN ACT

RELATING TO RENEWAL OF JUDGMENT ON LIENS; AMENDING SECTION 10-1111, IDAHO CODE, TO INCREASE THE PERIOD OF TIME A RENEWED JUDGMENT ON A LIEN MAY BE CONTINUED FOR CERTAIN JUDGMENTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION FOR CERTAIN JUDGMENTS.

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

SECTION 1. That Section 10-1111, Idaho Code, be, and the same is hereby amended to read as follows:

10-1111. RENEWAL OF JUDGMENT -- LIEN. (1) Unless the judgment has been satisfied, at any time prior to the expiration of the lien created by section 10-1110, Idaho Code, or any renewal thereof, the court which entered the judgment, other than a judgment for child support, may, upon motion, renew such judgment. The renewed judgment may be recorded in the same manner as the original judgment, and the lien established thereby shall continue for five ten (510) years from the date of judgment.

(2) Unless the judgment has been satisfied, and prior to the expiration of the lien created in section 10-1110, Idaho Code, or any renewal thereof, a court that has entered a judgment for child support may, upon motion, renew such judgment. The renewed judgment may be enforced in the same manner as the original judgment, and the lien established thereby shall continue for ten (10) years from the date of the renewed judgment.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to July 1, 2015, and shall apply only to judgments issued on and after July 1, 2015, by a court of competent jurisdiction.

Approved March 30, 2016

CHAPTER 270
(S.B. No. 1373)

AN ACT

RELATING TO PROTECTION ORDERS; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7907, IDAHO CODE, TO PROVIDE AN ACTION FOR A PROTECTION ORDER AGAINST HARASSMENT AND STALKING, TO PROVIDE PROCEDURES FOR A FILING AND HEARING FOR A PROTECTION ORDER, TO PROVIDE FOR CONDUCT TO BE PROHIBITED IN A PROTECTION ORDER, TO PROVIDE FOR HOW A PETITION AND PROTECTION ORDER SHALL BE SERVED, TO PROVIDE FOR NOTICE TO LAW ENFORCEMENT AGENCIES, TO PROVIDE THAT LAW ENFORCEMENT AGENCIES SHALL TAKE CERTAIN ACTIONS FOLLOWING RECEIPT OF NOTICE, TO AUTHORIZE RENEWAL, MODIFICATION OR RESCINDING OF A PROTECTION ORDER, TO PROVIDE A PENALTY, TO PROVIDE FOR WHERE A PETITION SHALL BE FILED, TO AUTHORIZE A SINGLE PETITION WHEN A DOMESTIC VIOLENCE PROTECTION ORDER IS ALSO SOUGHT, TO DEFINE TERMS AND TO AUTHORIZE A HEARING BY ELECTRONIC MEANS IN CERTAIN INSTANCES; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7908, IDAHO CODE, TO PROVIDE AN ACTION FOR AN EX PARTE TEMPORARY PROTECTION ORDER AGAINST HARASSMENT AND STALKING, TO PROVIDE FOR REQUIREMENTS TO PETITION FOR AN EX PARTE ORDER,

TO PROVIDE FOR HEARINGS, TO PROVIDE FOR THE EFFECTIVENESS OF AN EX PARTE ORDER, TO PROVIDE FOR A MOTION SEEKING AN ORDER SHORTENING THE TIME PERIOD OF AN EX PARTE ORDER AND TO PROVIDE A CODE REFERENCE; AND AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7909, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE WAIVED.

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

SECTION 1. That Chapter 79, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-7907, Idaho Code, and to read as follows:

18-7907. ACTION FOR PROTECTION. (1) There shall exist an action known as a "petition for a protection order" in cases where conduct constitutes malicious harassment as described in section 18-7902, Idaho Code, stalking in any degree as described in section 18-7905 or 18-7906, Idaho Code, or telephone harassment as described in section 18-6710, Idaho Code.

(2) A person may seek relief from such conduct for himself, his children or his ward by filing a petition for a protection order based on a sworn affidavit with the magistrates division of the district court, alleging specific facts that a person for whom protection is sought was the victim of such conduct within the ninety (90) days immediately preceding the filing of the petition and that such conduct is likely to occur in the future thereby causing irreparable injury. Evidence of such conduct occurring prior to such ninety (90) day period shall be admissible to show that conduct committed within the ninety (90) day period is part of a course or pattern of conduct constituting malicious harassment, stalking or telephone harassment, and admissible as otherwise permitted in accordance with court rule and decisional law.

(3) Upon the filing of a petition based upon a sworn affidavit for a protection order, the court shall hold a hearing within fourteen (14) days to determine whether the relief sought shall be granted. If either party is represented by counsel at such hearing, the court shall grant a request for a continuance of the proceedings so that counsel may be obtained by the other party. Such order may require either the petitioner or respondent, or both, to pay for costs, including reasonable attorney's fees.

(4) Upon a showing by a preponderance of the evidence that a person for whom protection is sought in the petition was the victim of conduct committed by the respondent that constitutes malicious harassment as described in section 18-7902, Idaho Code, stalking in any degree as described in section 18-7905 or 18-7906, Idaho Code, or telephone harassment as described in section 18-6710, Idaho Code, within ninety (90) days immediately preceding the filing of the petition, and that such conduct is likely to occur in the future thereby causing irreparable injury to such person, the court may issue a protection order for a period not to exceed one (1) year. Such protection order may:

(a) Direct the respondent to refrain from conduct that constitutes malicious harassment as described in section 18-7902, Idaho Code, stalking in any degree as described in section 18-7905 or 18-7906, Idaho Code, or telephone harassment as described in section 18-6710, Idaho Code;

(b) Order the respondent to refrain from contacting the petitioner or any other person for whom the petition sought protection; and

(c) Grant such other relief and impose such other restrictions as the court deems proper, that may include a requirement that the respondent not knowingly remain within a certain distance of the protected person, which distance restriction may not exceed one thousand five hundred (1,500) feet.

(5) The petition and the court's protection order shall be served on the respondent in the manner provided in section 39-6310, Idaho Code.

(6) (a) Notice of a protection order shall be forwarded by the clerk of the court, on or before the next judicial day, to the appropriate law enforcement agency.

(b) Upon receipt of such notice, the law enforcement agency shall forthwith enter the order into the Idaho law enforcement telecommunications system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the Idaho law enforcement telecommunications system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(c) Law enforcement agencies shall establish procedures reasonably adequate to assure that an officer approaching or actually at the scene of an incident may be informed of the existence of such protection order.

(7) Following a hearing, and for good cause shown, the court's protection order may be renewed in increments not to exceed one (1) year or may be modified or rescinded at any time if the court finds it appropriate to do so.

(8) Whenever a protection order, or an ex parte temporary protection order issued pursuant to this chapter is granted and the respondent or person to be restrained was served a copy of the order in the manner provided in section 39-6310, Idaho Code, a violation of the provisions of the order shall be a misdemeanor punishable by not to exceed one (1) year in jail and a fine not to exceed five thousand dollars (\$5,000). A peace officer may arrest without a warrant and take into custody a person who the peace officer has probable cause to believe has violated such order.

(9) A petition shall be filed in the county of the respondent's residence, the petitioner's residence or where the petitioner is temporarily residing.

(10) A person may file a single petition seeking relief pursuant to this chapter and section 39-6304, Idaho Code. Such petition shall separately set forth the matters pertaining to each such provision of law. All procedural and substantive requirements governing petitions for domestic violence protection orders under chapter 63, title 39, Idaho Code, shall apply with respect to the issuance of such domestic violence protection orders.

(11) As used in this section:

(a) "Contact" means any actual physical contact; contact or attempted contact, directly or indirectly, by telephone, pager, e-mail, facsimile or other oral, written or electronic means of communication; and

(b) "Irreparable injury" includes, but is not limited to, situations in which the respondent has or is likely to threaten or commit bodily injury or has or is likely to engage in acts constituting malicious harassment as described in section 18-7902, Idaho Code, stalking in any degree as described in section 18-7905 or 18-7906, Idaho Code, or telephone harassment as described in section 18-6710, Idaho Code, against any person for whom protection is sought in the petition.

(12) Any hearing conducted pursuant to the provisions of this section may be conducted by telephone or other electronic means in accordance with any procedures authorized by the Idaho supreme court.

SECTION 2. That Chapter 79, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-7908, Idaho Code, and to read as follows:

18-7908. EX PARTE TEMPORARY PROTECTION ORDER. (1) Where a petition for a protection order under this chapter alleges that irreparable injury could result from conduct that constitutes malicious harassment as described in section 18-7902, Idaho Code, stalking in any degree as described in section 18-7905 or 18-7906, Idaho Code, or telephone harassment as described in section 18-6710, Idaho Code, if an order is not immediately issued without prior notice to the respondent, the court may grant an ex parte temporary protec-

tion order based upon the affidavit submitted or hold an ex parte hearing on the day a petition is filed or on the following judicial day to determine whether the court should grant an ex parte temporary protection order pending a full hearing. An ex parte temporary protection order may grant the same relief as specified in section 18-7907(4), Idaho Code.

(2) An ex parte hearing to consider the issuance of an ex parte temporary protection order may be conducted by telephone or other electronic means in accordance with any procedures authorized by the Idaho supreme court.

(3) An ex parte temporary protection order shall be effective for a fixed period not to exceed fourteen (14) days, and a full hearing, as provided in this chapter, shall be set for not later than fourteen (14) days from the issuance of the ex parte temporary protection order. An ex parte temporary protection order may, following a hearing and for good cause shown, be reissued for a period not to exceed fourteen (14) days. Motions seeking an order shortening the time period must be served upon the petitioner at least two (2) days prior to the hearing on the motion.

(4) Except as otherwise provided in this section, the provisions of section 18-7907, Idaho Code, are applicable to a petition for protective order seeking an ex parte temporary protection order and to any ex parte temporary restraining order issued pursuant to this section.

SECTION 3. That Chapter 79, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-7909, Idaho Code, and to read as follows:

18-7909. FEES WAIVED. No filing fee, service fee, hearing fee or bond shall be charged for proceedings seeking only the relief provided under sections 18-7907 and 18-7908, Idaho Code.

Approved March 30, 2016

CHAPTER 271
(S.B. No. 1376)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE TERMS AND TO REVISE A DEFINITION; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE AN ADDITIONAL WAY TO FORM A PUBLIC CHARTER SCHOOL AND TO SPECIFY THAT A CHARTER HOLDER MAY NOT OPERATE ENTERPRISES OTHER THAN THE PUBLIC CHARTER SCHOOLS FOR WHICH IT HAS BEEN AUTHORIZED; AMENDING SECTION 33-5204, IDAHO CODE, TO ALLOW PUBLIC CHARTER SCHOOL NONPROFIT BOARDS TO HOLD MULTIPLE CHARTERS UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5204, IDAHO CODE, AS AMENDED BY SECTION 71, CHAPTER 141, LAWS OF 2015, TO ALLOW PUBLIC CHARTER SCHOOL NONPROFIT BOARDS TO HOLD MULTIPLE CHARTERS UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING PETITIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205C, IDAHO CODE, TO PROVIDE FOR CHARTER SCHOOL REPLICATION AND RELATED PROVISIONS; AMENDING SECTION 33-5206, IDAHO CODE, TO REQUIRE REPLICATION PUBLIC CHARTER SCHOOLS TO ESTABLISH A CERTAIN ADMISSION PREFERENCE POLICY, TO ALLOW PUBLIC CHARTER SCHOOLS TO CONTRACT WITH EDUCATIONAL SERVICES PROVIDERS SUBJECT TO CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5207, IDAHO CODE, TO PROVIDE THAT REPLICATION

PUBLIC CHARTER SCHOOLS ARE SUBJECT TO PROVISIONS REGARDING CHARTER REPEAL PROCEDURES; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5209A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCOUNTABILITY REQUIREMENTS; AMENDING SECTION 33-5209B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARTER RENEWALS; AMENDING SECTION 33-5209C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ENFORCEMENT, REVOCATION AND APPEAL PROCESS FOR CHARTER HOLDERS; AMENDING SECTION 33-5210, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN EXEMPTIONS, TO REMOVE A PROVISION THAT SUBJECTS CERTAIN PUBLIC CHARTER SCHOOLS TO CERTAIN RULES AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-5202A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (1) "Authorized chartering entity" means any of the following:
 - (a) A local board of trustees of a school district in this state;
 - (b) The public charter school commission created pursuant to the provisions of this chapter;
 - (c) An Idaho public college, university or community college;
 - (d) A private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities.
- (2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.
- (3) "Charter holder" means the public charter school's board of directors to which a charter is granted pursuant chapter 52, title 33, Idaho Code.
- (4) "Educational services provider" means a nonprofit or for-profit entity that contracts with a public charter school to provide educational services and resources including administrative support and educational design, implementation or management.
- (5) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.
- (46) "Performance certificate" means a fixed-term, renewable certificate between a public charter school and an authorized chartering entity that outlines the roles, powers, responsibilities and performance expectations for each party to the certificate.
- (57) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.
- (68) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and, by the terms of its charter, shall operate in association with at least two (2) school dis-

tricts. Notwithstanding the provisions of section 33-5205(3)(j), Idaho Code, participating school districts need not be contiguous.

(79) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(810) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(911) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

SECTION 2. That Section 33-5203, Idaho Code, be, and the same is hereby amended to read as follows:

33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) New public charter schools which may begin educational instruction in any one (1) school year shall be subject to the following:

(a) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools; and

(b) A petition must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition; and

(c) To begin operations, a newly chartered public school must be authorized by no later than January 1 of the previous school year.

(3) A public charter school may be formed either by creating a new public charter school or replicating an existing high-performing public charter school, which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

(a) Which provides for the conversion of any existing private or parochial school to a public charter school.

(b) To a for-profit entity or any school which is operated by a for-profit entity, provided however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.

(c) By the board of trustees of a school district if the public charter school's physical location is outside the boundaries of the authorizing school district.

(5) A public virtual school charter may be approved by any authorized chartering entity except a local school district board of trustees. In addition, a charter may also be approved by the state board of education pursuant to section 33-5207(5)(b), Idaho Code.

(6) A charter holder may not operate enterprises other than the public charter schools for which it has been authorized.

(7) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

(78) Each public charter school authorized by an authorized chartering entity other than a local school district board of trustees is hereby designated as a local education agency (LEA) as such term is defined in 34 CFR 300.28. Public charter schools chartered by the board of trustees of a school district may also be designated by the board of trustees as an LEA,

with the concurrence of the public charter school board of directors. Otherwise, the public charter school shall be included in that district's LEA.

SECTION 3. That Section 33-5204, Idaho Code, be, and the same is hereby amended to read as follows:

33-5204. NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter. The nonprofit board as the charter holder may hold multiple charters under the following conditions:

(a) Each public charter school must have its own performance certificate; and

(b) Each public charter school must be independently accountable for its academic, financial and operational outcomes.

(2) For the purposes of section 59-1302(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-36220, Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

(a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;

(b) Chapter 5, title 74, Idaho Code, on prohibitions against contracts with officers;

(c) Chapter 4, title 74, Idaho Code, on ethics in government;

(d) Chapter 2, title 74, Idaho Code, on open public meetings; and

(e) Chapter 1, title 74, Idaho Code, on disclosure of public records;

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(23) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(34) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings as collateral for the loan.

(45) Public charter schools shall secure insurance for liability and property loss.

(56) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in paragraph (c) of this subsection or in section 18-1361 or 18-1361A, Idaho Code.

(c) No spouse of any director may be employed by a public charter school physically located within the boundaries of a school district with a fall student enrollment population of greater than one thousand two hundred (1,200) in the prior school year. For public charter schools physically located within the boundaries of a school district with a fall student enrollment population of one thousand two hundred (1,200) or less in the prior school year, such spouse may be employed in a nonadministrative position for a school year if each of the following conditions has been met:

(i) The position has been listed as open for application on the public charter school website or in a local newspaper, whichever is consistent with the school's current practice, and the position shall be listed for at least sixty (60) days, unless the opening occurred during the school year, in which case the position shall be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing shall be made in a manner consistent with the provisions of section 60-106, Idaho Code;

(ii) No applications were received that met the minimum certification, endorsement, education or experience requirements of the position other than such spouse;

(iii) The director abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The public charter school may employ such spouse for further school years, provided that the conditions contained in this paragraph are met for each school year in which such spouse is employed. The director shall abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation or disciplinary action related to the spouse and shall be absent from the meeting while such issues are being considered and determined. Such limitation shall include, but not be limited to: any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with

district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation or termination. Such limitations shall not prohibit the trustee spouse from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report. Any spouse of a director employed as a certificated employee pursuant to this paragraph shall be employed under a category 1 contract pursuant to section 33-514A, Idaho Code.

(67) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

SECTION 4. That Section 33-5204, Idaho Code, as amended by Section 71, Chapter 141, Laws of 2015, be, and the same is hereby amended to read as follows:

33-5204. NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter. The nonprofit board may hold multiple charters under the following conditions:

(a) Each public charter school must have its own performance certificate; and

(b) Each public charter school must be independently accountable for its academic, financial and operational outcomes.

(2) For the purposes of section 59-1302(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-36220, Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

(a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;

(b) Chapter 5, title 74, Idaho Code, on prohibitions against contracts with officers;

(c) Chapter 4, title 74, Idaho Code, on ethics in government;

(d) Chapter 2, title 74, Idaho Code, on open public meetings; and

(e) Chapter 1, title 74, Idaho Code, on disclosure of public records;

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(23) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an autho-

rized chartering entity other than the board of trustees of the local school district.

(34) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings as collateral for the loan.

(45) Public charter schools shall secure insurance for liability and property loss.

(56) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

(67) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

SECTION 5. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school. The purpose of the charter petition is to present the proposed public charter school's academic and operational vision and plans, demonstrate the petitioner's capacities to execute the proposed vision and plans and provide the authorized chartering entity a clear basis for assessing the applicant's plans and capacities. An approved charter petition shall not serve as the school's performance certificate.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in

the petition, unless it is a petition for approval by an authorized chartering entity permitted pursuant to ~~subsection (1)(e) or (1)(d) of~~ section 33-5202A(1)(c) or (d), Idaho Code. Proof of elector qualifications shall be provided with the petition. A petition to establish a new public charter school may be submitted directly to an authorized chartering entity permitted pursuant to ~~subsection (1)(e) or (1)(d) of~~ section 33-5202A(1)(c) or (d), Idaho Code; provided however, that no such individual authorized chartering entity shall approve more than one (1) new public charter school each year within the boundaries of a single school district. Except as provided in ~~this paragraphs (a) and (c) of this subsection,~~ authorized chartering entities permitted pursuant to ~~the provisions of subsection (1)(e) or (1)(d) of~~ section 33-5202A(1)(c) or (d), Idaho Code, shall be governed by the same laws and rules in approving new public charter schools as the public charter school commission.

(b) ~~A petition to establish a new public virtual school shall not be submitted directly to a local school district board of trustees.~~ Except as provided in paragraph (a) of this subsection, a petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next regularly scheduled meeting of the authorized chartering entity after submission of the petition.

(c) Petitions meeting the following conditions may be submitted directly to the public charter school commission or Idaho university or college pursuant to section 33-5202A, Idaho Code: (i) a petition to establish a new virtual public charter school; or (ii) a petition for a new or replication public charter school from an existing charter holder authorized by the public charter school commission or an Idaho university or college pursuant to section 33-5202A, Idaho Code. An existing charter holder authorized by the public charter school commission or an Idaho university or college pursuant to section 33-5202A, Idaho Code, may submit a petition for an additional new charter directly to its existing authorizer.

(d) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within seventy-five (75) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission. Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(de) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1) or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the

bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than seventy-five (75) days after receiving a petition for a new or replication public charter school, the authorized chartering entity shall hold a public hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than seventy-five (75) days after receipt of the petition, which may be extended for an additional specified period of time if both parties agree to an extension. Such agreement shall be established in writing and signed by representatives of both parties.

(a) In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the prospective authorizer shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such public hearing shall include any oral or written comments that an authorized representative of the local school districts may provide regarding the merits of the petition and any potential impacts on the school districts.

(b) In the case of a petition for a non-virtual new or replication public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection, such school district shall notify the public charter school commission of such decision. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code. Following review of any petition and any public hearing provided for in this section, the authorized chartering entity shall within seventy-five (75) days either:

(ai) Approve the charter;

(bii) Deny the charter; or

(eiii) Provide a written response identifying the specific deficiencies in the petition.

(c) If the authorized chartering entity exercises the option provided for in paragraph (eb) (iii) of this subsection, then the petitioners may revise the petition and resubmit such within thirty (30) days. Within forty-five (45) days of receiving a revised petition, the authorized chartering entity shall review the revised petition and either approve or deny the petition based upon whether the petitioners have adequately addressed the specific deficiencies identified in the authorized chartering entity's written response, or based upon any other changes made to the petition, and upon no other criteria.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4)

and (5) of this section, and additional statements describing all of the following:

(a) The proposed educational program of the public charter school, designed, among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness standards as defined in section 33-1612, Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

(c) The method by which student progress in meeting those student educational standards is to be measured.

(d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.

(e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.

(f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.

(g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.

(h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.

(i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section 33-206, Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

(j) The primary attendance area of the charter school, which shall be composed of a compact and contiguous area. For the purposes of this section, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area.

(k) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school or replication public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; third, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fourth, to students residing within the

primary attendance area of the public charter school; and fifth, by an equitable selection process such as a lottery or other random method. If so stated in its petition, a new public charter school or replication public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible. If capacity is insufficient to enroll all pupils who submit a timely application for subsequent school terms, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; fourth, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fifth, to students residing within the primary attendance area of the public charter school; and sixth, by an equitable selection process such as a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

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

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

(l) The manner in which annual audits of the financial operations of the public charter school are to be conducted.

(m) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

(n) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(o) If the public charter school is a conversion of an existing traditional public school, the public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(p) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(q) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

(r) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal in-

dividuals with disabilities education act, including disciplinary procedures for these students.

(s) A plan for working with parents who have students who are dually enrolled pursuant to section 33-203, Idaho Code.

(t) The process by which the citizens in the primary attendance area shall be made aware of the enrollment opportunities of the public charter school.

(u) A proposal for transportation services including estimated first year costs.

(v) A plan for termination of the charter by the board of directors, to include:

(i) Identification of who is responsible for dissolution of the charter school;

(ii) A description of how payment to creditors will be handled;

(iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and

(iv) A plan for the disposal of the public charter school's assets.

(4) An authorized chartering entity, except for a school district board of trustees, may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (5) of this section and the additional statements describing the following:

(a) The learning management system by which courses will be delivered;

(b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;

(c) A plan for the provision of professional development specific to the public virtual school environment;

(d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely and frequent feedback about student progress;

(e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;

(f) A plan for the provision of technical support relevant to the delivery of online courses;

(g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and

(h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.

(5) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.

(6) An initial charter, if approved, shall be granted for a term of three (3) operating years. This term shall commence on the public charter school's first day of operation.

SECTION 6. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-5205C, Idaho Code, and to read as follows:

33-5205C. PUBLIC CHARTER SCHOOL REPLICATION. (1) Public charter schools may petition for replication, subject to the following provisions:

(a) The public charter schools must have successfully completed at least one (1) renewal cycle and be eligible for a nonconditional renewal; or

(b) Public charter schools that are scheduled to be evaluated for renewal or nonrenewal between March 1, 2016, and March 1, 2019, must be rated in the top twenty percent (20%) of all Idaho public schools by the state's accountability system for the two (2) previous years.

(2) Replication public charter schools must serve the same, or a subset of the same, grades as the public charter school being replicated and the operational model must be the same as that of the public charter school being replicated.

(3) A public charter school authorized by the public charter school commission or an Idaho college or university pursuant to section 33-5202A, Idaho Code, must provide written notice and opportunity to comment to the school district for which the replication school will be located at least thirty (30) days prior to submitting the replication request to the authorizing entity. The petitioner must provide written notice to the state department of education at the time the petition is submitted to the authorized chartering entity.

(4) A school district authorizer may not approve the replication of a public charter school that is physically located outside of the authorizer's school district boundaries.

(5) Replication petitions are not subject to a sufficiency review by the state department of education.

(6) The replicated public charter schools under a single charter holder shall be authorized and funded as separate schools. The charter holder must obtain annual independent comprehensive fiscal audits that treat each school as a separate component unit. Funds appropriated by the state must be used toward the operations of the public charter school for which they were appropriated. This does not prohibit multiple public charter schools under a single charter holder from combining resources toward administrative or program costs or prohibit public charter schools from participating in cooperative education services pursuant to sections 33-315 and 33-316, Idaho Code.

(7) Authorized chartering entities must establish policies regarding the criteria that will be considered when evaluating a petition for replication. Such criteria must include at a minimum the following replication petition requirements:

(a) A description of the capacity of the charter holder to successfully replicate an additional school;

(b) A description of how the charter holder will manage multiple charter schools while maintaining a high level of academic and fiscal performance in the original public charter school and the replication school; and

(c) A description of how the charter holder will incorporate representation and input in the school operations from the local area where the replication public charter school is physically located if the location is outside of the school district of the public charter school being replicated.

SECTION 7. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other

operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new, replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the primary attendance area of that public charter school.

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

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school.

(4) Employment of charter school teachers and administrators shall be on written contract in form as approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder.

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

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

(7) Each public charter school shall annually submit the audit of the fiscal operations as required in section 33-5205(3)(1), Idaho Code, and a copy of the public charter school's accreditation report to the authorized chartering entity that approved its charter.

(8) A public charter school or the authorized chartering entity may enter into negotiations to revise a charter or performance certificate at any time. If a public charter school petitions to revise its charter or performance certificate, the authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. Except for public charter schools authorized by a school district board of trustees, when a non-virtual public charter school submits a proposed charter revision to its authorized chartering entity and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the authorized chartering entity shall hold a public hearing on such petition. The authorized chartering entity shall provide the board of the local school district in which the public charter school is physically located notice in writing of such hearing no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public charter school is physically located may provide regarding the impact of the proposed charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. That Section 33-5207, Idaho Code, be, and the same is hereby amended to read as follows:

33-5207. CHARTER APPEAL PROCEDURE. (1) If a local school board of trustees, acting in its capacity as an authorized chartering entity, approves a petition for the conversion of an existing traditional public school within the school district over the objection of thirty (30) or more persons or employees of the district, or if an authorized chartering entity denies a petition for the establishment of a new or replication public charter school for any reason including, but not limited to, failure by the petitioner to follow procedures or for failure to provide required information, then such decisions may be appealed to the state superintendent of public instruction within thirty (30) days of the date of the written decision, at the request of persons opposing the conversion of an existing traditional public school, or at the request of the petitioner whose request for a new charter was denied.

(2) The state superintendent of public instruction shall select a hearing officer to review the action of the authorized chartering entity, pursuant to section 67-5242, Idaho Code. The hearing officer shall, within thirty (30) days of receipt of the request, review the full record regarding the charter petition and convene a public hearing regarding the charter petition. Within ten (10) days of the public hearing, the hearing officer shall submit a written recommendation to the authorized chartering entity and to the persons requesting the review. The recommendation by the hearing officer either to affirm or reverse the decision of the authorized chartering entity shall be based upon the full record regarding the charter petition, including the standards and criteria contained in this chapter and upon any public charter school rules adopted by the state board of education. The recommendation shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the recommendations based on the applicable statutory provisions and factual information contained in the record.

(3) Within thirty (30) days following receipt of the hearing officer's written recommendation, the authorized chartering entity shall hold a meeting open to the public for the purpose of reviewing the hearing officer's written recommendation. Within ten (10) days of such meeting, the authorized chartering entity shall either affirm or reverse its initial decision. The authorized chartering entity's decision shall be in writing and contain findings which explain the reasons for its decision.

(4) If, upon reconsideration of a decision to approve the conversion of a traditional public school to a public charter school, the local school board:

(a) Affirms its initial decision to authorize such conversion, the charter shall be approved and there shall be no further appeal.

(b) Reverses its initial decision and denies the conversion, that decision is final and there shall be no further appeal.

(5) If, upon reconsideration of a decision to deny a petition for a public charter school, the authorized chartering entity:

(a) Reverses its initial decision and approves the public charter school petition, there shall be no further appeal.

(b) Affirms its initial decision denying the public charter school petition, the board of directors of the nonprofit corporation identified in the petition may appeal to the state board of education. The state board of education shall hold a public hearing within a reasonable time after receiving notice of such appeal but no later than sixty (60) calendar days after receiving such notice, and after the public hearing, shall take any of the following actions: (i) approve or deny the petition for the public charter school, provided that the state board of education shall only approve the petition if it determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the petition; or (ii) in the case of a denial by the board of a local school district, redirect the matter to the public charter school commission for further review. Such public hearing shall be conducted pursuant to procedures as set by the state board of education.

(6) A public charter school for which a charter is approved by the state board of education shall qualify fully as a public charter school for all funding and other purposes of this chapter. The public charter school commission shall assume the role of the authorized chartering entity for any charter approved by the state board of education as provided in subsection (5) (b) of this section. Employees of a public charter school approved by the state board of education shall not be considered employees of the local school district in which the public charter school is located, nor of the state board of education, nor of the commission.

(7) The decision of the state board of education shall be subject to review pursuant to chapter 52, title 67, Idaho Code. Nothing in this section shall prevent a petitioner from bringing a new petition for a public charter school at a later time.

(8) There shall be no appeal of a decision by a local school board of trustees which denies the conversion of an existing traditional public school within that district to a public charter school, or by an authorized chartering entity which approves a petition for a public charter school.

SECTION 9. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (10) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's primary attendance area, and must meet at least one (1) of the following two (2) criteria:

(a) The student resides within the school district in which the public charter school is physically located; or

(b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Facilities funds. The state department of education shall distribute facilities funds to public charter schools for each enrolled student in which a majority of the student's instruction is received at a facility that is owned or leased by the public charter school. Such funds shall be used to defray the purchase, fee, loan or lease costs associated with payments for real property used by the students or employees of the public charter school for educational or administrative purposes. Such funds shall be distributed from the moneys appropriated to the educational support program, and shall be calculated as a percentage of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts, as follows:

Fiscal Year 2014	Twenty Percent (20%)
Fiscal Year 2015	Thirty Percent (30%)

For fiscal year 2016 and each fiscal year thereafter, this percentage shall increase by ten percent (10%) each time the total appropriation of state funds for the educational support program increases by three percent (3%) or more over the prior fiscal year, and shall decrease by ten percent (10%) each time the total appropriation of state funds for the educational support program decreases as compared to the prior fiscal year. Provided however, that the percentage shall be no less than twenty percent (20%) and no greater than fifty percent (50%), and that the average amount of funding received per public charter school shall not exceed the average amount of funding received by each school district pursuant to the provisions of section 33-906, Idaho Code.

For those public charter schools that do not receive facilities funds for all enrolled students, the school may submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used. The state department of education shall reduce such claim by the greater of fifty percent (50%) or the percentage of the school's enrolled students for which the school receives facilities funds, and shall pay the balance. Provided however, that the total reimbursements paid to a public charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had the school received facilities funds for all enrolled students. For the purposes of this subsection, the term "real property" shall be used as defined in section 63-201, Idaho Code.

(6) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school is serving more grades or at least ten percent (10%) more classes than the previous year, to assist the school with initial start-up costs or payroll obligations. For a public charter school entering its second or greater year of operations, the state department of education may require documentation establishing the need for such an advance payment, including comparative class schedules and proof of a commensurate increase in the number of employees.

(a) For a public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated.

Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance and the pupil service staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(7) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(8) Each public charter school shall pay an authorizer fee to its authorized chartering entity, to defray the actual documented cost of monitoring, evaluation and oversight, which, in the case of public charter schools authorized by the public charter school commission, shall include each school's proportional fee share of moneys appropriated from the public charter school authorizers fund to the public charter school commission, plus fifteen percent (15%). Provided however, that each public charter school's board of directors may direct up to ten percent (10%) of the calculated fee to pay membership fees to an organization or association that provides technical assistance, training and advocacy for Idaho public charter schools. Unless the authorized chartering entity declines payment, such fee shall be paid by March 15 of each fiscal year and shall not exceed the greater of:

(a) All state funds distributed to public schools on a support unit basis for the prior fiscal year, divided by the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or

(b) The lesser of:

(i) The result of the calculation in subsection (8) (a) of this section, multiplied by four (4); or

(ii) One and one-half percent (1.5%) of the result of the calculation in subsection (8) (a) of this section, multiplied by the public charter school's average daily attendance in the first reporting period in the current fiscal year.

(9) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(10) (a) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(b) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated as a local education agency (LEA), as provided in section 33-5203(78), Idaho Code.

(11) Nothing in this section prohibits separate face-to-face learning activities or services.

(12) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

SECTION 10. That Section 33-5209A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209A. ACCOUNTABILITY. (1) Performance framework. The performance provisions within the performance certificate shall be based upon a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorized chartering entity's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) College and career readiness (for high schools); and
- (d) Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.

(2) Measurable performance targets shall be set by each charter holder for each public charter school for which it holds a charter in conjunction with its authorized chartering entity and shall, at a minimum, require that each school meet applicable federal, state and authorized chartering entity goals for student achievement.

(3) The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by a public charter school holder to augment external evaluations of its performance, provided that the authorized chartering entity approves the quality and rigor of such ~~school-proposed~~ proposed indicators, and that they are consistent with the purposes of this chapter.

(4) For each public charter school it oversees, the authorized chartering entity shall be responsible for analyzing and reporting all data from state assessments in accordance with the performance framework.

SECTION 11. That Section 33-5209B, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for successive five (5) year terms of duration. An authorized chartering entity may grant renewal with specific, written conditions for necessary improvements to a public charter school. Any such specific, written conditions shall state the date by which the conditions must be met.

(2) Following the initial three (3) year term, an authorized chartering entity may nonrenew or grant renewal for an additional five (5) years, based upon the performance of the public charter school on the performance indicators, measures and metrics contained in the performance certificate. Subsequent renewals shall be for a term of five (5) years.

(3) No later than November 15, the authorized chartering entity shall issue a public charter school performance report and charter renewal application guidance to any charter holder with a public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based upon the data required by this chapter and the performance certificate, and shall provide notice of any weaknesses or concerns determined by the authorized chartering entity concerning the public charter school that may jeopardize its position in seeking renewal, if not timely rectified. The public charter school holder shall have thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

(4) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school holder to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; and
- (b) Describe improvements undertaken or planned for the school.

(5) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorized chartering entity's renewal

decisions, which shall be based on independent fiscal audits and the performance framework set forth in the performance certificate.

(6) No later than December 15, the governing board of a public charter school holder seeking renewal shall submit a renewal application to the authorized chartering entity pursuant to the renewal application guidance issued by the authorized chartering entity. The authorized chartering entity shall vote on the renewal application no later than March 15.

(7) In making charter renewal decisions, every authorized chartering entity shall:

(a) Ground its decisions in evidence of the school's performance over the term of the performance certificate in accordance with the performance framework set forth in the performance certificate;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for each decision.

(8) An authorized chartering entity must develop revocation and nonrenewal processes that:

(a) Provide the charter holders with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure, which shall be limited to failure to meet the terms of the performance certificate or the written conditions established pursuant to the provisions of subsection (1) of this section;

(b) Allow the charter holders a reasonable amount of time in which to prepare a response;

(c) Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;

(d) Allow the charter holders to be represented by counsel and to call witnesses on their behalf;

(e) Permit the recording of such proceedings; and

(f) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter holders.

(9) An authorized chartering entity shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal. An authorized chartering entity may renew or nonrenew any charter in which the public charter school failed to meet one (1) or more of the terms of its performance certificate.

SECTION 12. That Section 33-5209C, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section 33-5209A, Idaho Code. The authorized chartering entity may require each public charter school it oversees to sub-

mit an annual report to assist the authorized chartering entity in gathering complete information about each school consistent with the performance framework. Each public charter school shall publish its annual performance report on the school's website.

(3) If an authorized chartering entity has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section 33-1009(1), Idaho Code, such that equal percentages are paid on each of the prescribed dates.

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

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

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

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

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

SECTION 13. That Section 33-5210, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise in this chapter 52, ~~title 33, Idaho Code~~, and operates in accordance with the state educational standards of thoroughness as defined ~~in pursuant to~~ section 33-1612, Idaho Code.

(3) Each public charter school shall comply with the financial reporting requirements of section 33-701, subsections 5. through 10., Idaho Code, in the same manner as those requirements are imposed upon school districts.

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

(a) ~~Waiver of t~~Teacher certification as necessitated by the provisions of section 33-5205(3)(g), Idaho Code;

(b) Accreditation of the school as necessitated by the provisions of section 33-5205(3)(e), Idaho Code;

(c) Qualifications of a student for attendance at an alternative school as necessitated by the provisions of section 33-5208(3), Idaho Code;

(d) ~~The r~~Requirements that all employees of the school undergo a criminal history check as required by section 33-130, Idaho Code; and

(e) Rules promulgated pursuant to section 33-1612, Idaho Code; and

(f) All rules which specifically pertain to public charter schools promulgated by the state board of education. ~~Public charter schools authorized by the public charter school commission are also subject to rules promulgated by the public charter school commission.~~

SECTION 14. The provisions of Section 4 of this act shall be in full force and effect on and after July 1, 2018.

Approved March 30, 2016

CHAPTER 272
(S.B. No. 1377)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1203, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT ELECTION JUDGES MUST POST A CORRECT COPY OF RESULTS AT THE POLLING PLACE AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

(2) ~~Following the counting, the judges must post a correct copy of such results at the polling place and a copy transmitted~~ transmit a copy of the results to the county clerk.

(3) In no event shall the results of any count be released to the public until all voting places in the state have closed on election day.

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

Approved March 30, 2016

CHAPTER 273
(S.B. No. 1388, As Amended)

AN ACT

RELATING TO TAX DEEDS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 31-808, IDAHO CODE, TO PROVIDE NONAPPLICATION TO EASEMENTS, HIGHWAYS, AND RIGHTS-OF-WAY OWNED BY THE COUNTY, UNLESS EXPRESSLY CONVEYED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 43-714A, IDAHO CODE, TO FURTHER DEFINE THE TERM "PARTY IN INTEREST"; AMENDING SECTION 43-720, IDAHO CODE, TO REVISE WHAT A TAX DEED CONVEYS; AMENDING SECTION 50-1823, IDAHO CODE, TO REVISE WHAT A TAX DEED CONVEYS; AMENDING SECTION 63-201, IDAHO CODE, TO FURTHER DEFINE THE TERM "PARTY IN INTEREST" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-1009, IDAHO CODE, TO REVISE WHAT A TAX DEED CONVEYS; AND DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to clarify the scope and effect of Idaho's statutes governing tax deeds. In the case of *Regan v. Owen*, the Idaho Supreme Court addressed whether a tax deed issued pursuant to Section 63-1009, Idaho Code, has the effect of extinguishing an otherwise valid private easement across the subject property. Similar legislative language exists with respect to counties in Section 31-808, Idaho Code, with respect to irrigation entities in Section 43-720, Idaho Code, and with respect to cities in Section 50-1823, Idaho Code. The court did not decide the issue, but remanded to a lower court. The lower court subsequently ruled that, despite the harsh result, the statute has this effect. While a private access easement was at issue there, the reasoning would also result in the elimination of public utility easements, ditch rights, public highways and rights-of-way, conservation easements, and all manner of third-party rights in the land including, for example, interests of remaindermen following a life estate. By this legislation, the Idaho Legislature rejects that conclusion. It was never the intent of the Legislature to allow local governments to destroy valid property interests held by third parties in land that is subject to a sale or other conveyance based on a tax delinquency, except where notice and opportunity to cure is provided under the statute. Doing so would constitute an uncompensated taking of property under both the Idaho Constitution and the United States Constitution. The Legislature would never have intended such a result and, by this legislation, makes that clear. As its context should have made evident, the purpose of Section 63-1009, Idaho Code, and the other referenced sections, has always been to convey title absolutely free and clear of liens and mortgages of a monetary nature. It was never the intent of the Legislature to allow a local governmental entity to convey more than the delinquent taxpayer owned and thereby to destroy valid property interests

held by others without notice and an opportunity to cure. This clarification brings the interpretation of Idaho's tax deed statute into line with the interpretation of similar statutes in other jurisdictions, as had always been the Legislature's intent.

SECTION 2. That Section 31-808, Idaho Code, be, and the same is hereby amended to read as follows:

31-808. SALE OF COUNTY PROPERTY -- GENERAL PROCEDURE -- SALE OF PROPERTY ACQUIRED THROUGH TAX DEED -- PROCEDURE AFTER ATTEMPTED AUCTION -- EXCHANGE OF COUNTY PROPERTY -- SALE OF CERTAIN ODD-LOT PROPERTY -- SALE, EXCHANGE OR DONATION OF PROPERTY TO OTHER UNITS OF GOVERNMENT. (1) A board of county commissioners shall have the power and authority to sell or offer for sale at public auction any real or personal property belonging to the county not necessary for its use. However, personal property not exceeding two hundred fifty dollars (\$250) in value may be sold at private sale without notice or public auction. Prior to offering the property for sale, the board of county commissioners shall advertise notice of the auction in a newspaper, as defined in section 60-106, Idaho Code, either published in the county or having a general circulation in the county, not less than ten (10) calendar days prior to the auction. If the property to be sold is real property, the notice to be published shall contain the legal description as well as the street address of the property. If the property is outside the corporate limits of a city and does not have a street address, then the description shall also contain the distance and direction of the location of the real property from the closest city.

If the property to be sold is acquired by tax deed, the notice required to be published shall include, next to the description of the property, the name of the taxpayer as it appears in the delinquent tax certificate upon which the tax deed was issued. The property shall be sold to the highest bidder. However, the board of county commissioners shall set the minimum bid for the tax deeded property to include all property taxes owing, interest and costs but they may reserve the right to reject any and all bids and shall have discretionary authority to reject or accept any bid which may be made for an amount less than the total amount of all delinquent taxes, late charges, interest and costs, including other costs associated with the property, advertising, and sale, which may have accrued against any property so offered for sale, including the amount specified in the tax deed to the county. Such action by the board in setting the minimum bid shall be duly noted in their minutes. Failure to do so shall not invalidate a sale. For tax deeded property, the board of county commissioners shall conduct an auction no later than fourteen (14) months from the issuance of the tax deed.

(2) (a) Proceeds from the sale of county property not acquired by tax deed shall be paid into the county treasury for the general use of the county.

(b) If the property to be sold has been acquired by tax deed, pursuant to the provisions of chapter 10, title 63, Idaho Code, the proceeds from the sale, after payment of all delinquent taxes, late charges, interest and costs, including the cost for maintaining the property, shall be apportioned by the board of county commissioners to parties in interest as defined in section 63-201, Idaho Code, and then to the owner(s) of record of such property at the time the tax deed was issued on the property.

(c) Once such tax deeded property has been sold, the board of county commissioners shall within thirty (30) days notify all parties in interest of such sale and the amount of the excess proceeds. Such parties in interest shall respond to the board of county commissioners, within sixty (60) days of receiving such notice, making claim on the proceeds. No responses postmarked or received after the sixtieth day

shall be accepted. The board of county commissioners shall then make payment to parties in interest in priority of the liens pursuant to law, within sixty (60) days. All funds available after payment to parties in interest shall be returned to the owner(s) of record of the property at the time the tax deed was issued. All costs associated with the compliance of this section shall be deducted from any amounts refunded to the parties in interest or owner(s) of record.

(3) Any property sold may be carried on a recorded contract with the county for a term not to exceed ten (10) years and at an interest rate not to exceed the rate of interest specified in section 28-22-104(1), Idaho Code. The board of county commissioners shall have the authority to cancel any contract if the purchaser fails to comply with any of the terms of the contract and the county shall retain all payments made on the contract. The title to all property sold on contract shall be retained in the name of the county until full payment has been made by the purchaser. However, the purchaser shall be responsible for payment of all property taxes during the period of the contract.

(4) Any sale of property by the county shall vest in the purchaser all of the right, title and interest of the county in the property, including all delinquent taxes which that have become a lien on the property since the date of issue of the tax deed, if any, but excluding easements, highways, and rights-of-way owned by the county, unless expressly conveyed.

(5) In addition to the purchase price, a purchaser of county property, including property acquired by tax deed, shall pay all fees required by law for the transfer of property. No deed for any real estate purchased pursuant to the provisions of this section shall be delivered to a purchaser until such deed has been recorded in the county making the sale.

(6) Should the county be unable to sell at a public auction any real or personal property belonging to the county, including property acquired by tax deed, it may sell the property without further notice by public or private sale upon such terms and conditions as the county deems necessary. Distribution of the proceeds of sale shall be as set forth in subsection (2) of this section.

(7) The board of county commissioners may at its discretion, when in the county's best interest, exchange and do all things necessary to exchange any of the real property now or hereafter held and owned by the county for real property of equal value, public or private, to consolidate county real property or aid the county in the control and management or use of county real property.

(8) The board of county commissioners may, by resolution, declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county. For purposes of this subsection, odd-lot property is defined as that property that has an irregular shape or is a remnant and has value primarily to an adjoining property owner. Odd-lot property may be sold to an adjacent property owner for fair market value that is estimated by a land appraiser licensed to appraise property in the state of Idaho. If, after thirty (30) days' written notice, an adjoining property owner or owners do not desire to purchase the odd-lot property, the board of county commissioners may sell the property to any other interested party for not less than the appraised value. When a sale of odd-lot property is agreed to, a public advertisement of the pending sale shall be published in one (1) edition of the newspaper as defined in subsection (1) of this section, and the public shall have fifteen (15) days to object to the sale in writing. The board of county commissioners shall make the final determination regarding the sale of odd-lot property in an open meeting.

(9) In addition to any other powers granted by law, the board of county commissioners may at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision or taxing district

of the state of Idaho or any local historical society which is incorporated as an Idaho nonprofit corporation which operates primarily in the county or maintains a museum in the county, with or without compensation, any real or personal property or any interest in such property owned by the county or acquired by tax deed, after adoption of a resolution by the board of county commissioners that the grant or exchange of property is in the public interest. Notice of such grant or exchange shall be as provided in subsection (1) of this section and the decision may be made at any regularly or specially scheduled meeting of the board of county commissioners. The execution and delivery by the county of the deed conveying an interest in the property shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the state, county or any other political subdivision or taxing district and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance. However, if the property conveyed is subject to a lien for one (1) or more unsatisfied special assessments, the lien shall continue until all special assessments have been paid in full. At no time shall a lien for a special assessment be extinguished prior to such special assessment having been paid in full. Any property conveyed to any local historical society by the county shall revert to the county when the property is no longer utilized for the purposes for which it was conveyed.

(10) When the county has title to mineral rights severed from the property to which they attach, and the mineral rights have value of less than twenty-five dollars (\$25.00) per acre, the board of county commissioners may act to return the mineral rights to the land from which they were severed in the following manner: the proposed action must appear on the agenda of a regular meeting of the board of county commissioners; and the motion to make the return must be adopted unanimously by the board voting in open meeting.

(11) If there are excess funds and the owner(s) of record of the property at the time the tax deed was issued on the property cannot be located, then the county treasurer shall put all remaining excess funds in an interest-bearing trust for three (3) years. The county may charge for the actual costs for performing the search, and after three (3) years, any remaining funds shall be transferred to the county indigent fund. The levy set to fund this portion of the indigent budget shall be calculated based on the budget subject to the limitation in section 63-802, Idaho Code, less the money received from the interest-bearing trust.

SECTION 3. That Section 43-714A, Idaho Code, be, and the same is hereby amended to read as follows:

43-714A. DEFINITIONS. Words and terms used in this chapter, unless the context otherwise requires, are defined as follows:

(1) "District" means an irrigation district organized under the provisions of title 43, Idaho Code.

(2) "Board" means the board of directors of a district.

(3) "Treasurer" means the duly appointed officer of an irrigation district, and his or her deputies or employees. Such treasurer acts as ex officio tax collector for the purposes of this chapter.

(4) The term "delinquent assessments" as herein used shall be deemed and construed to include all general and special assessments and charges for operation and maintenance, bond or loan contract payments, or other authorized expenditures, entered in irrigation district assessment rolls, not paid when due, and collectible in the manner provided in chapter 7, title 43, Idaho Code.

(5) "Facsimile" means the reproduction or supplying of an exact copy from an original document.

(6) "Party in interest" means a person or persons, partnership, corporation, business venture, or other entity which that holds a valid and

legally binding recorded purchase contract, mortgage, or deed of trust, properly recorded, or lease in and for the property for which a delinquency entry has been made. For purposes of notice requirements in this chapter, recording includes documents recorded in full or by memorandum providing notice thereof.

(7) "Record owner or owners" means the person or entity in whose name or names the property stands upon the records in the county recorder's office. Where the record owners are husband and wife at the time the notice described in section 43-717, Idaho Code, shall issue, notice to one (1) spouse shall be deemed and imputed as notice to the other spouse.

(8) "Tax certificate" means a written assignment of a district's right to a tax deed as provided in section 43-715, Idaho Code.

SECTION 4. That Section 43-720, Idaho Code, be, and the same is hereby amended to read as follows:

43-720. TAX DEED -- RECITALS -- EFFECT AS EVIDENCE -- TITLE CONVEYED. The matters recited in the delinquency entry must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

(1) Benefits were apportioned to the property as required by law or water rights were properly allocated to the property.

(2) The assessment was levied in accordance with law.

(3) The assessment was equalized as required by law.

(4) The assessment, together with statutory penalties, interest and any other charges, was unpaid.

(5) At the proper time the delinquency entry was made as prescribed by law and by the proper officer.

(6) The property was unredeemed within the time allowed by the first paragraph of section 43-712, Idaho Code.

(7) The person who executed the tax deed was the proper officer. Such deed duly acknowledged and proved is prima facie evidence of the regularity of all other proceedings for the assessment, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except purchase contracts, mortgages, deeds of trust or leases of record to the holders of which notice as has not been sent as in this chapter provided, and except any lien for assessments which that have attached subsequent to the assessment resulting in the issuance of the tax deed, and except any lien for state and county taxes. For purposes of this section, the term "encumbrances" does not include any easements, highways or rights-of-way of any type, whether public or private.

Any number of descriptions of land in the same district may be included in one (1) deed where the certificates are held by one (1) person, or the district.

SECTION 5. That Section 50-1823, Idaho Code, be, and the same is hereby amended to read as follows:

50-1823. TAX DEED -- FORM AND CONTENTS -- TITLE CONVEYED. The matters recited in the delinquency entry must be recited in the deed to the city, and such deed duly acknowledged or proved shall be prima facie evidence in that:

(1) the property was assessed as required by law; (2) that the property was equalized as required by law; (3) that the assessments were levied in accordance with law; (4) that the assessments were unpaid; (5) that at the proper time the delinquency entry was made as prescribed by law and by the proper officer; (6) that the property was unredeemed; (7) that the person who executed the deed was the proper officer of the city. Such deed duly acknowledged and proved shall be prima facie evidence of the regularity of all proceedings for the assessments up to and including the execution and delivery of the deed.

The said deed shall convey to the grantee ~~the absolute title to the lands described therein free and clear of all liens and encumbrances except mortgages of record, holders of liens and bondholders to which notice has not been sent after request, as provided in this act, and except any liens for assessments which have attached subsequent to assessment resulting in the sale and except any lien for state and county taxes~~ the right, title, and interest in the property as provided in section 63-1009, Idaho Code.

SECTION 6. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. DEFINITIONS. As used for property tax purposes in chapters 1 through 23, title 63, Idaho Code, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Appraisal" means an estimate of property value for property tax purposes.

(a) For the purpose of estimated property value to place the value on any assessment roll, the value estimation must be made by the assessor or a certified property tax appraiser.

(b) For the purpose of estimating property value to present for an appeal filed pursuant to sections 63-501A, 63-407 and 63-409, Idaho Code, the value estimation may be made by the assessor, a certified property tax appraiser, a licensed appraiser, or a certified appraiser or any party as specified by law.

(2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other equipment and property used in conjunction with waterways for bulk transportation of freight or ship assist.

(3) "Cogenerators" means facilities which that produce electric energy, and steam or forms of useful energy which that are used for industrial, commercial, heating or cooling purposes.

(4) "Collection costs" are amounts authorized by law to be added after the date of delinquency and collected in the same manner as property tax.

(5) "Credit card" means a card or device, whether known as a credit card or by any other name, issued under an arrangement pursuant to which a card issuer gives to a cardholder the privilege of obtaining credit from the card issuer or other person in purchasing or leasing property or services, obtaining loans, or otherwise.

(6) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(7) "Delinquency" means any property tax, special assessment, fee, collection cost, or charge collected in the same manner as property tax, that has not been paid in the manner and within the time limits provided by law.

(8) "Electronic funds transfer" means any transfer of funds that is initiated by electronic means, such as an electronic terminal, telephone, computer, ATM or magnetic tape.

(9) "Fixtures" means those articles that, although once movable chattels, have become accessory to and a part of improvements to real property by having been physically incorporated therein or annexed or affixed thereto in such a manner that removing them would cause material injury or damage to the real property, the use or purpose of such articles is integral to the use of the real property to which it is affixed, and a person would reasonably be considered to intend to make the articles permanent additions to the real property. "Fixtures" includes systems for the heating, air conditioning, ventilation, sanitation, lighting and plumbing of such building.

(10) "Floating home" means a floating structure that is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling.

(11) "Improvements" means all buildings, structures, manufactured homes, as defined in section 39-4105(8), Idaho Code, mobile homes as defined in section 39-4105(9), Idaho Code, and modular buildings, as defined in section 39-4301(7), Idaho Code, erected upon or affixed to land, fences, water ditches constructed for mining, manufacturing or irrigation purposes, fixtures, and floating homes, whether or not such improvements are owned separately from the ownership of the land upon or to which the same may be erected, affixed or attached. The term "improvements" also includes all fruit, nut-bearing and ornamental trees or vines not of natural growth, growing upon the land, except nursery stock.

(12) "Late charge" means a charge of two percent (2%) of the delinquency.

(13) "Lawful money of the United States" means currency and coin of the United States at par value and checks and drafts which that are payable in dollars of the United States at par value, payable upon demand or presentment.

(14) "Legal tender" means lawful money as defined in subsection (13) of this section.

(15) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

(16) "Operating property" means real and personal property operated in connection with any public utility, railroad or private railcar fleet, wholly or partly within this state, and which property is necessary to the maintenance and operation of the public utility, railroad or private railcar fleet, and the roads or lines thereof, and includes all rights-of-way accompanied by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock; equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines, distribution lines and substations; and all title and interest in such property, as owner, lessee or otherwise. The term includes electrical generation plants under construction, whether or not owned by or operated in connection with any public utility. For the purpose of the appraisal, assessment and taxation of operating property, pursuant to chapter 4, title 63, Idaho Code, the value of intangible personal property shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602L, Idaho Code, and the value of personal property, other than intangible personal property, shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602KK, Idaho Code.

(17) "Party in interest" means a person who holds a properly recorded purchase contract, mortgage, deed of trust, or security interest, lien or lease upon the property. For purposes of notice requirements in section 63-1009, Idaho Code, recording includes documents recorded in full or by memorandum providing notice thereof.

(18) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entities as recognized by the state of Idaho.

(19) "Personal property" means everything that is the subject of ownership and that is not included within the term "real property."

(20) "Private railcar fleet" means railroad cars or locomotives owned by, leased to, occupied by or franchised to any person other than a railroad company operating a line of railroad in Idaho or any company classified as a railroad by the interstate commerce commission and entitled to possess such railroad cars and locomotives except those possessed solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or railroad cars.

(21) "Public utility" means electrical companies, pipeline companies, natural gas distribution companies, or power producers included within federal law, bargelines, and water companies which are under the jurisdiction of the Idaho public utilities commission. The term also includes telephone corporations, as that term is defined in section 62-603, Idaho Code, except as hereinafter provided, whether or not such telephone corporation has been issued a certificate of convenience and necessity by the Idaho public utilities commission.

This term does not include cogenerators, mobile telephone service or companies, nor does it include pager service or companies, except when such services are an integral part of services provided by a certificated utility company, nor does the term "public utility" include companies or persons engaged in the business of providing solely on a resale basis, any telephone or telecommunication service which that is purchased from a telephone corporation or company.

(22) "Railroad" means every kind of railway, whether its line of rails or tracks be at, above or below the surface of the earth, and without regard to the kind of power used in moving its rolling stock, and shall be considered to include every kind of street railway, suburban railway or interurban railway excepting facilities established solely for maintenance and rebuilding of railroad cars or locomotives.

(23) "Real property" means land and all rights and privileges thereto belonging or any way appertaining, all quarries and fossils in and under the land, and all other property which that the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, improvements and all standing timber thereon, including standing timber owned separately from the ownership of the land upon which the same may stand, except as modified in chapter 17, title 63, Idaho Code. Timber, forest, forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

(24) "Record owner" means the person or persons in whose name or names the property stands upon the records of the county recorder's office. Where the record owners are husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be deemed and imputed as notice to the other spouse.

(25) "Special assessment" means a charge imposed upon property for a specific purpose, collected and enforced in the same manner as property taxes.

(26) "System value" means the market value for assessment purposes of the operating property when considered as a unit.

(27) "Tax code area" means a geographical area made up of one (1) or more taxing districts with one (1) total levy within the geographic area, except as otherwise provided by law.

(28) "Taxing district" means any entity or unit with the statutory authority to levy a property tax.

(29) "Taxable value" means market value for assessment purposes, less applicable exemptions or other statutory provisions.

(30) "Transient personal property" is personal property, specifically such construction, logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled into or remaining for periods of not less than thirty (30) days, in more than one (1) county in the state during the same year.

(31) "Warrant of distraint" means a warrant ordering the seizure of personal property to enforce payment of property tax, special assessment, expense, fee, collection cost or charge collected in the same manner as personal property tax.

SECTION 7. That Section 63-1009, Idaho Code, be, and the same is hereby amended to read as follows:

63-1009. EFFECT OF TAX DEED AS CONVEYANCE. The deed conveys to the grantee the absolute title to the land described therein, free of all encumbrances except mortgages of record to the holders of which notice has not been sent as provided in section 63-1005, Idaho Code, any lien for property taxes which may have attached subsequently to the assessment and any lien for special assessments right, title, and interest held by the record owner or owners, provided that the title conveyed by the deed shall be free of any recorded purchase contract, mortgage, deed of trust, security interest, lien, or lease, so long as notice has been sent to the party in interest as provided in sections 63-201(17) and 63-1005, Idaho Code, and the lien for property taxes, assessments, charges, interest, and penalties for which the lien is foreclosed and in satisfaction of which the property is sold.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval. Being a clarification of existing law, the Legislature does not view the application of this amendment to prior conveyances as retroactive legislation. In any event, the Legislature expressly intends that these amendments shall be interpreted to apply to any and all conveyances by tax deed, past or future.

Approved March 30, 2016

CHAPTER 274
(S.B. No. 1428)

AN ACT
APPROPRIATING AND TRANSFERRING MONEYS TO THE LEGISLATIVE LEGAL DEFENSE FUND
FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$8,000,000 from the General Fund to the Legislative Legal Defense Fund as soon as practicable, for the period July 1, 2015, through June 30, 2016.

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

Approved March 30, 2016

CHAPTER 275
(S.B. No. 1201)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS FROM THE CATASTROPHIC HEALTH CARE COST FUND TO THE GENERAL FUND FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$28,892,700 from the Catastrophic Health Care Cost Fund to the General Fund as soon as practicable, for the period July 1, 2015, through June 30, 2016.

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

Approved March 30, 2016

CHAPTER 276
(H.B. No. 554)

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-102, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE AN OBSOLETE CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-438, IDAHO CODE, TO PROVIDE THAT COMPENSATION SHALL BE PAYABLE FOR DISABILITY OR DEATH RESULTING FROM CERTAIN FIREFIGHTER OCCUPATIONAL DISEASES, TO DEFINE A TERM, TO PROVIDE A PRESUMPTION OF PROXIMATE CAUSATION BETWEEN SPECIFIED DISEASES AND EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE FOR REBUTTAL OF THE PRESUMPTION, TO PROVIDE FOR THE DEMONSTRATION OF CAUSAL CONNECTION, TO PROVIDE THAT THE PRESUMPTION SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES, TO CLARIFY THAT THE PERIOD OF EMPLOYMENT AS A FIREFIGHTER SHALL BE WITHIN THE STATE OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Section 72-102, Idaho Code, be, and the same is hereby amended to read as follows:

72-102. DEFINITIONS. Words and terms used in the worker's compensation law, unless the context otherwise requires, are defined in the subsections which follow:

(1) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(2) "Balance billing" means charging, billing, or otherwise attempting to collect directly from an injured employee payment for medical services in excess of amounts allowable in compensable claims as provided by rules promulgated by the commission pursuant to section 72-508, Idaho Code.

(3) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this law.

(4) "Burial expenses" means a sum, not to exceed six thousand dollars (\$6,000) for funeral and burial or cremation, together with the actual expenses of transportation of the employee's body to his place of residence within the United States or Canada.

(5) "Commission" means the industrial commission.

(6) "Community service worker" means:

(a) Any person who has been convicted of a criminal offense, any juvenile who has been found to be within the purview of chapter 5, title 20, Idaho Code, and who has been informally diverted under the provisions of section 20-511, Idaho Code, or any person or youth who has been diverted from the criminal or juvenile justice system and who performs a public service for any department, institution, office, college, university, authority, division, board, bureau, commission, council, or other entity of the state, or any city, county, school district, irrigation district or other taxing district authorized to levy a tax or an assessment or any other political subdivision or any private not-for-profit agency which has elected worker's compensation insurance coverage for such person; or

(b) Parolees under department of correction supervision, probationers under court order or department of correction supervision and offender residents of community work centers under the direction or order of the board of correction who are performing public service or community service work for any of the entities specified in paragraph (6)(a) of this subsection other than the department of correction.

(7) "Compensation" used collectively means any or all of the income benefits and the medical and related benefits and medical services.

(8) "Custom farmer" means a person who contracts to supply operated equipment to a proprietor of a farm for the purpose of performing part or all of the activities related to raising or harvesting agricultural or horticultural commodities.

(9) "Death" means death resulting from an injury or occupational disease.

(10) Dependency limitations.

(a) "Adopted" and "adoption" include cases where persons are treated as adopted as well as those of legal adoption unless legal adoption is specifically provided.

(b) "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption.

(c) "Child" includes adopted children, posthumous children, and acknowledged illegitimate children, but does not include stepchildren unless actually dependent.

(d) "Grandchild" includes children of legally adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children unless actually dependent.

(e) "Parent" includes stepparents and parents by adoption.

(f) "Grandparent" includes parents of parents by adoption, but does not include parents of stepparents, stepparents of parents, or stepparents of stepparents.

(11) "Disability," for purposes of determining total or partial temporary disability income benefits, means a decrease in wage-earning capacity due to injury or occupational disease, as such capacity is affected by the medical factor of physical impairment, and by pertinent nonmedical factors as provided in section 72-430, Idaho Code.

(12) "Employee" is synonymous with "workman" and means any person who has entered into the employment of, or who works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in section 72-212, Idaho Code, unless an election as provided in section 72-213, Idaho Code, has been filed.

It does, however, include a volunteer firefighter for purposes of section 72-438(12) and (14), Idaho Code. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

(13) (a) "Employer" means any person who has expressly or impliedly hired or contracted the services of another. It includes contractors and subcontractors. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor or for any other reason, is not the direct employer of the workers there employed. It also includes, for purposes of section 72-438(12) and (14), Idaho Code, a municipality, village, county or fire district that utilizes the services of volunteer firefighters. If the employer is secured, it means his surety so far as applicable.

(b) "Professional employer" means a professional employer as defined in chapter 24, title 44, Idaho Code.

(c) "Temporary employer" means the employer of temporary employees as defined in section 44-2403(7), Idaho Code.

(d) "Work site employer" means the client of the temporary or professional employer with whom a worker has been placed.

(14) "Farm labor contractor" means any person or his agent or subcontractor who, for a fee, recruits and employs ~~farm workers~~ farmworkers and performs any farm labor contracting activity.

(15) "Gender and number." The masculine gender includes the feminine and neuter; "husband" or "wife" includes "spouse"; the singular number includes plural and the plural the singular.

(16) "Income benefits" means payments provided for or made under the provisions of this law to the injured employee disabled by an injury or occupational disease, or his dependents in case of death, excluding medical and related benefits.

(17) "Independent contractor" means any person who renders service for a specified recompense for a specified result, under the right to control or actual control of his principal as to the result of his work only and not as to the means by which such result is accomplished. For the purposes of worker's compensation law, a custom farmer is considered to be an independent contractor.

(18) "Injury" and "accident."

(a) "Injury" means a personal injury caused by an accident arising out of and in the course of any employment covered by the worker's compensation law.

(b) "Accident" means an unexpected, undesigned, and unlooked for mishap, or untoward event, connected with the industry in which it occurs, and which can be reasonably located as to time when and place where it occurred, causing an injury.

(c) "Injury" and "personal injury" shall be construed to include only an injury caused by an accident, which results in violence to the physical structure of the body. The terms shall in no case be construed to include an occupational disease and only such nonoccupational diseases as result directly from an injury.

(19) "Manifestation" means the time when an employee knows that he has an occupational disease, or whenever a qualified physician shall inform the injured worker that he has an occupational disease.

(20) "Medical and related benefits" means payments provided for or made for medical, hospital, burial and other services as provided in this law other than income benefits.

(21) "Medical services" means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicines, apparatus, appliances, prostheses, and related services, facilities and supplies.

(22) "Occupational diseases."

(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, but shall not include psychological injuries, disorders or conditions unless the conditions set forth in section 72-451, Idaho Code, are met.

(b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment.

(c) "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from performing his work in the last occupation in which injuriously exposed to the hazards of such disease; and "disability" means the state of being so incapacitated.

(d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

(e) "Silicosis" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO₂) dust.

(23) "Outworker" means a person to whom articles or materials are furnished to be treated in any way on premises not under the control or management of the person who furnished them.

(24) "Person" means the state or any political subdivision thereof, or any individual, partnership, firm, association, trust, corporation, including the state insurance fund, or any representative thereof.

(25) "Physician" means medical physicians and surgeons, ophthalmologists, otorhinolaryngologists, dentists, osteopaths, osteopathic physicians and surgeons, optometrists, podiatrists, chiropractic physicians, and members of any other healing profession licensed or authorized by the statutes of this state to practice such profession within the scope of their practice as defined by the statutes of this state and as authorized by their licenses.

(26) "Provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of medical services related to the treatment of an injured employee which are compensable under Idaho's worker's compensation law.

(27) "Secretary" means the secretary of the commission.

(28) "Self-insurer" means an employer who has been authorized under the provisions of this law to carry his own liability to his employees covered by this law.

(29) "State" includes any state, district, commonwealth, zone or territory of the United States or any province of Canada.

(30) "Surety" means any insurer authorized to insure or guarantee payment of worker's compensation liability of employers in any state; it also includes the state insurance fund, a self-insurer and an inter-insurance exchange.

(31) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, ~~the Canal Zone~~ and the territories of the United States.

(32) "Volunteer emergency responder" means a firefighter or peace officer, or publicly employed certified personnel ~~as that term is defined in section 56-1012, Idaho Code,~~ who is a bona fide member of a legally organized law enforcement agency, a legally organized fire department or a licensed emergency medical service provider organization who contributes services.

(33) "Wages" and "wage-earning capacity" prior to the injury or disablement from occupational disease mean the employee's money payments for services as calculated under section 72-419, Idaho Code, and shall addition-

ally include the reasonable market value of board, rent, housing, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as part of his remuneration, and gratuities received in the course of employment from others than the employer. "Wages" shall not include sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(34) "Wages" and "wage_earning capacity" after the injury or disablement from occupational disease shall be presumed to be the actual earnings after the injury or disablement, which presumption may be overcome by showing that those earnings do not fairly and reasonably represent wage earning capacity; in such a case, wage_earning capacity shall be determined in the light of all factors and circumstances which may affect the worker's capacity to earn wages.

(35) "Work experience student" means any person enrolled in the public school districts or public institutions of higher education of this state and who, as part of his instruction, is enrolled in a class or program for academic credit and for which the student is employed by, or works for, a private or governmental entity. The student need not receive wages from the private or governmental entity in order to be classified as a work experience student.

(36) "Worker's compensation law" or "workmen's compensation law" means and includes the worker's compensation law of this state and any like or similar law of any state, United States, territory, or province of Canada.

SECTION 2. That Section 72-438, Idaho Code, be, and the same is hereby amended to read as follows:

72-438. OCCUPATIONAL DISEASES. Compensation shall be payable for disability or death of an employee resulting from the following occupational diseases:

(1) Poisoning by lead, mercury, arsenic, zinc, or manganese, their preparations or compounds in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(2) Carbon monoxide poisoning or chlorine poisoning in any process or occupation involving direct exposure to carbon monoxide or chlorine in buildings, sheds, or ~~in~~ enclosed places.

(3) Poisoning by methanol, carbon bisulphide, hydrocarbon distillates (naphthas and others) or halogenated hydrocarbons, or any preparations containing these chemicals or any of them, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(4) Poisoning by benzol or by nitro, amido, or amino-derivatives of benzol (dinitro-benzol, anilin and others) or their preparations or compounds in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(5) Glanders in the care or handling of any equine animal or the carcass of any such animal.

(6) Radium poisoning by or disability due to radioactive properties of substances or to ~~Roentgenray~~ roentgen ray (X-ray) in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(7) Poisoning by or ulceration from chromic acid or bichromate of ammonium, potassium, or sodium or their preparations, or phosphorus preparations or compounds, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(8) Ulceration due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound product, or residue of any of these substances, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(9) Dermatitis venenata, that is, infection or inflammation of the skin, furunculosis excepted, due to oils, cutting compounds, lubricants,

liquids, fumes, gases, or vapors in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(10) Anthrax occurring in any occupation involving the handling of or exposure to wool, hair, bristles, hides, skins, or bodies of animals either alive or dead.

(11) Silicosis in any occupation involving direct contact with, handling of, or exposure to dust of silicon dioxide (SiO₂).

(12) Cardiovascular or pulmonary or respiratory diseases of a paid fireman firefighter, employed by or volunteering for a municipality, village or fire district as a regular member of a lawfully established fire department, caused by overexertion in times of stress or danger or by proximate exposure or by cumulative exposure over a period of four (4) years or more to heat, smoke, chemical fumes or other toxic gases arising directly out of, and in the course of, his employment.

(13) Acquired immunodeficiency syndrome (AIDS), AIDS-related complexes (ARC), other manifestations of human immunodeficiency virus (HIV) infections, infectious hepatitis viruses and tuberculosis in any occupation involving exposure to human blood or body fluids.

(14) Firefighter occupational diseases:

(a) As used in this subsection, "firefighter" means an employee whose primary duty is that of extinguishing or investigating fires as part of a fire district, fire department or fire brigade.

(b) If a firefighter is diagnosed with one (1) or more of the following diseases after the period of employment indicated in subparagraphs (i) through (xi) of this paragraph, and the disease was not revealed during an initial employment medical screening examination that was performed according to such standards and conditions as may be established at the sole discretion of the governing board having authority over a given fire district, fire department, or fire brigade, then the disease shall be presumed to be proximately caused by the firefighter's employment as a firefighter:

(i) Brain cancer after ten (10) years;

(ii) Bladder cancer after twelve (12) years;

(iii) Kidney cancer after fifteen (15) years;

(iv) Colorectal cancer after ten (10) years;

(v) Non-Hodgkin's lymphoma after fifteen (15) years;

(vi) Leukemia after five (5) years;

(vii) Mesothelioma after ten (10) years;

(viii) Testicular cancer after five (5) years if diagnosed before the age of forty (40) years with no evidence of anabolic steroids or human growth hormone use;

(ix) Breast cancer after five (5) years if diagnosed before the age of forty (40) years without a breast cancer 1 or breast cancer 2 genetic predisposition to breast cancer;

(x) Esophageal cancer after ten (10) years; and

(xi) Multiple myeloma after fifteen (15) years.

(c) The presumption created in this subsection may be overcome by substantial evidence to the contrary. If the presumption is overcome by substantial evidence, then the firefighter or the beneficiaries must prove that the firefighter's disease was caused by his or her duties of employment.

(d) The presumption created in this subsection shall not preclude a firefighter from demonstrating a causal connection between employment and disease or injury by a preponderance of evidence before the Idaho industrial commission.

(e) The presumption created in this subsection shall not apply to any specified disease diagnosed more than ten (10) years following the last date on which the firefighter actually worked as a firefighter as defined in paragraph (a) of this subsection. Nor shall the presumption

apply if a firefighter or a firefighter's cohabitant has regularly and habitually used tobacco products for ten (10) or more years prior to the diagnosis.

(f) The periods of employment described in paragraph (b) of this subsection refer to periods of employment within the state of Idaho.

Recognizing that additional toxic or harmful substances or matter are continually being discovered and used or misused, the above enumerated occupational diseases are not intended to be exclusive, but such additional diseases shall not include hazards which that are common to the public in general and which that are not within the meaning of section 72-102(22) (a), Idaho Code, and the diseases enumerated in subsection (12) of this section pertaining to ~~paid firemen~~ firefighters shall not be subject to the limitations prescribed in section 72-439, Idaho Code.

SECTION 3. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2021.

Approved March 30, 2016

CHAPTER 277

(H.B. No. 331, As Amended)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-616, IDAHO CODE, TO DEFINE THE TERM "POWDERED ALCOHOL," TO PROHIBIT THE POSSESSION, SALE, PURCHASE AND USE OF POWDERED ALCOHOL, TO REVISE CRIMINAL PENALTIES AND TO PROVIDE FOR THE REVOCATION OF LIQUOR LICENSES HELD BY VIOLATORS OF THIS SECTION.

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

SECTION 1. That Section 23-616, Idaho Code, be, and the same is hereby amended to read as follows:

23-616. ALCOHOL WITHOUT LIQUID DEVICE -- POWDERED ALCOHOL. (1) As used in this section:

(a) "Alcohol without liquid device" means any machine, device or process that mixes an alcoholic product with oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.

(b) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution. "Powdered alcohol" does not include alcoholic nonbeverages listed in section 23-504, Idaho Code.

(c) "Vaporized alcohol" means an alcoholic product created by mixing alcohol with oxygen or another gas to produce a vapor or mist for the purpose of consumption through inhalation.

(2) A person shall not use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device or powdered alcohol. A ~~premise~~ No person licensed pursuant to ~~chapter 9, 10 or 13,~~ title 23, Idaho Code, or his or its employed agents, servants or bartenders shall ~~not~~ use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device or powdered alcohol.

(3) The Idaho state police may promulgate rules to allow for the possession, sale or use of an alcohol without liquid device or powdered alcohol by certain hospitals, universities, or pharmaceutical or biotechnology companies for bona fide research or medical purposes.

(4) A person who violates this section shall be guilty of a misdemeanor. Upon conviction or a finding of guilt of a second or subsequent violation of this section, the defendant shall be punished by a fine of not less than three hundred dollars (\$300), nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not less than three (3) months, nor more than one (1) year, or by both such fine and imprisonment.

(5) Any violation of the provisions of this section by a person licensed pursuant to title 23, Idaho Code, shall constitute grounds for the suspension and revocation of any and all such licenses issued to such person.

(6) An alcohol without liquid device or powdered alcohol as defined in this section and except as in this section authorized is hereby declared to be a public nuisance and in this title is referred to as a liquor nuisance pursuant to section 23-701, Idaho Code.

Approved March 30, 2016

CHAPTER 278

(H.B. No. 406, As Amended)

AN ACT

RELATING TO RECREATIONAL WATER AND/OR SEWER DISTRICTS; AMENDING SECTION 42-3202A, IDAHO CODE, TO PROVIDE THAT ANNEXATION DOES NOT CHANGE THE STATUS OF A RECREATIONAL WATER AND/OR SEWER DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-3210, IDAHO CODE, TO PROVIDE WHEN DIRECTOR ZONES ARE CREATED AND TO PROVIDE FOR THE APPOINTMENT OF A PERSON-AT-LARGE; AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3211b, IDAHO CODE, TO PROVIDE FOR THE CREATION OF BOARD OF DIRECTOR ZONES; AND AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3240, IDAHO CODE, TO PROVIDE PROCEDURES FOR AN ANNEXATION OR WITHDRAWAL OF AREA IN A CITY, WITH AN EXCEPTION.

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

SECTION 1. That Section 42-3202A, Idaho Code, be, and the same is hereby amended to read as follows:

42-3202A. RECREATIONAL WATER AND/OR SEWER DISTRICT -- DEFINITION. A recreational water and/or sewer district is one in which less than a majority of the landowners or state lessees or federal permittees in the district sought to be created reside within the district and at least fifty per-cent percent (50%) of the land area of said district is in a natural state, or used for agricultural purposes.

The actual or potential development anticipated for said district shall be predominantly recreational in character. The district or areas near the district shall meet one (1) or more of the following criteria: have unique scenic value; man-made or natural recreational facilities such as waterways, marinas, ski slopes, wilderness areas; provide open space; and be removed from large, densely populated urban areas. Recreational water and/or sewer districts shall provide services and/or facilities to landowners or state lessees or federal permittees. The proposed district shall be in the best interests of the state of Idaho in that the benefits derived by property owners shall effectuate the preservation and development of recreational opportunities within the state.

An annexation shall not change the status of a recreational water and/or sewer district.

SECTION 2. That Section 42-3210, Idaho Code, be, and the same is hereby amended to read as follows:

42-3210. MEETINGS -- VACANCIES. The board shall meet regularly once each month at a time and in a place to be designated by the board. Special meetings may be held as often as the needs of the district require, on notice to each member of the board. Three (3) members of the board shall constitute a quorum at any meeting. Any vacancy on the board shall be filled by the remaining members or member of the board, the appointee to act until the next biennial election when the vacancy shall be filled by election. If the board shall fail, neglect or refuse to fill any vacancy within thirty (30) days after the same occurs, the court having jurisdiction shall fill such vacancy. In the event the board has created director zones and is unable to appoint a board member from the zone vacated, the board may appoint a person-at-large who is an elector of the water and/or sewer district to serve as director of the zone where the vacancy occurred.

SECTION 3. That Chapter 32, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3211b, Idaho Code, and to read as follows:

42-3211b. DECISION TO ESTABLISH BOARD DIRECTOR ZONES. Subsequent to the creation of a water and/or sewer district and the election of the first board of directors, the water and/or sewer district board of directors may elect, by resolution, to divide the district into five (5) director zones, as nearly equal in area and parcels to be served as practicable, to be known as zones one, two, three, four and five. If the board of directors elects to create director zones, then it shall also, prior to the next district election, adopt a director election transition schedule for each zone, in accordance with the terms of office of the existing directors, which provides that at the end of the last then-currently serving director term, there will not be more than one (1) director per director zone.

(1) In the event the board of directors establishes director zones, each water and/or sewer district director shall be elected on a districtwide basis.

(2) Director zones may be revised or modified by the board of directors as conditions governing their establishment change.

SECTION 4. That Chapter 32, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3240, Idaho Code, and to read as follows:

42-3240. ANNEXATION OR WITHDRAWAL OF AREA IN A CITY. Any area embraced within the limits of any city may be annexed into or withdrawn from a water and/or sewer district organized under this chapter in accordance with the following:

(1) The city council of the city and the board of directors of the water and/or sewer district approve the terms and conditions of the annexation or withdrawal by ordinance or resolution.

(a) In the event any of the area within any city, subject to annexation to or withdrawal from a water and/or sewer district is being served by an existing city or district water or sewer system, the following conditions must exist, which conditions must be stated in the city's and the district's ordinance or resolution:

(i) The annexing district or, upon a withdrawal, the city is capable of providing all the essential functions of the existing system;

(ii) The annexing district or, upon a withdrawal, the city has agreed to assume and perform the essential existing system functions;

(iii) The annexing district or, upon a withdrawal, the city either has or is acquiring sufficient assets, infrastructure and other resources to perform the essential operations of the existing system;

(iv) Provisions have been made for the retirement, payment or assumption of any debt, bonds or other liabilities and obligations of the existing system;

(v) Provisions have been made for the liquidation and disbursement of the existing system assets and infrastructure not intended to be transferred;

(vi) Provisions have set forth requirements for post-annexation or withdrawal operations and may also provide that the annexed area be designated as a district subdistrict and provide for director zones;

(vii) That notice of the proposed annexation or withdrawal and transfer has been published once a week for two (2) consecutive weeks preceding the hearing in a newspaper of general circulation in the city and the district, including information on filing a petition for an election on the proposed transfer; and

(viii) That an election has been held, if required pursuant to paragraph (d) of this subsection, and the transfer has been approved by a majority of the qualified electors of the district and city voting on the issue.

(b) Prior to passage of a resolution making the required determination, the city council and the district board of directors shall hold a joint hearing to receive public testimony on the proposed transfer. The joint public hearing shall be preceded by a joint notice published once a week for two (2) consecutive weeks preceding the hearing in a newspaper of general circulation in the city and the district. The notice shall state the date, time and location of the joint public hearing and that the purpose of the hearing is to receive public testimony on the proposed annexation or withdrawal, transfer and agreement of operations and the method for a petition of qualified electors of the city and the district to be submitted requesting an election to approve the proposed annexation or withdrawal, transfer and agreement of operations.

(c) After the joint public hearing, the city council and the district board of directors, by majority vote of both governing bodies, may jointly submit the proposed transfer to the qualified electors of the city and the district or shall take the matter under advisement for a period of thirty (30) days after the hearing. An election shall be held if, prior to the expiration of the thirty (30) day period, a petition signed by at least ten percent (10%) of the qualified electors of the city and/or the district is submitted requesting an election on the proposed annexation or withdrawal, transfer and agreement of operations. If at the end of the thirty (30) day period no petition has been submitted with the required number of signatures, the city council and the district board of directors may proceed to adopt a resolution or ordinance finding the above conditions exist and approving the annexation or withdrawal, transfer and agreement of operations.

(d) An election held pursuant to the provisions of this subsection shall be conducted according to the provisions of section 34-106, Idaho Code, and the proposed annexation or withdrawal, transfer and agreement of operations shall be approved by a majority of the qualified electors of the city and a majority of the qualified electors of the district voting on the issue in order for the city council and the district board

of directors to proceed to adopt a resolution or ordinance approving the annexation or withdrawal, transfer and agreement of operations.

(2) In the event the city council and district board of directors approve the terms and conditions of the annexation or withdrawal, transfer and agreement of operations by ordinance or resolution, the city and district shall jointly file with the district court in which the majority of the area of the district and city are located a certified copy of the city's ordinance or resolution and the district's ordinance or resolution; certified results of the election approving the annexation or withdrawal, transfer and agreement of operations, if applicable; and all other necessary documentation requested by the district court. Upon satisfying itself that the required conditions of this section exist, the district court shall enter an order approving the annexation or withdrawal, transfer and agreement of operations and establish the date on which the annexation or withdrawal and transfer of assets shall occur and the effective date of the agreement of operations; provided however, upon good cause shown, the court may extend the annexation or withdrawal and transfer of assets date and the effective date of the agreement of operations. Such orders shall be recorded with the county recorder and filed with the county assessor in the counties within which the district and the city are located and filed with the state tax commission within thirty (30) days following the effective date of such annexation or withdrawal, transfer and agreement of operations.

(3) If the ordinance or resolution approved by the city and the district includes an agreement of operations setting forth the requirements for post-annexation or withdrawal system operations, the district in an annexation and the city in a withdrawal shall operate the sewer and/or water system(s) in accordance with the agreement.

(4) The provisions of this section do not apply to any petition filed with the board for the annexation of real property by landowners pursuant to section 42-3218, Idaho Code.

Approved March 30, 2016

CHAPTER 279
(H.B. No. 478)

AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT RECORDS OF ANY CERTIFICATION OR NOTIFICATION REQUIRED BY FEDERAL LAW TO BE MADE IN CONNECTION WITH THE ACQUISITION OR TRANSFER OF A FIREARM ARE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare

and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

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

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

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

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

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

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

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

(b) Records of buildings, facilities, infrastructures and systems held by or in the custody of any public agency only when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section "system" shall mean electrical, heating, ventilation, air conditioning and telecommunication systems.

(c) Records of the commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-213A, Idaho Code, and section 20-223, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

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

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

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions

pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved March 30, 2016

CHAPTER 280
(H.B. No. 485)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY ACT; AMENDING SECTION 72-1350, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS REGARDING THE BASE TAX RATE; AMENDING SECTION 72-1367, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BENEFIT FORMULA AND TO REVISE PROVISIONS REGARDING MAXIMUM WEEKS OF BENEFIT ENTITLEMENT; AND AMENDING SECTION 72-1372, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 72-1350, Idaho Code, be, and the same is hereby amended to read as follows:

72-1350. TAXABLE WAGE BASE AND TAXABLE WAGE RATES. (1) All remuneration for personal services as defined in section 72-1328, Idaho Code, equal to the average annual wage in covered employment for the penultimate calendar year, rounded to the nearest multiple of one hundred dollars (\$100), or the amount of taxable wage base specified in the federal unemployment tax act, whichever is higher, shall be the taxable wage base for purposes of this chapter.

(2) Prior to December 31 of each year, the director shall determine the taxable wage rates for the following calendar year for all covered employers, except cost reimbursement employers, in accordance with this section, provided however, and notwithstanding any other provision of the employment security law to the contrary, for calendar years 2005 and 2006, the taxable wage rates for all covered employers except cost reimbursement employers shall be determined as follows:

~~(a) For calendar year 2005, the taxable wage rate shall be determined using a base tax rate of one and fifty hundredths percent (1.50%);~~

~~(b) For calendar year 2006, the taxable wage rate shall be determined using a base tax rate of one and sixty-seven hundredths percent (1.67%) unless, at any time prior to September 30, 2005, the actual balance in the employment security fund, section 72-1346, Idaho Code, is fifty percent (50%) or less than the actual balance in the reserve fund, section 72-1347A, Idaho Code, in which case the taxable wage rate shall be determined using a base tax rate calculated in accordance with subsection (5) of this section.~~

(3) An average high cost ratio shall be determined by calculating the average of the three (3) highest benefit cost rates in the twenty (20) year period ending with the preceding year. For the purposes of this section, the "benefit cost rate" is the total annual benefits paid, including the state's share of extended benefits but excluding the federal share of extended benefits and cost reimbursable benefits, divided by the total annual covered wages excluding cost reimbursable wages. The resulting average high cost ratio is multiplied by the desired fund size multiplier and the result, for the purposes of this section, is referred to as the "average high cost multiple" (AHCM). The desired fund size multiplier shall be eight tenths (0.8) and shall increase to nine tenths (0.9) on and after January 1, 2012; to one (1) on and after January 1, 2013; to one and one-tenth (1.1) on and after January 1, 2014; to one and two-tenths (1.2) on and after January 1, 2015; to one and three-tenths (1.3) on and after January 1, 2016; to one and four-tenths (1.4) on and after January 1, 2017; and to one and five-tenths (1.5) on and after January 1, 2018.

(4) The fund balance ratio shall be determined by dividing the actual balance of the employment security fund, section 72-1346, Idaho Code, and the reserve fund, section 72-1347A, Idaho Code, on September 30 of the current calendar year by the wages paid by all covered employers in Idaho, except cost reimbursement employers, in the preceding calendar year.

(5) The base tax rate shall be determined as follows:

(a) Divide the fund balance ratio by the AHCM;

(b) Subtract the quotient obtained from the calculation in paragraph ~~(5)~~ (a) of this section subsection from the number two (2);

(c) Multiply the remainder obtained from the calculation in paragraph ~~(5)~~ (b) of this section subsection by two and one-tenth percent (2.1%). The product obtained from this calculation shall equal the base tax rate, provided however, that the base tax rate shall not be less than ~~sixty-three hundredths~~ six-tenths percent (0.63%) and shall not exceed three and ~~thirty-six hundredths~~ four-tenths percent (3.364%).

(6) The base tax rate calculated in accordance with subsection (5) of this section shall be used to determine the taxable wage rate effective the following calendar year for all covered employers except cost reimbursement employers as provided in subsections (7) and (8) of this section.

(7) Table of Rate Classes, Tax Factors and Minimum and Maximum Taxable Wage Rates:

Rate Class	Cumulative Taxable Payroll Limits		Tax Factor	Eligible Employers	
	More Than (% of Taxable Payroll)	Equal to or Less Than (% of Taxable Payroll)		Minimum Taxable Wage Rate	Maximum Taxable Wage Rate
1	--	12	0.2857	0.180%	0.960%
2	12	24	0.4762	0.300%	1.600%
3	24	36	0.5714	0.360%	1.920%
4	36	48	0.6667	0.420%	2.240%
5	48	60	0.7619	0.480%	2.560%
6	60	72	0.8571	0.540%	2.880%
7	72	--	0.9524	0.600%	3.200%

			Standard-Rated Employers		
			Minimum	Maximum	
			Taxable	Taxable	
			Wage	Wage	
			Rate	Rate	
			Factor	Rate	Rate
			1.000	1.000%	3.3604%
Cumulative Taxable Payroll Limits			Deficit Employers		
	More Than	Equal to		Minimum	Maximum
	(% of	or Less Than		Taxable	Taxable
Rate	Taxable	(% of Taxable	Tax	Wage	Wage
Class	Payroll)	Payroll)	Factor	Rate	Rate
-1	--	30	1.7143	1.080%	4.800%
-2	30	50	1.9048	1.200%	5.200%
-3	50	65	2.0952	1.320%	5.600%
-4	65	80	2.2857	1.440%	6.000%
-5	80	95	2.6667	1.680%	6.400%
-6	95	--	2.6667	5.400%	6.800%

(8) Each covered employer, except cost reimbursement employers, will be assigned a taxable wage rate and a contribution rate as follows:

(a) Each employer, except standard-rated employers, will be assigned to one (1) of the rate classes for eligible and deficit employers provided in subsection (7) of this section based upon the employer's experience as determined under the provisions of sections 72-1319, 72-1319A, 72-1351 and 72-1351A, Idaho Code.

(b) For each rate class provided in subsection (7) of this section, the department will multiply the base tax rate determined in accordance with subsection (5) of this section by the tax factor listed for that rate class in the table provided in subsection (7) of this section. The product obtained from this calculation shall be the taxable wage rate for employers assigned to that rate class, provided however, that the taxable wage rate shall not be less than the minimum taxable wage rate assigned to that rate class and shall not exceed the maximum taxable wage rate assigned to that rate class in the table provided in subsection (7) of this section.

(c) For standard-rated employers, the department will multiply the base tax rate determined in accordance with subsection (5) of this section by the tax factor listed for standard-rated employers in the table provided in subsection (7) of this section. The product obtained from this calculation shall be the taxable wage rate for standard-rated employers, provided however, that the taxable wage rate shall not be less than the minimum taxable wage rate assigned to standard-rated employers and shall not exceed the maximum taxable wage rate assigned to standard-rated employers in the table provided in subsection (7) of this section.

(d) Deficit employers who have been assigned a taxable wage rate from deficit rate class six will be assigned contribution rates equal to their taxable wage rate.

(e) All other eligible, standard-rated and deficit employers will be assigned contribution rates equal to ninety-seven percent (97%) of their taxable wage rate. Provided however, that for each calendar year a reserve tax is imposed pursuant to section 72-1347A, Idaho Code, the contribution rates for employers assigned contribution rates pursuant

to this paragraph shall be eighty percent (80%) of their taxable wage rate.

(9) Each employer shall be notified of his taxable wage rate as determined for any calendar year pursuant to this section and section 72-1351, Idaho Code. Such determination shall become conclusive and binding upon the employer, unless within fourteen (14) days after delivery or mailing of the notice thereof to his last known address, the employer files an application for redetermination, setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which has become final. The employer shall be promptly notified of the redetermination, which shall become final unless an appeal is filed within fourteen (14) days after delivery or mailing of notice to his last known address. Proceedings on the appeal shall be in accordance with the provisions of section 72-1361, Idaho Code.

SECTION 2. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. (1) To be eligible an individual shall have the minimum qualifying amount of wages in covered employment in at least one (1) calendar quarter of his base period, and shall have total base period wages of at least one and one-quarter (1 1/4) times his high quarter wages. The minimum qualifying amount of wages shall be determined each January 1 and shall equal fifty percent (50%) of the product of the state minimum wage, as defined by section 44-1502, Idaho Code, multiplied by five hundred twenty (520) hours, rounded to the lowest multiple of twenty-six (26).

(2) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

~~(a) For calendar year 2006 and the calendar years thereafter, prior to December 31 of each year, by the director, who shall determine the state average weekly wage paid by covered employers for the preceding calendar year and the maximum weekly benefit amount to be effective for new claims filed in the first full week of the following January and filed thereafter until a new maximum weekly benefit amount becomes effective under this subsection (2). The maximum weekly benefit amount shall be determined based on the following table, using a percentage fifty-five percent (55%) of the state average weekly wage paid by covered employers for the preceding calendar year and the base tax rate that has been calculated for the following calendar year pursuant to section 72-1350, Idaho Code:~~

Maximum-WBA Index		
Base Tax Rate	Average Weekly Wage	
At Least	Less Than	Percentage
0.630%	0.840%	60%
0.840%	1.155%	59%
1.155%	1.470%	58%
1.470%	1.785%	57%
1.785%	2.100%	56%
2.100%	2.415%	55%
2.415%	2.730%	54%
2.730%	3.045%	53%
3.045%	3.360%	52%

~~(b) Effective for new claims filed in the first full week of July 2005, and filed thereafter until the first full week of the following January,~~

~~the maximum weekly benefit amount shall be fifty-seven percent (57%) of the state average weekly wage paid by covered employers for the preceding calendar year. Prior to December 31, 2005, the director shall determine, by using the table provided in subsection (2)(a) of this section, the maximum weekly benefit amount to be effective for new claims filed in the first full week of the following January and filed thereafter until a new maximum weekly benefit amount becomes effective under subsection (2)(a) of this section.~~

(3) Any eligible individual shall be entitled during any benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing in the following table based on his ratio of total base period earnings to highest quarter base period earnings. The maximum weeks of entitlement are based on a sliding scale of the official forecasted, seasonally adjusted unemployment rate for the state for a minimum of ten (10) weeks to a maximum of twenty-six (26) weeks depending on the unemployment rate in effect for the months of February, May, August and November as follows:

(a) For any benefit week commencing in January through March of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of November;

(b) For any benefit week commencing in April through June of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of February;

(c) For any benefit week commencing in July through September of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of May; and

(d) For any benefit week commencing in October through December of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of August.

Ratio of Total Base Period Earnings to Highest Quarter Earnings		Full Weeks of Benefit Entitlement
At Least	Up To	
1.25	1.60	10
1.6001	1.80	11
1.8001	1.92	12
1.9201	2.01	13
2.0101	2.08	14
2.0801	2.14	15
2.1401	2.21	16
2.2101	2.29	17
2.2901	2.38	18
2.3801	2.49	19
2.4901	2.61	20
2.6101	2.75	21
2.7501	2.91	22
2.9101	3.10	23
3.1001	3.32	24
3.3201	3.56	25
3.5601	4.00	26

<u>Ratio of Total Base Period</u>		<u>Full Weeks of Benefit Entitlement Adjusted By the Unemployment Rate</u>						
<u>Earnings to Highest Quarter Earnings</u>		<u>8% or Higher</u>	<u>7% to 7.9%</u>	<u>6% to 6.9%</u>	<u>5% to 5.9%</u>	<u>4% to 4.9%</u>	<u>3% to 3.9%</u>	<u>2.9% or Lower</u>
<u>At Least</u>	<u>Up To</u>							
<u>1.25</u>	<u>1.60</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>1.6001</u>	<u>1.80</u>	<u>11</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>1.8001</u>	<u>1.92</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>1.9201</u>	<u>2.01</u>	<u>13</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>2.0101</u>	<u>2.08</u>	<u>14</u>	<u>13</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>2.0801</u>	<u>2.14</u>	<u>15</u>	<u>14</u>	<u>13</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>
<u>2.1401</u>	<u>2.21</u>	<u>16</u>	<u>15</u>	<u>14</u>	<u>13</u>	<u>12</u>	<u>11</u>	<u>10</u>
<u>2.2101</u>	<u>2.29</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>	<u>13</u>	<u>12</u>	<u>11</u>
<u>2.2901</u>	<u>2.38</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>	<u>13</u>	<u>12</u>
<u>2.3801</u>	<u>2.49</u>	<u>19</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>	<u>13</u>
<u>2.4901</u>	<u>2.61</u>	<u>20</u>	<u>19</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>
<u>2.6101</u>	<u>2.75</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>
<u>2.7501</u>	<u>2.91</u>	<u>22</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>18</u>	<u>17</u>	<u>16</u>
<u>2.9101</u>	<u>3.10</u>	<u>23</u>	<u>22</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>18</u>	<u>17</u>
<u>3.1001</u>	<u>3.32</u>	<u>24</u>	<u>23</u>	<u>22</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>18</u>
<u>3.3201</u>	<u>3.56</u>	<u>25</u>	<u>24</u>	<u>23</u>	<u>22</u>	<u>21</u>	<u>20</u>	<u>19</u>
<u>3.5601</u>	<u>4.00</u>	<u>26</u>	<u>25</u>	<u>24</u>	<u>23</u>	<u>22</u>	<u>21</u>	<u>20</u>

(4) If the total wages payable to an individual for less than full-time work performed in a week claimed exceed one-half (1/2) of his weekly benefit amount, the amount of wages that exceed one-half (1/2) of the weekly benefit amount shall be deducted from the benefits payable to the claimant. For purposes of this subsection, severance pay shall be deemed wages, even if the claimant was required to sign a release of claims as a condition of receiving the pay from the employer. "Severance pay" means a payment or payments made to a claimant by an employer as a result of the severance of the employment relationship.

(5) Benefits payable to an individual shall be rounded to the next lower full dollar amount.

SECTION 3. That Section 72-1372, Idaho Code, be, and the same is hereby amended to read as follows:

72-1372. CIVIL PENALTIES. (1) The following civil penalties shall be assessed by the director:

(a) If a determination is made finding that an employer willfully filed a false report, a monetary penalty equal to one hundred percent (100%) of the amount that would be due if the employer had filed a correct report or two hundred fifty dollars (\$250), whichever is greater, shall be added to the liability of the employer for each quarter for which the employer willfully filed a false report. For the purposes of this section, a false report includes, but is not limited to, a report for a period wherein an employer pays remuneration for personal services which meets the definition of "wages" under section 72-1328, Idaho Code, and

the payment is concealed, hidden, or otherwise not reported to the department.

(b) If a determination is made finding that an employer willfully failed to file the employer's quarterly unemployment insurance tax report when due, the director shall assess a monetary penalty equal to:

(i) Seventy-five dollars (\$75.00) or twenty-five percent (25%) of the amount that would be due if the employer had filed a timely quarterly report, whichever is greater, if the employer had not been found in any previous determination to have willfully failed to file a timely quarterly report for any of the sixteen (16) preceding consecutive calendar quarters; or

(ii) One hundred fifty dollars (\$150) or fifty percent (50%) of the amount that would be due if the employer had filed a timely quarterly report, whichever is greater, if the employer had been found in any previous determination to have willfully failed to file a timely quarterly report for no more than one (1) of the sixteen (16) preceding consecutive calendar quarters; or

(iii) Two hundred fifty dollars (\$250) or one hundred percent (100%) of the amount that would be due if the employer had filed a timely quarterly report, whichever is greater, if the employer had been found in any previous determination or determinations to have willfully failed to file a timely quarterly report for two (2) or more of the sixteen (16) preceding consecutive calendar quarters.

(c) If a determination is made finding that an employer, or any officer or agent or employee of the employer with the employer's knowledge, willfully made a false statement or representation or willfully failed to report a material fact when submitting facts to the department concerning a claimant's separation from the employer, a penalty in an amount equal to ten (10) times the weekly benefit amount of such claimant shall be added to the liability of the employer.

(d) If a determination is made finding that an employer has induced, solicited, coerced or colluded with an employee or former employee to file a false or fraudulent claim for benefits under this chapter, a penalty in an amount equal to ten (10) times the weekly benefit amount of such employee or former employee shall be added to the liability of the employer.

(e) If a determination is made finding that an employer failed to complete and submit an Idaho business registration form when due, as required by section 72-1337(1), Idaho Code, a penalty of five hundred dollars (\$500) shall be assessed against the employer.

(f) For purposes of paragraphs (c) and (d) of this subsection ~~(1)~~, the term "weekly benefit amount" means the amount ~~calculated~~ determined by the director pursuant to section 72-1367(2), Idaho Code.

(g) If a determination is made finding that a person has made any unauthorized disclosure of employment security information in violation of the provisions of chapter 1, title 74, Idaho Code, or section 72-1342, Idaho Code, or rules promulgated thereunder, a penalty of five hundred dollars (\$500) for each act of unauthorized disclosure shall be assessed against the person.

(h) If a determination is made finding that a professional employer failed to submit a separate quarterly wage report for each client as required in section 72-1349B(4), Idaho Code, the director shall assess a monetary penalty equal to one hundred dollars (\$100) for each client not separately reported by the professional employer; provided that the maximum penalty for any quarter shall not exceed five thousand dollars (\$5,000).

(2) At the discretion of the director, the department may waive all or any part of the penalties imposed pursuant to subsection (1) of this section if the employer shows to the satisfaction of the director that it had good

cause for failing to comply with the requirements of this chapter and rules promulgated thereunder.

(3) Determinations imposing civil penalties pursuant to this section shall be served in accordance with section 72-1368(5), Idaho Code. Penalties imposed pursuant to this section shall be due and payable twenty (20) days after the date the determination was served unless an appeal is filed in accordance with section 72-1368, Idaho Code, and rules promulgated thereunder. Such appeals shall be conducted in accordance with section 72-1368, Idaho Code, and rules promulgated thereunder.

(4) Civil penalties imposed by this section shall be in addition to any other penalties authorized by this chapter. The provisions of this chapter that apply to the collection of contributions, and the rules promulgated thereunder, shall also apply to the collection of penalties imposed pursuant to this section. Amounts collected pursuant to this section shall be paid into the state employment security administrative and reimbursement fund as established by section 72-1348, Idaho Code.

Approved March 30, 2016

CHAPTER 281
(H.B. No. 487)

AN ACT

RELATING TO AGREEMENTS AND COVENANTS PROTECTING LEGITIMATE BUSINESS INTERESTS; AMENDING SECTION 44-2704, IDAHO CODE, TO PROVIDE THAT A REBUTTABLE PRESUMPTION OF IRREPARABLE HARM IS ESTABLISHED UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 44-2704, Idaho Code, be, and the same is hereby amended to read as follows:

44-2704. RESTRICTION OF DIRECT COMPETITION -- REBUTTABLE PRESUMPTIONS. (1) Under no circumstances shall a provision of such agreement or covenant, as set forth herein, establish a postemployment restriction of direct competition that exceeds a period of eighteen (18) months from the time of the key employee's or key independent contractor's termination unless consideration, in addition to employment or continued employment, is given to a key employee or key independent contractor. Nothing in this chapter shall be construed to limit a party's ability to otherwise protect trade secrets or other information deemed proprietary or confidential.

(2) It shall be a rebuttable presumption that an agreement or covenant with a postemployment term of eighteen (18) months or less is reasonable as to duration.

(3) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to geographic area if it is restricted to the geographic areas in which the key employee or key independent contractor provided services or had a significant presence or influence.

(4) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to type of employment or line of business if it is limited to the type of employment or line of business conducted by the key employee or key independent contractor while working for the employer.

(5) It shall be a rebuttable presumption that an employee or independent contractor who is among the highest paid five percent (5%) of the employer's employees or independent contractors is a "key employee" or a "key independent contractor." To rebut such presumption, an employee or indepen-

dent contractor must show that it has no ability to adversely affect the employer's legitimate business interests.

(6) If a court finds that a key employee or key independent contractor is in breach of an agreement or a covenant, a rebuttable presumption of irreparable harm has been established. To rebut such presumption, the key employee or key independent contractor must show that the key employee or key independent contractor has no ability to adversely affect the employer's legitimate business interests.

Approved March 30, 2016

CHAPTER 282
(H.B. No. 501)

AN ACT

RELATING TO WORKER'S COMPENSATION INSURANCE; AMENDING SECTION 72-301, IDAHO CODE, TO REVISE ACCEPTABLE SECURITY INSTRUMENTS FOR WORKER'S COMPENSATION INSURERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-301, Idaho Code, be, and the same is hereby amended to read as follows:

72-301. SECURITY FOR PAYMENT OF COMPENSATION. (1) Every employer shall secure the payment of compensation under this law in one (1) of the following ways:

(a) By insuring and keeping insured with a policy of worker's compensation insurance as defined in section 41-506(d), Idaho Code, the payment of compensation with any insurer, as defined in section 41-103, Idaho Code, authorized by the director of the department of insurance to transact such insurance, provided, that every public employer shall insure its liability for payment of compensation with the state insurance fund unless such fund shall refuse to accept the risk when the application for insurance is made; or

(b) An employer may become self-insured by obtaining the approval of the industrial commission, and by depositing and maintaining in a custodial account with the state treasurer money or acceptable security instruments satisfactory to the commission securing the payment by said employer of compensation according to the terms of this law. Such acceptable security instruments are bonds, treasury bills, interest-bearing notes or other obligations of the United States for which the full faith and credit of the United States is pledged for the payment of principal and interest. In lieu of such money or security instruments, the commission may allow or require such employer to file or maintain with the state treasurer a surety bond with any company authorized to transact surety insurance in Idaho. The commission shall adopt rules governing the qualifications of self-insured employers, the nature and amount of security to be deposited and maintained with the state treasurer, and the conditions under which an employer may continue to be self-insured.

(2) No insurer shall be permitted to transact worker's compensation insurance covering the liability of employers under this law unless it shall have been authorized to do business under the laws of this state and until it shall have received the approval of the commission. To the end that the workers secured under this law shall be adequately protected, the commission shall require such insurer to deposit and maintain in a custodial account with the state treasurer money or acceptable security instruments of the

United States in an amount equal to the total amounts of all outstanding and unpaid compensation awards against such insurer. Acceptable security instruments are bonds, treasury bills, interest-bearing notes or other obligations of the United States for which the full faith and credit of the United States is pledged for the payment of principal and interest. Acceptable security instruments also include municipal bonds issued by the state of Idaho, its subdivisions, counties, cities, towns, villages and school districts. The insurer shall have the responsibility to monitor the ratings for its bonds. Bonds held by worker's compensation insurers in support of insurance obligations must have been assigned a credit rating grade not less than "single A minus" by one (1) or more credit rating providers registered with the United States securities and exchange commission as a nationally recognized statistical rating organization (NRSRO). If the credit rating assigned to the bond by the NRSRO is downgraded below "single A minus," the worker's compensation insurer shall within thirty (30) days of the downgrade replace the bond with one (1) that meets the credit quality requirement specified in this section. In lieu of such money or security instruments, the commission may allow or require such insurer to file or maintain with the state treasurer a surety bond of some company or companies authorized to do business in this state for and in the amounts equaling the total unpaid compensation awards against such insurer.

(3) When an insurer has been placed in liquidation, any security being held in a custodial account with the state treasurer under this section shall be converted into cash and transferred into the insolvent insurer fund created in subsection (4) of this section. Such funds shall continue to be held for the purpose of securing any future claims made against the insolvent insurer under this law or until released by the commission to the liquidator, if one exists, or to the insurer's state of domicile, as provided herein. Interest earned on moneys deposited in the insolvent insurer fund shall be credited, pro rata, to the account balance of security being held to answer claims made under this law against an insolvent insurer. Moneys deposited in the insolvent insurer fund may be used to pay the reasonable costs or expenses charged by any financial institution holding such funds on deposit for the state treasurer. Any balance in funds remaining on deposit in the insolvent insurer fund to answer the claims of an insolvent insurer after discharge of that insurer's liquidator may be transferred to the liquidator, if one still exists, or to the liquidated insurer's state of domicile, at such time as the commission determines that said security is no longer required to be held by the state treasurer for the purposes of this law.

(4) There is hereby created in the state treasury the insolvent insurer fund. Moneys in the fund are hereby continuously appropriated for the purposes set forth in the provisions of this section. Interest earned on moneys in the fund shall be returned to the fund.

(5) The approval by the commission of any insurer or self-insured employer may be withdrawn if it shall appear to the commission that workers secured thereby under this law are not fully protected.

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

Approved March 30, 2016

CHAPTER 283
(H.B. No. 516)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL COMPILE A LIST OF PROVIDERS THAT PERFORM FREE ULTRASOUNDS, TO PROVIDE THAT THE DEPARTMENT SHALL STATE THAT A PATIENT HAS THE RIGHT TO OBTAIN A FREE ULTRASOUND, VIEW AN ULTRASOUND IMAGE AND HEAR HEART TONE MONITORING, TO PROVIDE THAT NO ABORTION SHALL BE PERFORMED UNLESS THE WOMAN IS INFORMED THAT ULTRASOUND IMAGING AND HEART TONE MONITORING ARE AVAILABLE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 18-609, Idaho Code, be, and the same is hereby amended to read as follows:

18-609. PHYSICIANS AND HOSPITALS NOT TO INCUR CIVIL LIABILITY -- CONSENT TO ABORTION -- NOTICE. (1) Any physician may perform an abortion not prohibited by this act and any hospital or other facility described in section 18-608, Idaho Code, may provide facilities for such procedures without, in the absence of negligence, incurring civil liability therefor to any person including, but not limited to, the pregnant patient and the prospective father of the fetus to have been born in the absence of abortion, if informed consent for such abortion has been duly given by the pregnant patient.

(2) In order to provide assistance in assuring that the consent to an abortion is truly informed consent, the director of the department of health and welfare shall publish easily comprehended, nonmisleading and medically accurate printed material to be made available at no expense to physicians, hospitals or other facilities providing abortion and abortion-related services, and which shall contain the following:

(a) Descriptions of the services available to assist a woman through a pregnancy, at childbirth and while the child is dependent, including adoption services, a comprehensive list of the names, addresses, and telephone numbers of public and private agencies that provide such services and financial aid available;

(b) Descriptions of the physical characteristics of a normal fetus, described at two (2) week intervals, beginning with the fourth week and ending with the twenty-fourth week of development, accompanied by scientifically verified photographs of a fetus during such stages of development. The description shall include information about physiological and anatomical characteristics; and

(c) Descriptions of the abortion procedures used in current medical practices at the various stages of growth of the fetus and any reasonable foreseeable complications and risks to the mother, including those related to subsequent child-bearing childbearing;

(d) A list, compiled by the department of health and welfare, of health care providers, facilities and clinics that offer to perform ultrasounds free of charge and that have contacted the department annually with a request to be included in the list. The list shall be arranged geographically and shall include the name, address, hours of operation, telephone number and e-mail address of each entity; and

(e) A statement that the patient has a right to view an ultrasound image and to hear the heart tone monitoring of her unborn child and that she may obtain an ultrasound free of charge. The statement shall indicate that printed materials required by the provisions of this section contain a list, compiled by the department of health and welfare, of health

care providers, facilities and clinics that offer to perform such ultrasounds free of charge.

(3) (a) The department of health and welfare shall develop and maintain a stable internet website, that may be part of an existing website, to provide the information described in subsection (2) of this section. No information regarding persons using the website shall be collected or maintained. The department of health and welfare shall monitor the website on a weekly basis to prevent and correct tampering.

(b) As used in this section, "stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health and welfare.

(c) When a pregnant patient contacts a physician by telephone or visit and inquires about obtaining an abortion, the physician or the physician's agent before or while scheduling an abortion-related appointment must provide the woman with the address of the state-sponsored internet website on which the printed materials described in subsection (2) of this section may be viewed as required in subsection (2) of this section.

(4) Except in the case of a medical emergency, no abortion shall be performed unless, prior to the abortion, the attending physician or the attending physician's agent certifies in writing that the materials provided by the director have been provided to the pregnant patient at least twenty-four (24) hours before the performance of the abortion. If the materials are not available from the director of the department of health and welfare, no certification shall be required. The attending physician, or the attending physician's agent, shall provide any other information required under this act.

(5) Except in the case of medical emergency, no abortion shall be performed unless, prior to an initial consultation or any testing, and not less than twenty-four (24) hours prior to the performance of the abortion, the woman is informed by telephone or in person, by the physician who is to perform the abortion or by an agent of the physician, that ultrasound imaging and heart tone monitoring are available to the woman enabling the pregnant woman to view her unborn child or listen to the heartbeat of the unborn child. The physician or agent of the physician shall inform the pregnant woman that the website and printed materials described in subsection (2) (d) and (e) of this section contain telephone numbers, addresses and e-mail addresses of facilities that offer such services at no cost. If the woman contacts the abortion facility by e-mail, the physician or agent of the physician shall inform the woman of the requirements of this subsection by e-mail with the required information in a larger font than the rest of the e-mail. No fee for an abortion shall be collected prior to providing the information required in this subsection.

(6) All physicians or their agents who use ultrasound equipment in the performance of an abortion shall inform the patient that she has the right to view the ultrasound image of her unborn child before an abortion is performed. If the patient requests to view the ultrasound image, she shall be allowed to view it before an abortion is performed. The physician or agent shall also offer to provide the patient with a physical picture of the ultrasound image of her unborn child prior to the performance of the abortion, and shall provide it if requested by the patient. In addition to providing the material, the attending physician may provide the pregnant patient with such other information which in the attending physician's judgment is relevant to the pregnant patient's decision as to whether to have the abortion or carry the pregnancy to term.

(67) Within thirty (30) days after performing any abortion without certification and delivery of the materials, the attending physician, or the attending physician's agent, shall cause to be delivered to the director of the department of health and welfare, a report signed by the attending physician, preserving the patient's anonymity, denoting the medical emergency that excused compliance with the duty to deliver the materials. The director of the department of health and welfare shall compile the information annually and report to the public the total number of abortions performed in the state where delivery of the materials was excused; provided that any information so reported shall not identify any physician or patient in any manner which would reveal their identities.

(78) If section 18-608(3), Idaho Code, applies to the abortion to be performed and the pregnant patient is an adult and for any reason unable to give a valid consent thereto, the requirement for that pregnant patient's consent shall be met as required by law for other medical or surgical procedures and shall be determined in consideration of the desires, interests and welfare of the pregnant patient.

(89) The knowing failure of the attending physician to perform any one (1) or more of the acts required under subsection (67) of this section or section 39-261, Idaho Code, is grounds for discipline pursuant to section 54-1814(6), Idaho Code, and shall subject the physician to assessment of a civil penalty of one hundred dollars (\$100) for each month or portion thereof that each such failure continues, payable to the vital statistics unit of the department of health and welfare, but such failure shall not constitute a criminal act.

Approved March 30, 2016

CHAPTER 284
(H.B. No. 523)

AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1644, IDAHO CODE, TO PROVIDE CERTAIN REPORTING REQUIREMENTS OF THE STATE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1644, Idaho Code, and to read as follows:

16-1644. STATE DEPARTMENT OF HEALTH AND WELFARE ANNUAL REPORT. The state department of health and welfare shall submit an annual report regarding the foster care program to the germane standing committees of the legislature no later than ten (10) days following the start of each regular session. On or before February 15 of each year, the state department of health and welfare shall appear before the germane standing committees to present the report. Such report shall include, but need not be limited to, the number of children that are in the department's legal custody pursuant to this chapter, the number of such children who have been placed in foster care, how many times such children have been moved to different foster care homes and the reasons for such moves, best practices in foster care, goals to improve the foster care system in Idaho to ensure best practices are adhered to, a description of progress made with regard to the previous year's goals to improve the foster care system and any other information relating to foster care that the legislature requests. If a member of the legislature requests additional information between the time the report is received by

the legislature and the time the department appears to present the report, then the department shall supplement its report to include such additional information.

Approved March 30, 2016

CHAPTER 285
(H.B. No. 525, As Amended)

AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2805, IDAHO CODE, TO REMOVE A PROVISION REGARDING VICIOUS DOGS; AMENDING SECTION 25-2808, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2810, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN PEOPLE MAY PETITION TO HAVE A DOG DECLARED DANGEROUS OR AT RISK, TO PROVIDE INSTANCES OF JUSTIFIED PROVOCATION, TO AUTHORIZE A COURT TO IMPOSE CERTAIN ORDERS AND REQUIREMENTS FOR DANGEROUS AND AT-RISK DOGS, TO PROVIDE CONDITIONS FOR THE TRANSFER OF A DANGEROUS OR AT-RISK DOG, TO PROVIDE FOR WAIVER OF AN AT-RISK DESIGNATION, TO PROVIDE FOR PENALTIES, TO AUTHORIZE CERTAIN OFFICERS TO MAKE ARRANGEMENTS FOR A DOG AND TO PROVIDE THAT CERTAIN PERSONS SHALL BE SUBJECT TO CIVIL LIABILITY; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE PENALTIES FOR A VIOLATION; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2812, IDAHO CODE, TO AUTHORIZE LOCAL GOVERNMENTS TO ADOPT MORE RESTRICTIVE REQUIREMENTS UNDER CERTAIN CONDITIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-2805, Idaho Code, be, and the same is hereby amended to read as follows:

25-2805. DOGS RUNNING AT LARGE -- VICIOUS DOGS -- PENALTY. (1) Any person, who, after complaint has been made by any person to the sheriff, who shall serve a copy of said notice upon such person complained of, willfully or negligently permits any dog owned or possessed or harbored by him to be, or run, at large without a competent and responsible attendant or master, within the limits of any city, town, or village or in the vicinity of any farm, pasture, ranch, dwelling house, or cultivated lands of another, or who willfully or negligently fails, neglects or refuses to keep any such dog securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant or master, shall be guilty of an infraction punishable as provided in section 18-113A, Idaho Code.

(2) ~~Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing, is vicious. It shall be unlawful for the owner or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained by a chain sufficient to control the vicious dog. Persons guilty of a violation of this subsection, and in addition to any liability as provided in section 25-2806, Idaho Code, shall be guilty of a misdemeanor. For a second or subsequent violation of this subsection, the court may, in the in-~~

~~terest of public safety, order the owner to have the vicious dog destroyed or may direct the appropriate authorities to destroy the dog.~~

SECTION 2. That Section 25-2808, Idaho Code, be, and the same is hereby amended to read as follows:

25-2808. DOGS USED IN LAW ENFORCEMENT. Neither the state of Idaho, nor any city or county, nor any peace officer employed by any of them, shall be criminally liable under the provisions of section 25-2805~~10~~, Idaho Code, or civilly liable in damages for injury committed by a dog when: (1) the dog has been trained to assist in law enforcement; and (2) the injury occurs while the dog is reasonably and carefully being used in the apprehension, arrest or location of a suspected offender or in maintaining or controlling the public order.

SECTION 3. That Chapter 28, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-2809, Idaho Code, and to read as follows:

25-2809. SHORT TITLE. Sections 25-2809 through 25-2812, Idaho Code, shall be known and may be cited as the "Idaho Dangerous and At-Risk Dogs Act."

SECTION 4. That Chapter 28, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-2810, Idaho Code, and to read as follows:

25-2810. DANGEROUS AND AT-RISK DOGS. (1) For purposes of this act:

(a) "At-risk dog" means any dog that without justified provocation bites a person without causing a serious injury as defined in this section.

(b) "Dangerous dog" means any dog that:

(i) Without justified provocation has inflicted serious injury on a person; or

(ii) Has been previously found to be at risk and thereafter bites or physically attacks a person without justified provocation.

(c) "Justified provocation" means to perform any act or omission that a reasonable person with common knowledge of dog behavior would conclude is likely to precipitate a bite or attack by an ordinary dog.

(d) "Physically attack" means an aggressive action upon a person by a dog which there is physical contact between the dog and the person.

(e) "Serious injury" means an injury to a person characterized by piercing of the hypodermis or tearing of the muscles, veins or arteries, or disfiguring lacerations that would cause a reasonably prudent person to seek treatment from a medical professional without regard to whether the person actually sought medical treatment.

(2) A petition for a court to declare a dog dangerous or at-risk may be brought by:

(a) Any person who has been bitten or physically attacked by the dog;

(b) A parent or guardian of any minor who has been bitten or physically attacked by the dog; or

(c) A county or city prosecuting attorney.

In such proceedings, it is not necessary for the petitioner to show that the owner, possessor or harbinger of such dog had knowledge of the fact that the dog would behave in a manner consistent with the definition of a dangerous or at-risk dog.

(3) No dog may be declared to be a dangerous or at-risk dog when at the time an injury or damage was sustained, the precipitating cause constituted justified provocation. Justified provocation includes, but is not limited to, the following:

- (a) The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
 - (b) The person was committing a crime or offense upon the property of the owner or custodian of the dog;
 - (c) The person was at the time, or had in the past, willfully tormented, abused or assaulted the dog;
 - (d) The dog was responding to pain or injury or protecting its offspring;
 - (e) The dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury sustained was to a person who was interfering with the dog while the dog was working in a place where it was lawfully engaged in such activity, including public lands;
 - (f) The dog was a service animal individually trained to do work or perform tasks for a person with a disability; or
 - (g) The person was intervening between two (2) or more animals engaged in aggressive behavior or fighting.
- (4) If a court finds that a dog is dangerous pursuant to the provisions of this act, in addition to any other penalty or liability provided in this act, the court may order the dog to be humanely put to death.
- (5) If a court finds that a dog belonging to an owner is dangerous or at risk pursuant to the provisions of this act, the court in its discretion may order the owner to comply with one (1) or more of the following restrictions and requirements:
- (a) When outdoors, the dog shall be confined to a secure, locked enclosure from which it cannot escape and that unauthorized persons are prevented from accidental entry, and for which entrance and exit are controlled by the owner of the premises or owner of the dog;
 - (b) When off the property of the owner and not confined in a secure enclosure the dog shall be kept on a secure leash by a competent adult physically capable of controlling the dog. The court shall have the discretion to order that the dog wear a muzzle capable of preventing the dog from biting if the dog is in any public area in which contact between the dog and the public is likely to occur;
 - (c) The dog shall be permanently identified by means of a color photograph in a file maintained by the court and by a microchip used for the identification of companion animals at the expense of the owner. Microchip registration shall be reported in a timely manner by the owner of the dog to the local agency responsible for the control of such dogs. Upon demand, the owner shall provide access to the dog to any such agency or local law enforcement entity for the purposes of verifying microchip implantation; and
 - (d) The premises on which the dog is kept shall be posted with clearly visible signs stating "Beware of Dog" and may also require posting of signs with a warning symbol that informs children of the presence of a dog that may be dangerous. Signs shall be visible from the closest roadway.
- (6) Any owner of a dog designated as a dangerous or at-risk dog shall notify any local agency responsible for the control of such dogs upon the transfer of a dangerous or at-risk dog to another person within thirty (30) days of such transfer. In order to transfer ownership of a dog designated as a dangerous or at-risk dog, the current owner shall notify the new owner of any order issued by a court pursuant to the provisions of this act and provide a copy of such order prior to such transfer. All sanctions and restrictions placed upon the keeping of the dog by the court shall transfer to any person taking custody of such dog and such person shall comply with all such sanctions and restrictions and be duly registered as the owner of a dangerous or at-risk dog by the local agency. Any owner relocating a dangerous or at-risk dog to another jurisdiction served by a different agency responsible for the

control of such dogs, shall notify both the previous agency and the responsible agency in the new location within thirty (30) days of such relocation.

(7) In the event a dog designated by a court as at risk does not subsequently act in a manner consistent with the definitions of a dangerous or at-risk dog, and providing that the owner and keeper of the dog has complied with all the provisions of this act, for a period of three (3) years, the restrictions and requirements imposed by the court shall be waived and the dog shall no longer be classified as at risk.

(8) Any person who fails to comply with sanctions, restrictions or requirements imposed by the court pursuant to the provisions of this section shall be subject to the provisions of section 25-2811, Idaho Code.

(9) During the pendency of a petition to have a dog declared dangerous or at risk, a law enforcement officer or officer of a local agency responsible for the control of such dogs shall be authorized to take the dog into custody and place the dog in a suitable place at a customary and reasonable expense to the owner pending final disposition of the charge against the owner. In lieu of keeping the dog at such facility, officers shall have the discretion to impose reasonable temporary restrictions upon the keeping of the dog at the property of the owner such that the dog is controlled and prevented from contact with others pending the final disposition of the petition. Upon notification that an action pursuant to this subsection has been initiated by an officer authorized to enforce such action against a dog, the relocation or transfer of such dog to another shall be prohibited and constitute a violation of this act.

(10) Any dog that physically attacks, wounds, bites or otherwise injures any person who is not trespassing, when such dog is not physically provoked or otherwise justified pursuant to subsection (3) of this section or as set forth in section 25-2808, Idaho Code, subjects either its owner or any person who has accepted responsibility as the possessor, harbinger or custodian of the dog, or both, to civil liability for the injuries caused by the dog. A prior determination that a dog is dangerous or at-risk, or subject to any court order imposing restrictions or requirements pursuant to the provisions of this section, shall not be a prerequisite to civil liability for injuries caused by the dog.

SECTION 5. That Chapter 28, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-2811, Idaho Code, and to read as follows:

25-2811. PENALTIES. For persons with knowledge of an order by a court issued pursuant to the provisions of this act:

(1) A person guilty of a first violation of section 25-2810(8), Idaho Code, shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars (\$200) and not more than five thousand dollars (\$5,000).

(2) A person guilty of a second violation of section 25-2810(8), Idaho Code, within five (5) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than six (6) months or by a fine of not less than five hundred dollars (\$500) and not more than seven thousand dollars (\$7,000), or by both such fine and imprisonment.

(3) A person guilty of a third or subsequent violation of section 25-2810(8), Idaho Code, within fifteen (15) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than twelve (12) months or by a fine of not less than five hundred dollars (\$500) and not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.

SECTION 6. That Chapter 28, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-2812, Idaho Code, and to read as follows:

25-2812. LOCAL REGULATION. The provisions of this act shall establish as state law minimum standards and requirements for the control of dogs that may threaten the public with injury and to provide for certain state crimes for violations of such minimum standards and requirements. Provided however, this act shall not supersede or invalidate existing ordinances of local governments or prohibit local governments from adopting and enforcing more restrictive definitions of a dangerous or vicious dog, so long as the local government's definition of a dangerous or vicious dog allows for acts of justified provocation as described in section 25-2810(3), Idaho Code.

SECTION 7. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 30, 2016

CHAPTER 286
(H.B. No. 531)

AN ACT

RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7043, IDAHO CODE, TO PROHIBIT CERTAIN ACTS REGARDING AGRICULTURAL FACILITIES AND OPERATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO CLARIFY THAT SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO LIMIT A COURT'S POWER TO ORDER RESTITUTION OR TO LIMIT CIVIL ACTIONS AND REMEDIES AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Chapter 70, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-7043, Idaho Code, and to read as follows:

18-7043. INTENTIONAL BREACH OF BIOSECURITY. (1) It is unlawful for a person to knowingly commit any of the following acts in the state of Idaho with the intent to damage, poison or infect the crops, livestock, products or facilities of an agricultural facility or agricultural operation as defined in section 22-4502, Idaho Code, without the knowledge and consent of the owner of the agricultural facility or agricultural operation:

- (a) Release or spread any type of contagious, communicable or infectious disease or poison;
- (b) Attempt to release or spread any type of contagious, communicable or infectious disease or poison;
- (c) Aid, abet or conspire with another person to release or spread any type of contagious, communicable or infectious disease or poison.

(2) Any person or persons violating any provision of this section shall be:

- (a) Guilty of a misdemeanor when the damage to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation itself is one thousand dollars (\$1,000) or less;

(b) Guilty of a felony and upon conviction thereof shall be punished by a term of imprisonment of not more than twenty (20) years or by a fine not in excess of ten thousand dollars (\$10,000), or by both such fine and imprisonment, when the value of the damage to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation itself is in excess of one thousand dollars (\$1,000).

(3) Nothing in this section shall be construed to limit the court's power to order restitution equal to the extent of the damage suffered to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation.

(4) Nothing in this section shall be construed to limit an agricultural facility or agricultural operation from proceeding in a civil action to seek any lawful civil remedy.

(5) The provisions of this section are hereby declared severable and if any provision of this section or the application of such provision to any person or circumstances is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

Approved March 30, 2016

CHAPTER 287
(H.B. No. 533)

AN ACT

RELATING TO HOSPITAL DISTRICTS; AMENDING SECTION 39-1326, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF A HOSPITAL DISTRICT MAY APPOINT CERTAIN BOARD MEMBERS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-1329, IDAHO CODE, TO REVISE PROVISIONS REGARDING A BOARD QUORUM AND VACANCIES.

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

SECTION 1. That Section 39-1326, Idaho Code, be, and the same is hereby amended to read as follows:

39-1326. BOARD OF TRUSTEES OF DISTRICT -- QUALIFICATIONS OF MEMBERS. The board of trustees of such hospital district shall consist of seven (7) residents of the district who shall be elected or appointed as herein provided. Immediately following the establishment of a hospital district, the commissioners in the county in which the same is established shall appoint the seven (7) members of the first board, three (3) members to act until the first biennial election, two (2) until the second biennial election, and two (2) until the third biennial election, all of whom shall serve until the election and qualification of their successors. Upon a unanimous vote, the board of trustees may also appoint not more than two (2) additional members to serve as trustees for the purpose of obtaining necessary and specialized skills as determined by the board of trustees to assist board deliberations and decision-making. Members who are appointed by the board shall serve for a term not to exceed six (6) years. Such appointed board members shall serve at the pleasure of the board and may be removed with or without cause by a majority vote of the elected members of the board. Appointed board members shall have the same duties, oaths and obligations as elected board members; provided however, that an appointed board member shall not be entitled to vote on any decision to levy a tax pursuant to this chapter.

No person shall be qualified to serve as a trustee of a district organized under the provisions of this act chapter unless he or she shall be a resident of the hospital district and a qualified elector of the state of Idaho.

SECTION 2. That Section 39-1329, Idaho Code, be, and the same is hereby amended to read as follows:

39-1329. MEETINGS -- QUORUM -- VACANCIES. The board shall meet regularly once each month at a time and place to be designated by the board. Special meetings may be held as often as the needs of the district require on notice to each member of the board. ~~Four (4)~~ A majority of the members of the board shall constitute a quorum at any meeting. Any vacancy of an elected member on the board shall be filled by the remaining members or member of the board, the appointee to act until the next biennial election, when the vacancy shall be filled by election. If the board shall fail, neglect or refuse to fill any vacancy within thirty (30) days after the same occurs, the board of county commissioners of the county in which said district is situated shall fill such vacancy. In the case of a vacancy on the board of an appointed member, a majority of the board shall determine whether to fill the vacant position.

Approved March 30, 2016

CHAPTER 288
(H.B. No. 537)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-515A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUPPLEMENTAL CONTRACTS.

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

SECTION 1. That Section 33-515A, Idaho Code, be, and the same is hereby amended to read as follows:

33-515A. SUPPLEMENTAL CONTRACTS. (1) In addition to the provisions of sections 33-514, 33-514A and 33-515, Idaho Code, a board of trustees may enter into supplemental contracts to provide extra duty or extra day assignments for certificated employees.

(2) An extra duty assignment is, and extra duty supplemental contracts may be used for, an assignment which is not part of a certificated employee's regular teaching duties. Any such contract shall be separate and apart from an ~~annual, a renewable or a limited one (1) year~~ the certificated employee's underlying contract, and no property rights shall attach to a supplemental extra duty contract. If a board of trustees determines not to reissue a supplemental extra duty contract, the board shall give written notice to the employee describing reasons for the decision not to reissue. The employee, upon written request to the board, shall be entitled to an informal review. The process and procedure for informal review shall be determined by the board of trustees. Should a board of trustees provide for additional procedures, nothing in this section shall be interpreted to limit those procedures. The contract shall be in a form approved by the state superintendent of public instruction.

(23) ~~If a board of trustees determines not to reissue a supplemental contract, the board shall give written notice to the employee describing reasons for the decision not to reissue. The employee, upon written request to the board, shall be entitled to an informal review. The process and procedure for the informal review shall be determined by the local board of trustees. Within fifteen (15) days following the meeting with the employee, the board shall notify the employee of its final decision in the matter. Should a school district provide for additional procedures, nothing in this statute shall be interpreted to limit those procedures~~ An extra day assign-

ment is, and supplemental extra day contracts may be used for, an assignment of days of service in addition to the standard contract length used for the majority of certificated employees in the district. Such additional days may be in service of the same activities as the certificated employee's regular teaching duties. Any such extra day contracts shall provide the same daily rate of pay and rights to due process and procedures as provided by the certificated employee's underlying contract. The contract shall be in a form approved by the state superintendent of public instruction.

(4) For the purposes of this section, "underlying contract" means either a category 1, 2, 3 or renewable contract.

Approved March 30, 2016

CHAPTER 289
(H.B. No. 538)

AN ACT

RELATING TO STATE PROCUREMENT; REPEALING SECTIONS 67-5714 THROUGH 67-5721, IDAHO CODE, RELATING TO STATE PURCHASING; REPEALING SECTIONS 67-5723 THROUGH 67-5732, IDAHO CODE, RELATING TO STATE PURCHASING; REPEALING SECTIONS 67-5733 THROUGH 67-5736, IDAHO CODE, RELATING TO STATE PURCHASING; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 92, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DECLARE POLICY, TO DEFINE TERMS, TO ESTABLISH THE DIVISION OF PURCHASING IN THE DEPARTMENT OF ADMINISTRATION AND TO PROVIDE FOR APPOINTMENT OF AN ADMINISTRATOR, TO PROVIDE POWERS AND DUTIES OF THE ADMINISTRATOR, TO PROVIDE REQUIREMENTS FOR DELEGATION OF THE ADMINISTRATOR'S AUTHORITY, TO REQUIRE CERTAIN TRAINING AND TO PROVIDE THAT THE ADMINISTRATOR SHALL ESTABLISH TRAINING, TO ESTABLISH PROVISIONS REGARDING SOLICITATIONS OF PROPERTY, TO PROVIDE FOR COMPETITIVE BIDS, TO PROVIDE REQUIREMENTS FOR THE AWARD OF CONTRACTS, TO PROVIDE FOR MULTIPLE AWARDS OF CONTRACTS, TO PROVIDE THAT CONTRACTS SHALL BE IN WRITING, TO PROVIDE THAT CERTAIN CONTRACTS ARE VOID, TO PROVIDE REQUIREMENTS FOR THE ACCEPTANCE OF PROPERTY, TO PROVIDE FOR THE PRESERVATION AND DISCLOSURE OF CERTAIN RECORDS, TO ESTABLISH PROVISIONS REGARDING OPEN CONTRACTS, TO PROVIDE FOR DISQUALIFICATION OF VENDORS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR PAYMENT OF CONTRACTORS, TO PROVIDE FOR CONTRACT OVERSIGHT, TO ESTABLISH PROVISIONS REGARDING PROPERTY INVENTORIES, TO PROVIDE FOR NONCOMPETITIVE AND EMERGENCY PROCUREMENTS UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH PROVISIONS REGARDING NONOWNED PROPERTY ACQUISITIONS, TO PROVIDE FOR THE EXCHANGE OF STATE PROPERTY, TO AUTHORIZE GROUP DISCOUNT PURCHASING UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR PROCUREMENT BY STATE INSTITUTIONS OF HIGHER EDUCATION, TO PROVIDE THAT CERTAIN EMPLOYEES SHALL OBTAIN DISCOUNTS WHEN POSSIBLE, TO EXEMPT CONTRACTS WITH THE FEDERAL GOVERNMENT FROM CERTAIN PROVISIONS, TO PROVIDE FOR ACQUISITION OF PROPERTY ACCORDING TO THE TERMS OF A FEDERAL SUPPLY SCHEDULE CONTRACT, TO CLARIFY THE APPLICATION OF THE ADMINISTRATIVE PROCEDURE ACT, TO ESTABLISH PROHIBITIONS, TO PROVIDE PENALTIES, TO ESTABLISH PROVISIONS REGARDING CHALLENGES AND APPEALS, TO ESTABLISH PROVISIONS REGARDING ETHICS IN PROCUREMENT AND TO PROVIDE SEVERABILITY; AMENDING SECTION 18-1359, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-125B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2503, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-3406, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5402, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5504, IDAHO CODE, TO REVISE TERMINOLOGY AND TO

PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-130, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2013, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 60-103, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 67-455A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 67-5711C, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5711D, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-5722, IDAHO CODE, TO REMOVE LANGUAGE REGARDING EXCHANGE OF STATE PROPERTY; AMENDING SECTION 67-5737, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO REVISE TERMINOLOGY; AMENDING SECTION 67-7451, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 74-511, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Sections 67-5714 through 67-5721, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Sections 67-5723 through 67-5732, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Sections 67-5733 through 67-5736, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 92, Title 67, Idaho Code, and to read as follows:

CHAPTER 92
STATE PROCUREMENT ACT

67-9201. SHORT TITLE. This chapter shall be known and may be cited as the "State Procurement Act."

67-9202. DECLARATION OF POLICY. The Idaho legislature, recognizing that an offered low price is not always indicative of the greatest value, declares it to be the policy of the state:

- (1) To engage in open, competitive acquisitions of property; and
- (2) To maximize the value received by the state with attendant benefits to the citizens.

67-9203. DEFINITIONS. As used in this chapter:

- (1) "Acquisition" means the process of procuring property.
- (2) "Administrator" means the administrator of the division of purchasing as created by section 67-9204, Idaho Code.
- (3) "Agency" means all officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding:
 - (a) The legislative and judicial branches of government;
 - (b) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction; and
 - (c) A state institution of higher education that complies with the provisions of section 67-9225, Idaho Code.
- (4) "Bid" means a written offer to perform a contract to sell or otherwise supply property in response to a solicitation.

(5) "Bidder" means a vendor who has submitted a bid on property to be acquired by the state.

(6) "Contract" means an agreement for the acquisition of property, including a purchase order.

(7) "Contractor" means a vendor who has been awarded a contract.

(8) "Director" means the director of the department of administration as created by section 67-5701, Idaho Code.

(9) "Lowest responsible bidder" means the responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance evaluations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

(10) "Open contract" means a contract awarded by the state through the division of purchasing as a result of a competitive solicitation to one (1) or more vendors who have agreed to allow all agencies to procure specified property under the terms and conditions set forth in the contract.

(11) "Procure" means to obtain property for state use in a manner other than by gift including, but not limited to, purchase, lease or rent.

(12) "Property" means goods, services, parts, supplies and equipment, both tangible and intangible, including, but not limited to, designs, plans, programs, systems, techniques and any rights or interests in such property.

(13) "Sole source" means the only vendor from whom specific property is available to procure.

(14) "Solicitation" means an invitation to bid, a request for proposal or a request for quote issued pursuant to this chapter for the purpose of procuring property.

(15) "Specifications" means the standards or requirements for property to be procured as explicitly stated in a solicitation or contract.

(16) "State institution of higher education" means Boise State University, Eastern Idaho Technical College, Idaho State University or Lewis-Clark State College.

(17) "Vendor" means a person or entity capable of supplying property to the state.

67-9204. DIVISION OF PURCHASING -- ADMINISTRATOR. (1) There is hereby created within the department of administration the division of purchasing. The director shall appoint an administrator for the division, subject to the approval of the governor.

(2) The administrator shall be exempt from the provisions of the state merit system.

(3) The administrator may employ additional personnel as may be necessary.

(4) The administrator may enter into contracts for professional services or assistance when necessary or desirable.

67-9205. POWERS AND DUTIES OF THE ADMINISTRATOR. The administrator of the division of purchasing:

(1) Shall acquire all property for state agencies according to the provisions of this chapter;

(2) Shall acquire all property by competitive solicitation, except as otherwise provided;

(3) Shall determine, based on the specifications and matters relating to responsibility, the lowest responsible bidder in all competitive solicitations;

(4) Shall enter into contracts and any modifications thereto for the acquisition of property on behalf of and in the name of state agencies;

(5) Shall, when economically feasible and practical, consolidate solicitations and acquire property in amounts as large as can be efficiently managed and controlled;

(6) May, in the evaluation of paper product bids, give those items that meet the recycled content standards as specified by the administrator a five percent (5%) purchasing preference. As such, those qualifying paper products may be considered to cost five percent (5%) less when choosing the lowest responsible bidder;

(7) May appoint a deputy who shall have the power to act for the administrator and in the administrator's place while absent, which deputy shall be bonded to the state of Idaho as prescribed by chapter 8, title 59, Idaho Code;

(8) May require from any contractor the submission of a performance bond for such sum as will, in the opinion of the administrator, guarantee the faithful performance of such contract, and the amount and requirement therefor shall be set out in the specifications;

(9) May enter into open contracts based on actual or estimated requirements;

(10) May enter into contracts, including leases and rentals, for periods of time exceeding one (1) year, provided that such contracts contain no penalty to or restriction upon the state in the event cancellation is necessitated by a lack of funding for any such contract;

(11) Is authorized and empowered to formulate rules, subject to the approval of the director, to effect the provisions of this chapter;

(12) May enter into negotiations for acquisitions in accordance with established rules of the division;

(13) May inspect property supplied by a contractor to determine whether it meets specifications;

(14) May classify, after review with the various agencies, the requirements of the state for all property that may be acquired, and may adopt standards of quality for property, and may establish specifications for acquisition. Each specification shall, until revised or rescinded, apply alike in terms and effect to each future acquisition of the classified property;

(15) May delegate authority pursuant to section 67-9206, Idaho Code; and

(16) May carry out such acts as are necessary to enforce the provisions of this chapter.

67-9206. DELEGATION OF AUTHORITY. (1) The administrator may delegate such authority as the administrator deems appropriate to an employee of the division, an agency employee or an agency, provided that any such employee or the procurement staff of any such agency demonstrates sufficient competence in procurement as to satisfy the administrator.

(2) A delegation made pursuant to subsection (1) of this section shall be made in writing and shall state with specificity:

- (a) The nature of the authority being delegated;
- (b) The terms, conditions and limitations of the delegation; and
- (c) The duration of the delegation.

(3) The administrator shall, subject to approval of the director, formulate rules specifying:

- (a) The process by which delegation of authority may be granted, continued or revoked; and
- (b) The factors influencing the decision to delegate such authority in addition to the demonstrated competence required by subsection (1) of this section.

67-9207. PROCUREMENT TRAINING. (1) A person who may procure property for the state or whose employment with the state includes duties relating to procurement, such as contract administration, management or monitoring, shall undergo procurement training, including a person whose office or em-

ployer is excluded from the definition of "agency" under section 67-9203, Idaho Code. The training shall address the person's specific procurement duties and shall include continuing education requirements when appropriate.

(2) The administrator shall establish training for those persons described in subsection (1) of this section.

67-9208. SOLICITATIONS. (1) The administrator shall not make or cause to be made any acquisition until a requisition for the property to be acquired has been submitted to the administrator's office by the requisitioning agency. The requisition shall certify to the administrator's satisfaction that there are sufficient funds or balance in appropriations out of which the amount of the requisition may be lawfully paid, except as provided in section 67-9221(3), Idaho Code.

(2) Upon determining that an agency's requisition complies with the provisions of subsection (1) of this section, the administrator shall issue a solicitation. Notice of the solicitation shall be posted in a conspicuous manner as prescribed by rule. The notice shall describe the property to be acquired in sufficient detail to apprise a vendor of the exact nature of the property being sought and shall set forth the bid closing date, time and location.

(3) The administrator may establish by rule exceptions to the notice provisions in subsection (2) of this section; provided however, that the procurements excepted from the notice provisions must be minor in nature.

67-9209. BIDS. (1) In response to a solicitation issued pursuant to section 67-9208, Idaho Code, a vendor seeking to supply the property solicited shall submit a bid in a manner prescribed by rule.

(2) To enhance small business bidding opportunities, the administrator shall seek a minimum of three (3) bids from vendors having a significant Idaho economic presence as defined in section 67-2349, Idaho Code.

(3) All bids received shall be opened at the time and place specified in the solicitation. The bids shall be opened in public view, and a record of each bid shall then and there be made. The administrator shall have the right to reject any and all bids pursuant to rules established for the division.

67-9210. AWARD OF CONTRACT. (1) The administrator shall award contracts to, and place orders for property with, the lowest responsible bidder. Qualifications for responsibility shall be prescribed by rule.

(2) Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. In connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

67-9211. MULTIPLE AWARDS. (1) Notwithstanding any provision of this chapter to the contrary, the administrator may make an award of a contract to two (2) or more bidders to furnish the same or similar property when more than one (1) contractor is necessary:

- (a) To furnish the types of property and quantities required by state agencies;
- (b) To provide expeditious and cost-efficient acquisition of property for state agencies; or
- (c) To enable state agencies to acquire property that is compatible with property previously acquired.

(2) No award of a contract to multiple bidders shall be made under this section unless the administrator makes a written determination showing that multiple awards satisfy one (1) or more of the criteria set forth in this section.

(3) When a contract for property has been awarded to two (2) or more bidders in accordance with this section, a state agency shall make purchases from the contractor whose terms and conditions regarding price, availability, support services and delivery are most advantageous to the agency.

(4) A multiple award of a contract for property under this section shall not be made when a single bidder can reasonably serve the acquisition needs of state agencies. A multiple award of a contract shall only be made to the number of bidders necessary to serve the acquisition needs of state agencies.

67-9212. CONTRACTS SHALL BE IN WRITING. Every contract made by the administrator on behalf of the state shall be in writing and shall be signed manually or electronically by the contracting parties. Every contract shall be filed in the office of the administrator, together with all bids, specifications and other documents and records associated with the acquisition or intended acquisition.

67-9213. VOID CONTRACTS. (1) All contracts made in violation of the provisions of this chapter shall be void. Any sum of money advanced by the state in consideration of a void contract shall be repaid forthwith.

(2) In the event of a refusal or delay when repayment is demanded by the proper officer of the state of Idaho, under whose authority such contract shall have been made or entered into, every person so refusing or delaying, together with that person's surety or sureties, shall be prosecuted at law for the recovery of such sum of money so advanced.

67-9214. ACCEPTANCE OF PROPERTY. No property to be acquired by an agency shall be accepted by the agency unless the property meets the specifications set forth in the solicitation or contract.

67-9215. PRESERVATION AND DISCLOSURE OF RECORDS -- EXCEPTION. (1) The administrator shall preserve all records relating to solicitations in the administrator's office, and information with respect thereto, in such form as the administrator shall prescribe by rule, for a period of three (3) years after the date of final action, or for a period of time as may be prescribed by a record retention guideline schedule approved by the director. Records preserved under the provisions of this section shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(2) If a solicitation is canceled prior to award of a contract, the administrator shall immediately return all bids to the submitting vendors or delete bids that were received electronically. Bids returned or deleted pursuant to this subsection shall not be subject to disclosure under chapter 1, title 74, Idaho Code.

67-9216. OPEN CONTRACTS. (1) If property is available on an open contract, then all agencies seeking to procure such property must do so from the open contract. Provided however, that the administrator may grant an exemption to a requesting agency if the administrator determines that an exemption would be in the best interest of the state.

(2) A request for an exemption shall be made in writing and explain why the exemption would be in the best interest of the state.

(3) The administrator's determination to grant an exemption shall be made in writing and explain the justification for the exemption.

(4) The administrator shall make an annual report to the legislature on the first day of the regular session, which report shall detail:

- (a) The exemptions requested during the previous year;
- (b) Whether the exemptions were granted or denied; and
- (c) The reason each exemption was granted or denied.

67-9217. DISQUALIFICATION OF VENDORS. (1) A disqualified vendor may not submit a bid.

(2) A vendor may be disqualified by the administrator for any of the following reasons:

- (a) Failure to perform according to the terms of any contract;
- (b) Attempts by whatever means to cause specifications to be drawn so as to favor a specific vendor;
- (c) Use of the provisions of this chapter to obstruct or unreasonably delay acquisitions by the state;
- (d) Perjury in a vendor disqualification hearing;
- (e) Knowingly violate the provisions of this chapter; or
- (f) Debarment, suspension or ineligibility from federal contracting of the vendor, its principals or its affiliates.

(3) A vendor shall be notified by registered mail within ten (10) days of the vendor's disqualification by the administrator. The vendor may, within thirty (30) days of the receipt of such notice, request a hearing, which shall be held in accordance with chapter 52, title 67, Idaho Code.

(4) In lieu of disqualification, the determinations officer at a hearing conducted pursuant to subsection (3) of this section may recommend to the director specific conditions to the vendor's continued participation in acquisitions by the state.

(5) Disqualification or conditions may be imposed for a period of not less than six (6) months or not more than five (5) years.

(6) For purposes of this section, "obstruction" means a lack of success in more than fifty percent (50%) of the specification challenges made in each of three (3) different acquisitions during any twenty-four (24) month period.

67-9218. PAYMENT OF CONTRACTORS. (1) Within ten (10) days after the property acquired is delivered as called for by the specifications, the acquiring agency shall complete all processing required of that agency to permit the contractor to be paid according to the terms of the contract.

(2) Within ten (10) days of receipt of the documents necessary to permit payment of the contractor according to the terms of the contract, the state controller shall cause a warrant to be issued in favor of the contractor and delivered.

(3) Contracts let or entered into by or through the division of purchasing are exempt from the provisions of section 67-2302, Idaho Code; provided however, that late contract payments may be assessed interest by the contractor at the rate set forth in section 63-3045, Idaho Code, unless another rate is established by the contract.

67-9219. CONTRACT OVERSIGHT. (1) Subject to approval of the director, the administrator shall formulate rules that establish policies and procedures relating to the administration, management, monitoring and oversight of contracts entered by an agency.

(2) Any officer, institution or entity that is excluded from the definition of "agency" under section 67-9203, Idaho Code, but that may enter contracts obligating the state, shall establish policies and procedures relating to the administration, management, monitoring and other oversight of such contracts.

(3) Policies and procedures established pursuant to subsection (1) or (2) of this section shall define the roles and responsibilities of those persons assigned to administer, manage, monitor or otherwise oversee state contracts.

(4) Each officer, agency, institution or entity that may enter contracts obligating the state, regardless of whether such officer, agency, institution or entity is included in the definition of "agency" under section 67-9203, Idaho Code, shall make an annual report to the legislature on all qualifying contracts entered into by the officer, agency, institution or entity during the previous year. The report shall be made on the first day of the regular legislative session and shall include the following information for each contract:

- (a) The amount;
- (b) The duration;
- (c) The parties; and
- (d) The subject.

(5) For purposes of this section, a qualifying contract is one valued at more than one million five hundred thousand dollars (\$1,500,000) over the duration of the contract and that is:

- (a) Awarded as a result of a sole source or other noncompetitive procurement pursuant to section 67-9221, Idaho Code;
- (b) A multiyear contract; or
- (c) Part of a multiple award.

67-9220. INVENTORIES. Every agency shall submit to the administrator, at such times as the administrator may require, a written statement containing full information as to all property then in the agency's possession and the estimated requirements of the agency for such period as the administrator may designate. Further, the administrator may, at any time, inspect or cause to be inspected and inventoried all such property in any agency, and it shall be the duty of each officer and employee thereof to assist and furnish to the administrator full information for purposes of such examination or investigation.

67-9221. NONCOMPETITIVE AND EMERGENCY PROCUREMENTS. (1) The administrator may allow noncompetitive procurements when:

- (a) A particular savings to the state may be obtained through the use of educational discounts, reverse public auctions or acquisition of federal surplus or excess property;
- (b) The property is available only from a sole source;
- (c) Immediate delivery of the property is required by public exigencies and the administrator has declared that an emergency exists; or
- (d) Other circumstances justify a noncompetitive procurement in the opinion of the director and the administrator.

(2) Prior to procuring property from a sole source, the administrator shall post notice of a sole source procurement, unless the property is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property. The notice shall be posted in a conspicuous manner as prescribed by rule.

(3) When the administrator has declared an emergency, payment vouchers may be issued on behalf of an agency without sufficient funds to make an emergency procurement. A payment voucher shall include a statement of justification for the emergency procurement.

67-9222. NONOWNED PROPERTY. (1) Bids submitted for the acquisition of any property, the terms of payment for which are other than those of a procurement with attendant passage of title, shall be prepared on a basis that will allow the state full unlimited use, except for those periods required by the owner of such property for normal maintenance, without incurring additional costs to the state beyond those included in the bid price submitted.

(2) Any exercise by the state of an option to acquire previously nonowned property, or any other procedure that shall serve to pass title to the state where no passage of title existed before, shall be deemed to be

a new acquisition and, prior to execution, all applicable provisions and procedures of this chapter shall be exercised.

67-9223. EXCHANGE OF STATE PROPERTY. (1) Whenever an agency owns property no longer economical to use, the administrator may dispose of such property by exchanging the same in part payment for new property, as provided for in this section. The administrator shall include in the solicitation a full description of the property to be exchanged as part payment and shall permit vendors to examine the same. The contract shall be awarded on the basis of net cost to the state after allowance for the property to be exchanged in part payment. In addition, the administrator may permit an exchange of property in part payment for new property acquisitions from contracts for the same or similar property.

(2) Exchange of property pursuant to this section will be permitted only when it is determined by the administrator that all other methods of disposal of the property sought to be exchanged will yield less value to the state.

67-9224. GROUP DISCOUNT PURCHASING. (1) The administrator may authorize an agency to become a participating member of a group discount purchasing organization if the administrator finds that:

(a) The property to be acquired is at least equal in quality to same or similar property that the agency uses;

(b) The property to be acquired is less costly to the state than if acquired by other means authorized in this chapter;

(c) The state's participation in the organization is formalized by a written contract that extends for no longer than one (1) year at a time; and

(d) The state's entrance fee or participation fee in the organization is based on criteria applied to all other members of the organization.

(2) Any contract entered pursuant to this section shall be maintained on file with the division as well as with the agency entering into the contract.

(3) Property acquired pursuant to this section shall be used solely by the state and may not be transferred from state ownership until it is no longer of use to the state. Such property may not be provided to individuals except those in the custody of the state or those receiving direct personal services from the state.

67-9225. PROCUREMENT BY STATE INSTITUTIONS OF HIGHER EDUCATION. (1) A state institution of higher education may establish policies and procedures for procuring property that shall be substantially consistent with the requirements for procuring property as set forth in this chapter and that shall be approved by the state board of education. When the state board of education has approved such policies and procedures for a state institution of higher education, the institution shall not be subject to the provisions of this chapter, except as provided in subsection (2) of this section.

(2) When the state enters into an open contract, no state institution of higher education shall fail to use such contract; provided however, that if the property to be acquired may be procured at equal or less expense to the institution from a vendor that is not party to the open contract, then the institution may, at the institution's discretion, procure the property from the nonparty vendor.

67-9226. DISCOUNTS. (1) Whenever an employee of an agency is charged with the responsibility of procuring property for and on behalf of the state, the employee shall, if possible, negotiate discounts normally given in the ordinary course of business including, but not limited to, discounts for prompt payment and discounts for bulk acquisitions.

(2) It shall be the duty of the administrator to prescribe by rule the manner by which to obtain discounts.

67-9227. CONTRACTS WITH FEDERAL GOVERNMENT EXEMPT FROM CERTAIN PROVISIONS. The administrator, on behalf of any agency, and the comparable purchasing officers of the several political subdivisions, municipal corporations and public agencies of the state on behalf of such political subdivisions, municipal corporations and public agencies, within the limits of available appropriations and requisitions made for acquisition thereof, may enter into any contract with the United States of America, or with any agency thereof, or with any agency established for disposition or distribution of surplus federal properties within this state, for the acquisition of any property, real or personal, without regard to provisions of law that require:

- (1) The posting of notices;
- (2) Public advertising;
- (3) Inviting or receiving competitive bids; or
- (4) Delivery of property acquired before payment in any case in which delivery may be constructively accomplished without manual possession.

67-9228. ACQUISITION OF PROPERTY -- GENERAL SERVICES ADMINISTRATION FEDERAL SUPPLY SCHEDULE CONTRACTS. Notwithstanding any provision in this chapter to the contrary, the administrator may, instead of soliciting bids, contract for property at a price equal to or less than the contractor's current federal supply contract price for sales to the general services administration of the United States without the use of competitive bids, so long as the contractor has indicated a willingness in writing to extend such contractor pricing, terms and conditions to the administrator, and the administrator considers the price to be advantageous to the state.

67-9229. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. (1) All rules of the division of purchasing shall be adopted in accordance with the provisions of chapter 52, title 67, Idaho Code. Only appeals conducted as contested cases pursuant to section 67-9232 (3) (a) (iii), Idaho Code, shall be subject to the judicial review provisions of chapter 52, title 67, Idaho Code. This section shall not impair any contract right or contract remedy that may exist between the state and a properly licensed contractor or vendor.

(2) A determinations officer appointed by the director pursuant to the provisions of this chapter may subpoena witnesses and evidence and administer oaths.

(3) In the event that a determinations officer is appointed pursuant to the provisions of section 67-9232, Idaho Code, any vendor who has submitted a bid in the process under review shall, notwithstanding any other disability, have standing to intervene in the proceeding as a party, and such intervenor may participate in the purchase appeal or appeal from any final order entered in a contested case conducted under section 67-9232 (3) (a) (iii), Idaho Code.

67-9230. PROHIBITIONS. (1) No contract or any interest therein shall be transferred by the contractor to whom such contract is given to any other party without approval in writing by the administrator and by the board of examiners pursuant to section 67-1027, Idaho Code. Transfer of a contract without approval shall cause the annulment of the contract so transferred, at the option of the state. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the state.

(2) No member of the legislature or any officer or employee of any branch of the state government shall directly, himself, or by any other person in trust for him or for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract made or entered into

by or on behalf of the state of Idaho, if made by, through, or on behalf of the department in which he is an officer or employee; or if made by, through or on behalf of any other department unless the same is made after competitive bids.

(3) Except as provided in this chapter, no officer or employee shall influence or attempt to influence the award of a contract to a particular vendor, or to deprive or attempt to deprive any vendor of a contract.

(4) No officer or employee shall conspire with a vendor or its agent, and no vendor or its agent shall conspire with an officer or employee, to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive a vendor of a contract.

(5) No officer or employee shall fail to use an open contract except as provided in this chapter.

(6) No officer or employee shall accept property knowing that the property does not meet specifications or other acceptance criteria set forth in the contract.

(7) Deprivation, influence or attempts thereat shall not include written reports, based upon substantial evidence, sent to the administrator concerning matters relating to the responsibility of vendors.

(8) No vendor or related party, or subsidiary, or affiliate of a vendor, may submit a bid to obtain a contract to provide property to the state, if the vendor or related party, or affiliate or subsidiary was paid for services used in preparing the specifications or if the services influenced the procurement process.

67-9231. PENALTIES. (1) Any person convicted of a violation of subsection (1), (2), (3) or (8) of section 67-9230, Idaho Code, shall be guilty of a misdemeanor.

(2) Any person convicted of a violation of subsection (4) of section 67-9230, Idaho Code, shall be guilty of a felony.

(3) Any officer or employee found to have violated the provisions of subsection (5) or (6) of section 67-9230, Idaho Code, may, by order of a determinations officer appointed by the director, be suspended without pay for not more than ninety (90) working days, have a reprimand entered in his personnel file, or both.

67-9232. CHALLENGES AND APPEALS. (1) Bid specifications.

(a) There shall be, beginning with the date of receipt of notice, a period of not more than ten (10) working days in which any vendor, qualified and able to sell or supply the items to be acquired, may notify the administrator in writing of his intention to challenge the specifications and shall specifically state the exact nature of his challenge. The specific challenge shall describe the location of the challenged portion or clause in the specification document, unless the challenge concerns an omission, explain why any provision should be struck, added or altered, and contain suggested corrections.

(b) Upon receipt of the challenge, the administrator shall either deny the challenge, and such denial shall be considered the final agency decision, or he shall present the matter to the director for appointment of a determinations officer. If the director appoints a determinations officer, then all vendors, who are invited to bid on the property sought to be acquired, shall be notified of the appeal and the appointment of a determinations officer and may indicate in writing their agreement or disagreement with the challenge within five (5) days. The notice to the vendors may be electronic. Any vendor may note his agreement or disagreement with the challenge. The determinations officer may, on his own motion, refer the challenge portion and any related portions of the challenge to the author of the specification to be rewritten with the advice and comments of the vendors capable of supplying the property,

rewrite the specification himself and/or reject all or any part of any challenge. If specifications are to be rewritten, the matter shall be continued until the determinations officer makes a final determination of the acceptability of the revised specifications.

(c) The administrator shall reset the bid opening no later than fifteen (15) days after final determination of challenges or the amendment of the specifications. If the administrator denies the challenge, then the bid opening date shall not be reset.

(d) The final decision of the determinations officer or administrator on the challenge to specifications shall not be considered a contested case within the meaning of the administrative procedure act; provided that a vendor disagreeing with specifications may include such disagreement as a reason for asking for appointment of a determinations officer pursuant to subsection (3) of this section.

(2) Nonresponsive bids.

(a) There shall be, beginning with the day following receipt of notice of rejection, a period of five (5) working days in which a bidder whose bid was found nonresponsive may appeal such decision to the director of the department of administration. A nonresponsive bid, within the meaning of this chapter, is a bid that does not comply with the bid invitation and specifications and shall not apply to a vendor whose bid is considered but who is determined not to be the lowest responsible bidder as defined in this chapter. The director shall:

(i) Deny the application; or

(ii) Appoint a determinations officer to review the record and submit a recommended order to the director to affirm or reverse the administrator's decision of bid nonresponsiveness.

(b) The director shall, upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's nonresponsive bid decision. An appeal conducted under the provisions of this subsection shall not be considered a contested case and shall not be subject to judicial review under the provisions of chapter 52, title 67, Idaho Code.

(3) Lowest responsible bidder.

(a) A vendor whose bid is considered may, within five (5) working days following receipt of notice that he is not the lowest responsible bidder, apply to the director for appointment of a determinations officer. The application shall set forth in specific terms the reasons why the administrator's decision is thought to be erroneous. Upon receipt of the application, the director shall within five (5) working days:

(i) Deny the application, and such denial shall be considered the final agency decision;

(ii) Appoint a determinations officer to review the record to determine whether the administrator's selection of the lowest responsible bidder is correct; or

(iii) Appoint a determinations officer with authority to conduct a contested case hearing in accordance with the provisions of chapter 52, title 67, Idaho Code.

(b) A determinations officer appointed pursuant to paragraph (a) (ii) of this subsection shall inform the director by written recommendation whether, in his opinion, the administrator's selection of the lowest responsible bidder is correct. The determinations officer in making this recommendation may rely on the documents of record, statements of employees of the state of Idaho participating in any phase of the selection process, and statements of any vendor submitting a bid. A contested case hearing shall not be allowed and the determinations officer shall not be required to solicit statements from any person. Upon receipt of the recommendation from the determinations officer, the director shall sustain, modify or reverse the decision of the

administrator on the selection of the lowest responsible bidder, or the director may appoint a determinations officer pursuant to paragraph (a) (iii) of this subsection.

(c) A determinations officer appointed pursuant to paragraph (a) (iii) of this subsection shall conduct a contested case hearing and upon conclusion of the hearing shall prepare findings of fact, conclusions of law and a recommended order for the director of the department of administration. Upon receipt of the findings of fact, conclusions of law and recommended order, the director shall enter a final order sustaining, modifying or reversing the decision of the administrator on the selection of the lowest responsible bidder.

(4) Sole source procurement.

(a) In the case of a sole source procurement, there shall be a period of not more than five (5) working days from the last date of public notice in which any vendor, able to sell or supply the property to be acquired, may notify the administrator, in writing, of his intention to challenge the sole source procurement and briefly explain the nature of the challenge.

(b) Upon receipt of the challenge, the director shall either:

(i) Deny the application; or

(ii) Appoint a determinations officer to review the record and submit a recommended order to the director to affirm or reverse the administrator's sole source determination.

(c) The director shall, upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's sole source determination. An appeal conducted under the provisions of this subsection shall not be considered a contested case and shall not be subject to judicial review under the provisions of chapter 52, title 67, Idaho Code.

(5) The administrator may, on his own initiative, file a complaint with the director for a hearing before a determinations officer. The director shall appoint a determinations officer who shall make written recommendations to the director and the director shall render whatever decision is necessary to resolve the complaint.

(6) The director is hereby authorized and directed to appoint a determinations officer whenever one is required by this chapter. The officer shall meet and render whatever determination is called for. When a complaint is filed pursuant to subsection (2) of this section, no bid may be awarded until the final decision is rendered by the director; provided that in all other cases where a determinations officer is appointed by the director, the director shall have the power to allow the acquisition contract to be awarded to the successful bidder prior to or after the decision of the determinations officer if he determines such award to be in the best interests of the state. Any determinations officer appointed pursuant to this section shall exist only for the duration of unresolved complaints on an acquisition and shall be dismissed upon resolution of all such complaints. The determinations officer shall be guided in his determination by the best economic interests of the state for both the near future and more extended periods of time. In addition to the powers conferred on the determinations officer, the director may:

(a) Impose the penalty prescribed by section 67-9231 (3), Idaho Code;

(b) Enjoin any activity that violates this chapter;

(c) Direct that bids be rejected or sustained;

(d) Direct that specifications be rejected, sustained or modified; and

(e) Direct further legal action.

(7) Challenges or appeals conducted pursuant to subsection (1), (2), (3) (a) (i) or 3(a) (ii) of this section shall not be considered to be a contested case as that term is defined in the administrative procedure act. An appeal conducted pursuant to subsection (3) (a) (iii) of this section shall be

conducted as a contested case according to the provisions of chapter 52, title 67, Idaho Code.

67-9233. ETHICS IN PROCUREMENT. (1) It is the intent of the legislature that all persons involved in the process of procuring property for the state conduct themselves in a manner that protects the public interest and fosters confidence in the integrity of the process. To that end, this section shall apply to all such persons, including:

(a) State officers, even if the officer or officer's employer is excluded from the definition of "agency" under section 67-9203, Idaho Code;

(b) State employees, even if the employee works for an officer, institution or entity that is excluded from the definition of "agency" under section 67-9203, Idaho Code; and

(c) Vendors or any person acting on behalf of a vendor.

(2) In any matter relating to state procurement, it is an unethical breach of the public trust to:

(a) Knowingly attempt to realize personal gain through state office or employment by any conduct inconsistent with this chapter or any other applicable law or rule;

(b) Attempt to influence a state officer or employee to violate the policy or provisions of this chapter or any other applicable law or rule; or

(c) Knowingly violate an applicable law or rule.

(3) Subject to due process requirements, and in addition to any other administrative, civil or criminal sanctions provided by law or rule, a state employee's supervisor may impose the following sanctions on the employee for an unethical breach of the public trust:

(a) A reprimand or warning, either oral or written;

(b) Suspension with or without pay for a specified period of time; or

(c) Termination of employment.

(4) In addition to any other administrative, civil or criminal sanction provided by law or rule, a vendor who commits an unethical breach of the public trust, or whose advocate or representative commits an unethical breach of the public trust, may be disqualified pursuant to section 67-9217, Idaho Code.

67-9234. SEVERABILITY. Insofar as a provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 5. That Section 18-1359, Idaho Code, be, and the same is hereby amended to read as follows:

18-1359. USING PUBLIC POSITION FOR PERSONAL GAIN. (1) No public servant shall:

(a) Without the specific authorization of the governmental entity for which he serves, use public funds or property to obtain a pecuniary benefit for himself.

(b) Solicit, accept or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of his official duties. This prohibition shall not include trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) Use or disclose confidential information gained in the course of or by reason of his official position or activities in any manner with the intent to obtain a pecuniary benefit for himself or any other person or

entity in whose welfare he is interested or with the intent to harm the governmental entity for which he serves.

(d) Be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, except as provided in section 18-1361, Idaho Code.

(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

(f) Unless specifically authorized by another provision of law, commit any act prohibited of members of the legislature or any officer or employee of any branch of the state government by section 67-57269230, Idaho Code, violations of which are subject to penalties as provided in section 67-57349231, Idaho Code, which prohibition and penalties shall be deemed to extend to all public servants pursuant to the provisions of this section.

(2) No person related to any member of the legislature by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty within the legislative branch of government or otherwise be employed by the legislative branch of government when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(3) No person related to a mayor or member of a city council by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(4) No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(5) (a) An employee of a governmental entity holding a position prior to the election of a local government official, who is related within the second degree, shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.

(b) Nothing in this section shall be construed as creating any property rights in the position held by an employee subject to this section, and all authority in regard to disciplinary action, transfer, dismissal, demotion or termination shall continue to apply to the employee.

(6) The prohibitions contained within this section shall not include conduct defined by the provisions of section 74-403(4), Idaho Code.

(7) The prohibitions within this section and section 18-1356, Idaho Code, as it applies to part-time public servants, do not include those actions or conduct involving the public servant's business, profession

or occupation and unrelated to the public servant's official conduct, and do not apply to a pecuniary benefit received in the normal course of a legislator's business, profession or occupation and unrelated to any bill, legislation, proceeding or official transaction.

SECTION 6. That Section 33-125B, Idaho Code, be, and the same is hereby amended to read as follows:

33-125B. PAY FOR SUCCESS CONTRACTING -- DUTIES OF THE STATE DEPARTMENT OF EDUCATION. (1) The state department of education may enter into contracts for approved services. Notwithstanding ~~section 67-5718~~ the provisions of chapter 92, title 67, Idaho Code, the department may issue a request for information for a contract upon identification of a need for a special service, or interested parties may identify a need for service within the department and submit a proposal to the department to negotiate a contract. Any contract entered into pursuant to this section shall provide for:

- (a) An evidence-based program delivered by the service provider designed to enhance student academic achievement;
- (b) Mutually agreed upon grade-level performance targets and efficacy standards;
- (c) Identified source of department moneys from which savings will be realized;
- (d) An external evaluator who shall have expertise in all of the following areas:
 - (i) Education;
 - (ii) Program evaluation and assessment;
 - (iii) Collection and maintenance of program data;
 - (iv) Demonstrated ability to link an individual student's data from grade to grade; and
 - (v) Knowledge of the Idaho-specific academic performance scores used to demonstrate efficacy of the service provider's program;
- (e) The state's payment obligations from the money appropriated to the public school support program, if the efficacy standards are met under the contract;
- (f) Terms under which the state may terminate the contract;
- (g) An annual audit to be performed by a certified public accountant; and
- (h) A mutually agreed upon formula for the distribution of savings realized by the service provider program.

An external evaluator shall approve the negotiated contract provisions relating to efficacy standards before the department may enter into any such contract.

- (2) Investor moneys shall be adequate to cover all contract costs.
- (3) The third-party administrator shall:
 - (a) Manage all moneys pursuant to subsection (2) of this section;
 - (b) When appropriate, direct payments to be made under the terms of the contract;
 - (c) Ensure an annual audit is conducted under the terms of the contract;
 - (d) Issue financial reports as required by the contract; and
 - (e) Complete all other compliance requirements of state or federal law.
- (4) The department shall approve the local education agencies (LEA) from which each cohort will be chosen. The priority for selection of LEAs shall be given to:
 - (a) LEAs reporting the greatest number of students who are not proficient to meet grade-level performance targets being used to evaluate the service provider's program;
 - (b) LEAs reporting the greatest number of students on free and reduced lunch; and
 - (c) LEAs in different regions of the state.

The selection of cohorts shall be made by mutual agreement between the service provider and the approved LEA.

(5) The external evaluator shall:

(a) Determine whether the service provider has met the agreed upon efficacy standards under the terms of the contract by determining the outcomes for each cohort based on the following criteria:

(i) Whether there was an increase in the number of children proficient to meet grade-level performance targets at levels specified in the contract; and

(ii) Calculate moneys no longer expended or distributed by the department for intervention or remediation as specified in the contract;

(b) Annually report the service provider efficacy standards to the department; and

(c) Report the service provider efficacy standards to the third-party administrator for the purpose of determining whether payment should be made under the terms of the contract.

(6) An oversight committee is hereby created for the purpose of deciding whether or not the state department of education will enter into a negotiation with an interested party under this section, and for the purpose of monitoring contracts entered into under this section. The committee shall meet as often as is necessary to fulfill its obligations under this subsection. The committee shall consist of the following people:

(a) The chief financial officer of the state department of education;

(b) The subject matter expert at the state department of education;

(c) A representative from the state controller's office;

(d) The house of representatives education committee chairman; and

(e) The senate education committee chairman.

(7) The state department of education shall report to the legislature on or before February 1 of each year on all contracts entered into pursuant to this section.

(8) The state board of education may promulgate rules implementing the provisions of this section.

(9) As used in this section:

(a) "Cohort" means a group of individuals who enter the service provider's program on the same date.

(b) "Department" means the state department of education.

(c) "External evaluator" means the entity that is responsible for determining the efficacy of a service provider's program.

(d) "Investor" means an individual or entity that provides the capital for the services specified in a contract.

(e) "Local education agency" or "LEA" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

(f) "Service provider" means an organization that implements an evidenced-based program that conforms to the terms of the contract.

(g) "Third-party administrator" means an SSAE-16 compliant firm or a firm licensed under chapter 2, title 54, Idaho Code, that manages all moneys deposited pursuant to this section and controlled by a contract.

SECTION 7. That Section 33-2503, Idaho Code, be, and the same is hereby amended to read as follows:

33-2503. BOARD OF LIBRARY COMMISSIONERS -- POWERS AND DUTIES. The board of library commissioners is designated as the policymaking body for the Idaho commission for libraries. The board of library commissioners shall have the following powers and duties:

(1) To foster and promote library service in the state of Idaho.

(2) To promulgate all rules and make policies as necessary for the proper conduct of its business.

(3) To receive donations of money, materials and other real and personal property, for the benefit of the Idaho commission for libraries. Title to donations in any form shall vest in the state of Idaho. Donations shall be held and controlled by the board of library commissioners.

(4) To promote and facilitate the establishment, use, and cooperation of libraries throughout the state so all Idahoans have access to the resources of those libraries.

(5) To support or deliver statewide library programs and services.

(6) To accept, receive, administer and expend, in accordance with the terms thereof, any moneys, materials or other aid granted, appropriated, or made available to Idaho by the United States, or any of its agencies, or by any other public or private source, for library purposes. The board of library commissioners is authorized to file any accounts required with reference to receiving and administering all such moneys, materials and other aid.

(7) To assist in the establishment of financing of a statewide program of cooperative library services, which may be in cooperation with any taxing unit, or public or private agency.

(8) To contract with other libraries or agencies, within or without the state of Idaho, to render library services to people of the state of Idaho. The board of library commissioners shall have authority to reasonably compensate other library units or agencies for the cost of the services provided by the other library unit or agency under any such contract. Such contracts and compensation shall be exempt from the provisions of chapter 5792, title 67, Idaho Code.

SECTION 8. That Section 33-3406, Idaho Code, be, and the same is hereby amended to read as follows:

33-3406. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The board of directors for the Idaho bureau of educational services for the deaf and the blind shall have the following powers and duties:

(1) Recommend policies to be established by rule of the state board of education for effecting the purposes of this chapter.

(2) Operate a school for the deaf and the blind, including but not limited to:

(a) With the advice of the administrator, prescribe the course of study, the textbooks to be used, and for those pupils who complete the requirements for grade twelve (12), the time and standard of graduation;

(b) Upon advice and recommendation from the administrator that any pupil has ceased to make progress, or is no longer being benefited by the school's services, approve release of such pupil from the school and/or discontinue school services;

(c) Maintain general supervision and control of all property, real and personal, appertaining to the school, and to ensure the same;

(d) Employ architects or engineers as necessary in planning the construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof; and

(e) Provide for the conveyance of pupils to and from the school.

(3) Employ or contract with outreach and other staff as necessary. The Idaho bureau of educational services for the deaf and the blind shall be exempt from the provisions of sections 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code, and shall be exempt from chapter 53, title 67, Idaho Code. At the discretion of the board, all employees of the Idaho bureau of educational services for the deaf and the blind or a school for the deaf

and the blind eligible for benefits may be permitted to elect to receive their salary on a year-round basis. Such a payment schedule shall not be considered a guarantee of employment.

(4) Purchase such supplies and equipment as are necessary to implement the provisions of this chapter, which purchases shall be exempt from the purchasing laws state procurement act in chapter 5792, title 67, Idaho Code.

(5) Enter into contracts with any other governmental or public agency whereby the bureau agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the costs of rendering such service.

(6) Accept, receive and utilize any gifts, grants or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this chapter.

(7) Obtain and maintain facilities to house operations of outreach or supplemental services as needed.

(8) Manage the moneys disbursed to the bureau from any and all sources.

(9) Acquire, by purchase, exchange, or lease any property which in the judgment of the board is needed for the operation of the Idaho bureau of educational services for the deaf and the blind, including a school for the deaf and the blind, and to lease, dispose of, by sale or exchange, any property which in the judgment of the board is not needed for the operation of the same.

(10) Enter into contracts or agreements as may be necessary to carry out the purposes of this chapter.

SECTION 9. That Section 33-5402, Idaho Code, be, and the same is hereby amended to read as follows:

33-5402. STATE COLLEGE SAVINGS PROGRAM BOARD -- COLLEGE SAVINGS PROGRAM -- POWERS AND DUTIES. There is hereby created the state college savings program board. The board shall consist of the state treasurer or his designee who shall serve as chair, the governor or designee, the state controller or designee, the attorney general or designee, the superintendent of public instruction or designee, and the secretary of state or designee. A quorum shall be necessary to transact business. Members of the board shall be compensated by their appointing entity. The state college savings program board shall:

(1) Develop and implement the program in a manner consistent with this chapter through the adoption of rules, guidelines and procedures;

(2) Retain professional services, if necessary, including accountants, auditors, consultants and other experts;

(3) Seek rulings and other guidance from the United States department of the treasury, the internal revenue service and the state tax commission relating to the program;

(4) Make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529 of the Internal Revenue Code of 1986, as amended;

(5) Interpret, in rules, policies, guidelines and procedures, the provisions of this chapter broadly in light of its purpose and objectives;

(6) Charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the program;

(7) Select the depositories and act as or select managers of the program in accordance with this chapter;

(8) Enter into contracts, within the limit of funds available therefor, acquire services and personal property, and do and perform any acts that may be necessary in the administration of the program. As a board comprised of elected officials, the board shall be exempt from the provisions of the

procurement statutes and shall not be an agency as defined in section 67-57169203, Idaho Code;

(9) Establish, in its discretion, a trust or other method of segregating the funds of participants in the program from the general funds of the state, the funds of the board and the funds of the members of the board;

(10) Administer the program and any trust established by the board as instrumentalities of the state under section 529 of the Internal Revenue Code of 1986, as amended, and the federal securities law, including the securities act of 1933, as amended, the trust indenture act of 1939, as amended, and the investment company act of 1940, as amended;

(11) Employ and at its pleasure discharge an executive director and such other employees necessary in the administration of the program. Employees of the board shall be nonclassified exempt employees pursuant to the provisions of chapter 53, title 67, Idaho Code.

SECTION 10. That Section 33-5504, Idaho Code, be, and the same is hereby amended to read as follows:

33-5504. DUTIES OF THE ACADEMY BOARD OF DIRECTORS. The board shall be responsible for ensuring that academy procedures and courses are in compliance with the rules of the state board of education and applicable statutes of the state of Idaho. In addition, the board shall:

(1) Recommend policies to be established by rule of the state board for effecting the purposes of this chapter.

(2) Employ or contract with staff as necessary and purchase such supplies and equipment as are necessary to implement the provisions of this chapter, which purchases shall be exempt from the ~~purshasing laws~~ state procurement act in chapter 5792, title 67, Idaho Code.

(3) To enter into contracts with any other governmental or public agency whereby the board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the costs of rendering such service.

(4) To accept, receive and utilize any gifts, grants or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this chapter.

(5) Employ or contract with necessary faculty and teaching staff who are fully certificated Idaho teachers or administrators, to design and deliver planned curriculum content. The academy shall be exempt from the provisions of sections 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code, and shall be exempt from chapter 53, title 67, Idaho Code. All teaching and educational staff of the academy shall be exempt, at will employees. The number of such staff shall largely be dictated by the number of courses under development, the number of courses offered, and the number of students participating in academy programs.

(6) Obtain housing where actual operations of the academy are conducted by academy staff.

(7) Contract with a service provider for delivery of academy courses online which shall be accessible twenty-four (24) hours a day, seven (7) days a week.

(8) Ensure that the academy is accredited as established by rule of the state board of education.

(9) Develop policy for earning credit in courses based on mastery of the subject, demonstrated competency, and meeting the standards set for each course.

(10) Provide for articulating the content of certain high school courses with college and university courses in order to award both high school and undergraduate college credit.

(11) Develop policies and practices which provide strict application of time limits for completion of courses.

(12) Develop policies and practices on accountability, both by the student and the teacher, and in accordance with the provisions of section 33-5507, Idaho Code.

(13) Manage the moneys disbursed to the academy board from the superintendent.

(14) Set fees charged to school districts for student participation; fees charged for summer school; and fees charged to students and adults for professional development offerings.

(15) Contract with a certified public accounting firm to conduct an annual audit of the Idaho digital learning academy.

SECTION 11. That Section 39-130, Idaho Code, be, and the same is hereby amended to read as follows:

39-130. REMOVAL -- REMEDIATION -- BUNKER HILL MINING AND METALLURGICAL COMPLEX SUPERFUND FACILITY. Notwithstanding any other provision of law to the contrary, removal and remediation actions in or related to any operable unit of the Bunker Hill mining and metallurgical complex superfund facility performed by or on behalf of the department of environmental quality shall not constitute public works pursuant to chapter 57, title 67, Idaho Code, chapter 19, title 54, Idaho Code, or any other provision of Idaho Code. In the letting and oversight of contracts for such removal or remediation actions, bonding of contractors may be required. The administrator of the division of waste management and remediation, department of environmental quality, and the director of the department of environmental quality, shall have the authority of the administrator of the division of purchasing, department of administration, and the director of the department of administration, respectively, in requiring open competitive bidding pursuant to ~~sections 67-5715 through 67-5718A, 67-5725, 67-5726, 67-5729, 67-5730 and 67-5733~~ chapter 92, title 67, Idaho Code, and any relevant rules of the department of administration.

SECTION 12. That Section 54-2013, Idaho Code, be, and the same is hereby amended to read as follows:

54-2013. ERRORS AND OMISSIONS INSURANCE. (1) Each licensee who is actively licensed under this chapter shall, as a condition to licensing, carry and maintain errors and omissions insurance to cover all licensed activities under the provisions of this chapter.

(2) The commission shall make the insurance required under the provisions of this section available to each licensee by contracting with an insurance provider for errors and omissions insurance coverage for each licensee after competitive, ~~sealed~~ bidding in accordance with chapter 5792, title 67, Idaho Code. The exact premium shall be set by the commission by motion.

(3) Any policy obtained by the commission shall be available to each licensee with no right on the part of the insurance provider to cancel coverage for any licensee.

(4) Each licensee shall have the option of obtaining errors and omissions insurance independently if the coverage contained in an independently obtained policy complies with the minimum requirements established by the commission.

(5) The commission shall determine the terms and conditions of coverage required under the provisions of this section including, but not limited to, the minimum limits of coverage, the permissible deductible and the permissible exemptions.

(6) A licensee seeking to obtain or renew an active license shall certify to the commission that he is in compliance with the insurance requirements of this section. A licensee who elects not to participate in the

insurance program administered by the commission shall obtain a certificate of coverage, signed by an authorized agent or employee of the insurance carrier, reflecting proof of insurance meeting the requirements established by the commission. Upon request by the commission the licensee shall produce the certificate for inspection. Requests for certificates shall be sent by first class mail to the licensee's business or residence address as reflected by the commission's records and a copy of the request shall be sent to the licensee's designated broker, if any. A licensee failing to produce a certificate of coverage within thirty (30) days of a request to do so may have his license inactivated by the commission and shall not be entitled to reactivate the license unless and until he provides to the commission a certificate of coverage reflecting proof of insurance meeting the requirements of the commission. Nothing in this subsection shall limit the ability of the commission to investigate or discipline a licensee for failing to maintain insurance while on active status in violation of subsection (1) of this section or for violating any other section of chapter 20, title 54, Idaho Code, or any rule of the commission.

(7) If the commission is unable to obtain errors and omissions insurance coverage to insure all licensees who choose to participate in the insurance program at a reasonable premium, not to exceed two hundred fifty dollars (\$250) per year, per licensee, the requirement of insurance coverage as provided in this section shall be void during the applicable contract period.

SECTION 13. That Section 60-103, Idaho Code, be, and the same is hereby amended to read as follows:

60-103. EXCEPTION IN CASE OF EXCESSIVE CHARGE -- EXCEPTIONS FOR LACK OF PRODUCTION FACILITIES ON BIDS ON STATE OR COUNTY WORK. (a) Whenever it shall be established that any charge for printing, engraving, binding (excluding binding for state supported libraries) or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the state or county officer or officers having such work in charge shall have power to have such work done outside of said county or state, but nothing in this chapter shall be construed to oblige any of said officers to accept any unsatisfactory work.

(b) Any work referred to in section 60-101 or 60-102, Idaho Code, and which is to be executed for or on behalf of the state or a county may be executed outside of this state in any case (1) where the execution of such work shall require the use of a technique or process which cannot be performed through the use of physical production facilities located within this state and the use of such technique or process is essential to a necessary function to be served by the printing, binding, engraving or stationery work required; (2) where, after ~~requests for proposals or bids have a~~ solicitation has been made or notice thereof has been given as required by section 67-57189208, Idaho Code, as ~~amended,~~ no bid or proposal is made thereon by any person, firm or corporation proposing to execute such work within this state, ; or (3) where, after ~~requests for proposals or bids have a~~ solicitation has been made or notice thereof given as required by section 67-57189208, Idaho Code, the lowest bid from a person, firm or corporation proposing to execute such work within this state is more than ten percent (10%) ~~more than~~ above the lowest bid from a person, firm or corporation proposing to execute such work outside this state.

SECTION 14. That Section 67-455A, Idaho Code, be, and the same is hereby amended to read as follows:

67-455A. COMMITTEE MAY ACQUIRE AND DISPOSE OF PROPERTY. (1) The governor's housing committee may accept grants, gifts or donations of any kind

from any private or public source related to the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence.

(2) The governor's housing committee may acquire real property for purposes related to a governor's residence. Any real property acquired by the governor's housing committee shall be titled in the name of the state of Idaho for the benefit of the governor's housing committee and shall be administered by the department of administration on behalf of and for the benefit of the governor's housing committee. The governor's housing committee may sell such real property by public, private or negotiated sale, exchange, donation or by any other means and may rent a governor's residence and any furnishings and equipment related thereto, as the committee may deem appropriate and prudent. Any real property acquired hereunder shall not be subject to sections 58-331 through 58-335, Idaho Code, relating to surplus real property as the same may now exist or as the same may be amended from time to time. Any sale or disposal of such real property shall not require the reservation to the state of mineral or other rights in the real property.

(3) The governor's housing committee may acquire personal property for the purpose of remodeling, furnishing, equipping or maintaining a governor's residence. Any personal property acquired by the governor's housing committee shall be the property of the state of Idaho held for the benefit of the governor's housing committee and shall be administered on behalf of the governor's housing committee by the department of administration. The governor's housing committee may dispose of any personal property acquired hereunder by any means as the committee may deem appropriate and prudent and such disposal shall not be subject to section 67-5732A, Idaho Code, relating to surplus personal property, as the same exists or may be amended from time to time.

(4) The governor's housing committee may acquire and contract for services related to the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence. Notwithstanding any other law to the contrary, the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence shall not be considered public works and shall not be subject to any laws related to public works of the state of Idaho. Notwithstanding any other law to the contrary, the governor's housing committee shall not be subject to the ~~purchasing laws for state agencies~~ state procurement act provided in chapter 5792, title 67, Idaho Code.

(5) Notwithstanding the provisions of sections 18-1359(1)(d), 18-2705, 58-112, 74-501, 74-503 and 67-57269230, Idaho Code, or any other provision of law, an incumbent governor shall not be deemed prohibited from purchasing real or personal property acquired hereunder, and any such purchase shall be valid for all purposes. Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, specific or local, the provisions of this section shall be controlling.

(6) This section shall apply to all real and personal property acquired pursuant to this section or section 67-455, Idaho Code, before or after the effective date of this section.

SECTION 15. That Section 67-5711C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711C. CONSTRUCTION OF PUBLIC PROJECTS -- COMPETITIVE SEALED BIDDING. (1) All construction contracts for public works shall be awarded to the lowest responsible and responsive bidder after receipt of competitive sealed bidding except as otherwise provided in sections 67-5711B, 67-5711D and 67-5713, Idaho Code.

(2) An invitation for bids shall be issued and shall include a project description and all contractual terms and conditions applicable to the public works.

(3) Adequate public notice of the invitation for bids shall be given at least fourteen (14) days prior to the date set forth therein for the opening of bids. Such notice shall include publication at least fourteen (14) days prior to bid opening in a newspaper of general circulation in the area where the work is located.

(4) When prequalification is deemed by the department and by the respective state agency to be in the best interest of the state, competitive bidding procedures shall be open only to licensed public works contractors that meet preliminary supplemental qualifications. The solicitation for bids in a prequalified bidder public works project shall consist of two (2) stages, an initial stage for identifying prequalified contractors, either prime or specialty contractors, followed by a stage during which bid prices will be accepted only from prequalified contractors. Notice of the prequalification stage shall be given in the same manner that notice of open competitive bidding is provided. Prequalification standards must be premised upon demonstrated technical competence, experience constructing similar facilities, prior experience with the state, past performance (related to quality, workmanship and timeliness), reliability, safety record, available nonfinancial resources, equipment and personnel as they relate to the subject project, and overall performance history based upon a contractor's entire body of work. Any request for qualifications must include the standards for evaluating the qualifications of prospective bidders. Licensed contractors desiring to be prequalified to bid on a project must submit a written response to a request for qualifications. After a review of qualification submittals, licensed contractors that meet the prequalification standards shall be so notified, and licensed contractors that do not meet the prequalification standards shall also be so notified. Thereafter, bids may be solicited from contractors that meet the prequalification standards. The department may promulgate rules or develop procedures to implement the prequalification process.

(5) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by rules, together with the name of each bidder, shall be entered on a record and the record shall be open to public inspection. After the time of the award all bids and bid documents shall be open to public inspection in accordance with the provisions of chapter 1, title 74, and section 67-57259215, Idaho Code.

(6) With respect to a project having a written cost estimate of greater than twenty-five thousand dollars (\$25,000) but less than the public works limit established in section 67-5711, Idaho Code, the agency, if it does not perform the work with existing physical plant staff, must award a written contract to the lowest responsible and responsive bidder after soliciting at least three (3) documented informal bids from contractors licensed in Idaho to perform public works contracts, if reasonably available. Adequate public notice of the invitation for informal bids shall be given at least seven (7) days prior to the date set forth therein for the receipt of the informal bids. Such notice may include publication at least seven (7) days prior to bid opening in a newspaper of general circulation in the area where the work is located; or the agency may advertise the invitation for bids in appropriate trade journals, and otherwise notify persons believed to be interested in the award of a contract. Informal bids must be submitted by the contractor in writing in response to a prepared written document describing the project's scope of work in sufficient detail so as to enable a contractor familiar with such work to prepare a responsible bid. Nothing herein exempts an agency from the responsibility of utilizing formal plans and specifications if the work involves the public health or safety as described in chapters 3 and 12, title 54, Idaho Code. The agency must document receipt of the informal bids in the project file.

(7) Any personal property including goods, parts, supplies and equipment which is to be supplied or provided by a state agency for use in any public work, project, or preventive maintenance programs, whether the public work, project, or preventive maintenance program is constructed, undertaken or performed by agency in-house personnel, or by delegation pursuant to section 67-5710A, Idaho Code, or otherwise provided or supplied by the agency to a contractor, the personal property, goods, parts, supplies or equipment supplied or provided by the agency must be purchased or procured by the agency through the division of purchasing in accordance with the Idaho Code.

SECTION 16. That Section 67-5711D, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711D. ENERGY SAVINGS PERFORMANCE CONTRACTS. (1) Definitions. As used in this section:

(a) "Cost-savings measure" means any facility improvement, repair or alteration to an existing facility, or any equipment, fixture or furnishing to be added or used in any existing facility that is designed to reduce energy consumption and energy operating costs or increase the energy efficiency of facilities for their appointed functions that are cost effective. "Cost-savings measure" includes, but is not limited to, one (1) or more of the following:

- (i) Procurement of low-cost energy supplies of all types, including electricity, natural gas and water;
- (ii) Insulating the building structure or systems in the building;
- (iii) Storm windows or doors, caulking or weather stripping, multiglazed windows or door systems, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area or other window and door system modifications that reduce energy consumption;
- (iv) Automated or computerized energy control systems;
- (v) Heating, ventilation or air conditioning system modifications or replacements;
- (vi) Replacing or modifying lighting fixtures to increase the energy efficiency of the lighting system;
- (vii) Energy recovery systems;
- (viii) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;
- (ix) Installing new or modifying existing day lighting systems;
- (x) Installing or modifying renewable energy and alternate energy technologies;
- (xi) Building operation programs that reduce energy costs including, but not limited to, computerized programs, training and other similar activities;
- (xii) Steam trap improvement programs that reduce energy costs;
- (xiii) Devices that reduce water consumption; and
- (xiv) Any additional building infrastructure improvements that produce energy cost savings, significantly reduce energy consumption or increase the energy efficiency of the facilities for their appointed functions and are in compliance with all applicable state building codes.

(b) "Director" means the director of the department of administration or the director's designee.

(c) "Energy cost savings" means any expenses that are eliminated or avoided on a long-term basis as a result of equipment installed or modified, or services performed by a qualified energy service company

or a qualified provider, but does not include merely shifting personnel costs or similar short-term cost savings.

(d) "Financial grade energy audit" means a comprehensive building energy systems audit performed by a professional engineer licensed in the state of Idaho for the purpose of identifying and documenting feasible energy and resource conservation measures and cost-savings factors.

(e) "Performance contract" means a contract between the director or the public entity and a qualified provider or a qualified energy service company for evaluation, recommendation and implementation of one (1) or more cost-savings measures. A performance contract may be structured as either:

(i) A guaranteed energy savings performance contract, which shall include, at a minimum, the design and installation of equipment and, if applicable, operation and maintenance of any of the measures implemented. Guaranteed annual savings must meet or exceed the total annual contract payments made by the director or the user agency or the public entity for such contract, including financing charges to be incurred over the life of the contract; or

(ii) A shared savings contract, which shall include provisions mutually agreed upon by the director and the qualified provider or qualified energy service company as to the rate of payments based upon energy cost savings and a stipulated maximum energy consumption level over the life of the contract.

(f) "Person" means an individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entity as recognized by the state of Idaho.

(g) "Public entity" means the cities, counties and school districts or any political subdivision within the state of Idaho.

(h) "Qualified energy service company" means a person with a record of established projects or with demonstrated technical, operational, financial and managerial capabilities to implement performance contracts and who currently holds an Idaho public works contractor license appropriate for the work being performed.

(i) "Qualified provider" means a person who is experienced in the design, implementation and installation of energy efficiency and facility improvement measures, who has the ability to secure necessary financial measures to support energy savings guarantees and the technical capabilities to ensure such measures generate energy cost savings, and who currently holds an Idaho public works contractor license appropriate for the work being performed.

(2) Performance contracts. The director of the department of administration, subject to the approval of the permanent building fund advisory council, or any Idaho public entity may enter into a performance contract with a qualified provider or qualified energy service company to reduce energy consumption or energy operating costs. Cost-savings measures implemented under such contracts shall comply with all applicable state and local building codes.

(3) Requests for qualifications. The director of the department of administration or the public entity shall request qualifications from qualified providers and qualified energy service companies inviting them to submit information describing their capabilities in the areas of:

(a) Design, engineering, installation, maintenance and repairs associated with performance contracts;

(b) Experience in conversions to a different energy or fuel source, so long as it is associated with a comprehensive energy efficiency retrofit;

(c) Postinstallation project monitoring, data collection and reporting of savings;

(d) Overall project experience and qualifications;

- (e) Management capability;
- (f) Ability to assess the availability of long-term financing;
- (g) Experience with projects of similar size and scope; and
- (h) Other factors determined by the director or the public entity to be relevant and appropriate relating to the ability of the qualified provider or qualified energy service company to perform the project.

(4) Notice. Adequate public notice of the request for qualifications shall be given at least fourteen (14) days prior to the date set forth therein for the opening of the responses to the request for qualifications. Such notice may be provided electronically or by publication in a newspaper of general circulation in the area where the work is located.

(5) Public inspection. All records of the department or an agency or the public entity relating to the award of a performance contract shall be open to public inspection in accordance with the provisions of chapter 1, title 74, and section 67-57259215, Idaho Code.

(6) Award of performance contract.

(a) The director or public entity shall select up to three (3) qualified providers or qualified energy service companies who have responded to the request for qualifications. Factors to be considered in selecting the successful qualified provider or qualified energy service company shall include, but not be limited to:

- (i) Fee structure;
- (ii) Contract terms;
- (iii) Comprehensiveness of the proposal and cost-savings measures;
- (iv) Experience of the qualified provider or qualified energy service company;
- (v) Quality of the technical approach of the qualified provider or qualified energy service company; and
- (vi) Overall benefits to the state or the public entity.

(b) Notwithstanding the provisions of section 67-5711C, Idaho Code, the director or the public entity may, following the request for qualifications and the expiration of the specified notice period, award the performance contract to the qualified provider or qualified energy service company which best meets the needs of the project and whose proposal may or may not represent the lowest cost among the proposals submitted pursuant to this section.

(c) Upon award of the performance contract, the successful qualified provider or qualified energy service company shall prepare a financial grade energy audit which, upon acceptance by the director or the public entity, shall become a part of the final performance contract.

(7) Installment payment and lease-purchase agreements. Pursuant to this section, the director or the public entity may enter into a performance contract, payments for which shall be made by the user agency or public entity. Such performance contracts may be financed as installment payment contracts or lease-purchase agreements for the purchase and installation of cost-savings measures. Financing implemented through another person other than the qualified provider or qualified energy service company is authorized.

(8) Terms of performance contract.

(a) Each performance contract shall provide that all payments between parties, except obligations upon termination of the contract before its expiration, shall be made over time and that the objective of such performance contract is the implementation of cost-savings measures and energy cost savings.

(b) A performance contract, and payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective, subject to appropriation by the legislature or by the public entity, for costs incurred in future fiscal years. The performance con-

tract may extend for a term not to exceed twenty-five (25) years. The permissible length of the contract may also reflect the useful life of the cost-savings measures.

(c) Performance contracts may provide for payments over a period of time not to exceed deadlines specified in the performance contract from the date of the final installation of the cost-savings measures.

(d) Performance contracts entered pursuant to this section may be amended or modified, upon agreement by the director or the public entity and the qualified provider or qualified energy service company, on an annual basis.

(9) Monitoring and reports. During the term of each performance contract, the qualified provider or qualified energy service company shall monitor the reductions in energy consumption and cost savings attributable to the cost-savings measures installed pursuant to the performance contract and shall annually prepare and provide a report to the director or the public entity documenting the performance of the cost-savings measures.

SECTION 17. That Section 67-5722, Idaho Code, be, and the same is hereby amended to read as follows:

67-5722. SALE, TRADE-IN OR EXCHANGE OF STATE PERSONAL DECLARATION OF SURPLUS PROPERTY.

~~Whenever any agency owns any property no longer economical to use, the administrator of the division of purchasing may dispose of such property by exchanging the same in part payment for new property, as provided for in this section. The administrator of the division of purchasing shall include in his request for bids a full description of the property to be exchanged as part payment and shall permit vendors to examine the same, and the contract shall be awarded on the basis of net cost to the state after allowance for the property to be exchanged in part payment. In addition, the administrator of the division of purchasing may permit an exchange of property in part payment for new property acquisitions from contracts for the same or similar property.~~

~~Exchange of property will be permitted only when it is determined by the administrator of the division of purchasing that all other methods of disposal of the property sought to be exchanged will yield a lesser monetary return to the state.~~

In accordance with the internal management policies, guidelines or instructions of the board of examiners, the head of any agency may declare as surplus any item of personal property.

SECTION 18. That Section 67-5737, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-5737. PROVISIONS OF THIS CHAPTER CONTROLLING -- SEVERABILITY. Except as provided in section 67-5718, Idaho Code, iInsofar as the a provisions of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.~~

SECTION 19. That Section 67-7451, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-7451. LOTTERY EXEMPT FROM STATE PURCHASING LAWS PROCUREMENT ACT. Notwithstanding any other provision of law to the contrary, the state lottery shall be exempt from the purchasing laws for state agencies state procurement act provided in chapter 5792, title 67, Idaho Code.~~

SECTION 20. That Section 74-511, Idaho Code, be, and the same is hereby amended to read as follows:

74-511. VIOLATION RELATING TO PUBLIC CONTRACTS. Officers shall not commit any act prohibited by section 67-57269230, Idaho Code, violations of which are subject to penalties as provided in section 67-57349231, Idaho Code, and which prohibitions and penalties shall be deemed to extend to all public officers governed by the provisions of this chapter.

Approved March 30, 2016

CHAPTER 290
(H.B. No. 541)

AN ACT

RELATING TO EXCLUSIONS FROM THE LOCAL GOVERNMENT PURCHASING LAW; AMENDING SECTION 67-2803, IDAHO CODE, TO PROVIDE AN EXCLUSION FOR THE ACQUISITION OF PERSONAL PROPERTY OR SERVICES THROUGH CONTRACTS ENTERED INTO BY THE DIVISION OF PURCHASING OF THE DEPARTMENT OF ADMINISTRATION OF THE STATE OF IDAHO.

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

SECTION 1. That Section 67-2803, Idaho Code, be, and the same is hereby amended to read as follows:

67-2803. EXCLUSIONS. The procurement requirements established in this chapter shall not be applicable to:

(1) The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the state of Idaho, one (1) of its political subdivisions, or an agency of the federal government;

(2) Contracts or purchases wherein expenditures are less than twenty-five thousand dollars (\$25,000), provided such contracts or purchases shall be guided by the best interests of the political subdivision procuring the goods and services as determined by the governing board;

(3) Disbursement of wages or compensation to any employee, official or agent of a political subdivision for the performance of personal services for the political subdivision;

(4) Procurement of personal or professional services to be performed by an independent contractor for the political subdivision;

(5) Procurement of an interest in real property;

(6) Procurement of insurance;

(7) Costs of participation in a joint powers agreement with other units of government;

(8) Procurement of used personal property by irrigation districts, drainage districts and their boards of control; ~~or~~

(9) Federal government general services administration (GSA) schedules or federal multiple award schedules (MAS); or

(10) The acquisition of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho.

Approved March 30, 2016

CHAPTER 291
(H.B. No. 544)

AN ACT

RELATING TO PROHIBITED ACTS REGARDING ALCOHOL BEVERAGE LAWS; AMENDING SECTION 23-614, IDAHO CODE, TO PROVIDE THAT THE SHOWING OF FILMS, STILL PICTURES, ELECTRONIC REPRODUCTIONS, OR OTHER VISUAL REPRODUCTIONS WHICH ARE IN VIOLATION OF STATE INDECENCY AND OBSCENITY LAWS OR ARE IN VIOLATION OF FEDERAL LAW REGARDING PORNOGRAPHY, INDECENCY OR OBSCENITY IS PROHIBITED IN OR UPON PREMISES LICENSED PURSUANT TO TITLE 23, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 23-614, Idaho Code, be, and the same is hereby amended to read as follows:

23-614. PROHIBITED ACTS -- MISDEMEANORS -- PENALTIES. (1) No person, partnership, association or corporation shall conduct, permit, or encourage any of the following acts or activities in or upon premises licensed pursuant to this title 23, Idaho Code:

(a) Employment or use of any person, including allowing any person on the premises, while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(b) Employment or use of any person who touches, caresses or fondles the breast, buttocks, anus or genitals of any other person, or who is so touched, caressed or fondled by another person.

(c) Employment or use of any person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(d) Employment or use of any person to perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(e) The showing of films, still pictures, electronic reproductions, or other visual reproductions which are in violation of chapter 41, title 18, Idaho Code (indecency and obscenity), or are in violation of federal law regarding pornography, indecency or obscenity depicting:

~~(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.~~

~~(ii) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.~~

~~(iii) Scenes wherein a person displays the vulva or the anus or the genitals.~~

~~(iv) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in this section.~~

(2) A violation of any of the provisions of this section by any agent, employee, or other person in any way acting on behalf of a licensee shall constitute a misdemeanor, and upon conviction such person shall be fined not less than the sum of one hundred dollars (\$100) nor more than the sum of three hundred dollars (\$300), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment. Any court in which a judgment of conviction is entered shall certify a copy thereof to the director, and the director shall thereupon commence ad-

ministrative proceedings. The director shall review the circumstances and may take action he considers appropriate against the licensee including suspension of the license for not to exceed six (6) months, a fine, or both such suspension and fine or may revoke the license.

(3) In addition to misdemeanor violations or other criminal proceedings instituted under this section, upon sufficient proof to the director, the director shall take administrative action as provided in subsection (2) of this section against any licensee in the event any person is found to have committed any of the above proscribed acts. The proceedings shall be in accordance with provisions of the administrative procedure act.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2015.

Approved March 30, 2016

CHAPTER 292
(S.B. No. 1393)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated to the Catastrophic Health Care Program \$18,000,000 from the General Fund to be transferred to the Catastrophic Health Care Cost Fund for the period July 1, 2016, through June 30, 2017.

Approved March 30, 2016

CHAPTER 293
(H.B. No. 557)

AN ACT

RELATING TO YOUTH ATHLETE CONCUSSIONS; AMENDING SECTION 33-1625, IDAHO CODE, TO PROVIDE THAT CERTAIN SPORTS OFFICIALS SHALL REVIEW CONCUSSION AND HEAD INJURY GUIDELINES AND REQUIREMENTS BIENNIALY, TO REQUIRE WRITTEN CONFIRMATION OF RECEIPT OF CONCUSSION GUIDELINES, WRITTEN ACKNOWLEDGMENT OF RISK AND WRITTEN AUTHORIZATION TO PARTICIPATE IN ATHLETIC ACTIVITIES, TO PROVIDE FOR MONITORING OF A STUDENT SUSPECTED OF CONCUSSION AFTER RETURNING TO SCHOOL AND PROVIDING REQUIREMENTS BEFORE A STUDENT MAY RETURN TO ATHLETIC ACTIVITIES.

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

SECTION 1. That Section 33-1625, Idaho Code, be, and the same is hereby amended to read as follows:

33-1625. YOUTH ATHLETES -- CONCUSSION AND HEAD INJURY GUIDELINES AND REQUIREMENTS. (1) The state board of education and the Idaho high school activities association shall provide access to appropriate guidelines and information that identify the signs and symptoms of a concussion and head in-

jury and describe the nature and risk of concussion and head injury in accordance with standards of the centers for disease control and prevention through a link on the internet website of the board and the Idaho high school activities association.

(2) This section shall apply to any middle school, junior high school and high school in the state participating in or administering an organized athletic league or sport. For the purposes of this section, "youth athlete" or "athlete" means an individual who is eighteen (18) years of age or younger and who is a participant in any middle school, junior high school or high school athletic league or sport.

(3) At the beginning of each sports season before a youth athlete participates in any organized practice or game, the youth athlete and the youth athlete's parent or guardian shall receive the guidelines and information described in subsection (1) of this section from the school for which the athlete plays, and shall review the guidelines and information. Coaches, referees, game officials, game judges and athletic trainers shall review such guidelines and information upon employment and ~~biannually~~ biennially thereafter.

(4) Schools shall obtain written consent from the youth athlete's parent or guardian on an annual basis attesting to the fact that the youth athlete's parent or guardian has received a copy of the concussion information and guidelines as outlined in subsection (3) of this section, acknowledges the inherent risk and authorizes the youth athlete to participate in athletic activity.

(5) If during a practice or game or competition, it is reasonably suspected that a youth athlete has sustained a concussion or head injury and exhibits outward signs or symptoms of such, as defined by the centers for disease control and prevention, then the youth athlete shall be removed from play. Every Idaho middle school, junior high school and high school that participates in or offers an organized athletic league shall develop protocol to be followed for removing such athletes from play. Such protocol shall be consistent with concussion and head injury guidelines of the centers for disease control and prevention.

(56) An athlete may be returned to play once the athlete is evaluated and authorized to return by a qualified health care professional who is trained in the evaluation and management of concussions. For the purposes of this section, "qualified health care professional" means and includes any one (1) of the following who is trained in the evaluation and management of concussions:

- (a) A physician or physician assistant licensed under chapter 18, title 54, Idaho Code;
- (b) An advanced practice nurse licensed under section 54-1409, Idaho Code; or
- (c) A licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician who is licensed under chapter 18, title 54, Idaho Code.

(7) Students who have sustained a concussion and return to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered. A student athlete should be able to resume all normally scheduled academic activities without restrictions or the need for accommodation prior to receiving authorization to return to play by a qualified health care professional as defined in subsection (6) of this section.

(68) If an individual reasonably acts in accordance with the protocol developed pursuant to subsection (45) of this section, then acting upon such protocol shall not form the basis of a claim for negligence in a civil action.

(79) Any youth sport organization or association in this state may comply with this section. If a youth sport organization or association is in full compliance with this section, then the youth sport organization or association shall be afforded the same protections from liability in a civil action pursuant to subsection (68) of this section.

Approved March 30, 2016

CHAPTER 294
(H.B. No. 566)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; PROVIDING LEGISLATIVE INTENT REGARDING TRICARE VACCINES; AND REQUIRING A REPORT ON ACCREDITATION STATUS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,590,600	\$1,538,100		\$1,212,600	\$4,341,300
Economic Recovery Reserve					
Fund		596,000			596,000
Idaho Immunization Dedicated Vaccine					
Fund		18,970,000			18,970,000
Cancer Control					
Fund	54,900	205,000		82,600	342,500
Central Tumor Registry					
Fund				135,000	135,000
Cooperative Welfare (Dedicated)					
Fund	1,946,400	3,861,700		10,056,200	15,864,300
Cooperative Welfare (Federal)					
Fund	<u>7,184,900</u>	<u>8,090,300</u>		<u>39,754,300</u>	<u>55,029,500</u>
TOTAL	\$10,776,800	\$33,261,100		\$51,240,700	\$95,278,600

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
II. EMERGENCY MEDICAL SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$105,500	\$170,000			\$275,500
Emergency Medical Services					
Fund	1,734,600	920,200	\$95,200	\$220,000	2,970,000
Emergency Medical Services III					
Fund				1,400,000	1,400,000
TSE Registry					
Fund		225,800			225,800
Cooperative Welfare (Dedicated)					
Fund	488,100	341,300			829,400
Cooperative Welfare (Federal)					
Fund	<u>808,900</u>	<u>1,024,300</u>	<u>0</u>	<u>4,314,200</u>	<u>6,147,400</u>
TOTAL	\$3,137,100	\$2,681,600	\$95,200	\$5,934,200	\$11,848,100
III. LABORATORY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,730,100	\$453,900			\$2,184,000
Cooperative Welfare (Dedicated)					
Fund	461,100	199,300			660,400
Cooperative Welfare (Federal)					
Fund	<u>1,168,900</u>	<u>939,300</u>			<u>2,108,200</u>
TOTAL	\$3,360,100	\$1,592,500			\$4,952,600
IV. SUICIDE PREVENTION AND AWARENESS:					
FROM:					
Cooperative Welfare (General)					
Fund	\$257,600	\$709,500	\$4,000		\$971,100
GRAND TOTAL	\$17,531,600	\$38,244,700	\$99,200	\$57,174,900	\$113,050,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Physical Health Services	147.50
Emergency Medical Services	42.84
Laboratory Services	39.00
Suicide Prevention and Awareness	4.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2017.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LEGISLATIVE INTENT REGARDING TRICARE VACCINES. The Legislature continues to recognize the potential gap in coverage created by TRICARE's refusal to participate in the Idaho Immunization Program. The Legislature continues to support and encourage the executive branch in its efforts to negotiate a solution with TRICARE that does not rely on state funded support. Further, it is the intent of the Legislature that moneys appropriated to purchase TRICARE vaccinations are to be used solely for that purpose and any moneys not expended for TRICARE vaccines are to be reverted back to the General Fund at the close of the fiscal year or as soon thereafter as practicable.

SECTION 7. REPORT ON ACCREDITATION STATUS. It is the intent of the Legislature that the Department of Health and Welfare, Division of Public Health Services, provide an annual report to the Legislative Services Office and the Division of Financial Management, on the status of becoming an accredited state agency. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 31, 2016.

Approved March 30, 2016

CHAPTER 295
(H.B. No. 569)

AN ACT

RELATING TO WATERSHED IMPROVEMENT DISTRICTS; AMENDING SECTION 42-3717, IDAHO CODE, TO PROVIDE FOR DISSOLUTION OF DISTRICTS BY COUNTY COMMISSIONERS UNDER CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-3717, Idaho Code, be, and the same is hereby amended to read as follows:

42-3717. DISCONTINUANCE -- DISSOLUTION OF DISTRICTS. (1) At any time after three (3) years after the organization of a district under the provisions of this chapter any twenty-five (25) qualified electors or owners of land lying within the boundaries of such district or, if less than twenty-five (25) owners of land or qualified electors reside within the boundaries of such district it would be deemed sufficient if two-thirds (2/3) of the resident group, may file a petition with the state soil and water

conservation commission requesting that the operations of the district be terminated and the existence of the district discontinued. After such petition has been received by the state soil and water conservation commission it shall give notice of the holding of an election, subject to the provisions of section 34-106, Idaho Code, which the said commission shall supervise and govern the conduct in accordance with the provisions of chapter 14, title 34, Idaho Code. The question to be submitted by ballots upon which the words "For terminating the existence of the (name of the watershed improvement district to be here inserted)" and "Against terminating the existence of the (name of the watershed improvement district to be inserted here)" shall appear with a square before each proposition, and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All qualified electors who own land or reside within the proposed district shall be eligible to vote in said election. No informality in the conduct of such election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given as herein provided, and said election shall have been fairly conducted.

The state soil and water conservation commission shall certify the result of such election to the directors of the district. If the state soil and water conservation commission shall certify that a majority of the votes cast in said election favor the discontinuance of the existence of the district, the directors of the district shall forthwith proceed to terminate the affairs of the district. Any moneys remaining in the treasury of said district following the winding up of the affairs of the district shall be paid by the directors into the state treasury. The directors shall file an application duly verified with the secretary of state for the discontinuance of such district which shall recite that the affairs of the district have been wound up, and shall set forth a full accounting of the winding up of the affairs of said district. The secretary of state shall issue to the directors a certificate of dissolution, and shall record said certificate in his office.

The state soil and water conservation commission shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions more often than once in three (3) years.

(2) Provided however, any district that fails or has ceased to function for two (2) or more years may be dissolved by the board or boards of county commissioners of the county or counties in which it is located. The county commissioners may initiate such action upon their own volition, or the action may be initiated by petition.

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

Approved March 30, 2016

CHAPTER 296
(H.B. No. 580)

AN ACT

RELATING TO SEX CRIMES; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE A CIRCUMSTANCE WHERE RAPE CAN OCCUR AND TO PROVIDE THAT BOTH MALES AND FEMALES ARE CAPABLE OF COMMITTING RAPE; AMENDING SECTION 18-6107, IDAHO CODE, TO REVISE A CODE REFERENCE; REPEALING SECTION 18-6108, IDAHO CODE, RELATING TO MALE RAPE; REPEALING SECTION 18-6109, IDAHO CODE, RELATING TO PUNISHMENT FOR MALE RAPE; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE OBSOLETE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1602, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 16-2005, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 18-310, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8303, IDAHO CODE, TO REMOVE OBSOLETE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8502, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 19-401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 19-5307, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 20-509, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 20-525A, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 39-1113, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AND AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-6101, Idaho Code, be, and the same is hereby amended to read as follows:

18-6101. RAPE DEFINED. Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with ~~the perpetrator's~~ a penis accomplished ~~with a female~~ under any one (1) of the following circumstances:

(1) Where the ~~female~~ victim is under the age of sixteen (16) years and the perpetrator is eighteen (18) years of age or older.

(2) Where the ~~female~~ victim is sixteen (16) or seventeen (17) years of age and the perpetrator is three (3) years or more older than the ~~female~~ victim.

(3) Where ~~she~~ the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability, whether temporary or permanent, of giving legal consent.

(4) Where ~~she~~ the victim resists but ~~her~~ the resistance is overcome by force or violence.

(5) Where ~~she~~ the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any intoxicating, narcotic, or anaesthetic substance.

(6) Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact.

(7) Where ~~she~~ the victim is at the time unconscious of the nature of the act. As used in this section, "unconscious of the nature of the act" means

incapable of resisting because the victim meets one (1) of the following conditions:

- (a) Was unconscious or asleep;
- (b) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(78) Where she the victim submits under the belief that the person committing the act is her husband the victim's spouse, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief.

(89) Where she the victim submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.

(910) Where she the victim submits under the belief, instilled by the actor, that if she the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against her the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.

The provisions of subsections (1) and (2) of this section shall not affect the age requirements in any other provision of law, unless otherwise provided in any such law. Further, for the purposes of subsection (2) of this section, in determining whether the perpetrator is three (3) years or more older than the ~~female~~ victim, the difference in age shall be measured from the date of birth of the perpetrator to the date of birth of the ~~female~~ victim.

Males and females are both capable of committing the crime of rape as defined in this section.

SECTION 2. That Section 18-6107, Idaho Code, be, and the same is hereby amended to read as follows:

18-6107. RAPE OF SPOUSE. No person shall be convicted of rape for any act or acts with that person's spouse, except under the circumstances cited in subsections (4) and, (5), (6) and (10) of section 18-6101, Idaho Code.

SECTION 3. That Section 18-6108, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 18-6109, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The provisions of this chapter shall apply to any person who:

- (a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or

seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), ~~18-6108 (male rape, but excluding 18-6108(1) where the defendant is eighteen years of age)~~, 18-6110 (sexual contact with a prisoner), 18-6602 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual penetration by use of a foreign object), 18-6609 (video voyeurism where the victim is a minor or upon a second or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1), Idaho Code, (sex trafficking).

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction or who has a foreign conviction that is substantially equivalent to the offenses listed in ~~subsection (1) paragraph~~ (a) of this subsection and enters this state to establish residence or for employment purposes or to attend, on a full-time or part-time basis, any public or private educational institution including any secondary school, trade or professional institution or institution of higher education.

(c) Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, that is substantially equivalent to the offenses listed in ~~subsection (1) paragraph~~ (a) of this subsection and was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) The department shall have authority to promulgate rules to implement the provisions of this chapter.

SECTION 6. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

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

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

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

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

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

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

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

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, ~~18-6108~~ or 18-6608, Idaho Code.

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

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

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

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

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

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

(9) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(24) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

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

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

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

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

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

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

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

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

(28) "Neglected" means a child:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. That Section 16-2005, Idaho Code, be, and the same is hereby amended to read as follows:

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. (1) The court may grant an order terminating the relationship where it finds that termination of parental rights is in the best interests of the child and that one (1) or more of the following conditions exist:

- (a) The parent has abandoned the child.
- (b) The parent has neglected or abused the child.
- (c) The presumptive parent is not the biological parent of the child.
- (d) The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.
- (e) The parent has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority.

(2) The court may grant an order terminating the relationship and may rebuttably presume that such termination of parental rights is in the best interests of the child where:

- (a) The parent caused the child to be conceived as a result of rape, incest, lewd conduct with a minor child under the age of sixteen (16) years, or sexual abuse of a child under the age of sixteen (16) years, as defined in sections 18-6101, 18-1508, 18-1506 and 18-6602, Idaho Code;
- (b) The following circumstances are present:
 - (i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate continuing the relationship would result in unacceptable risk to the health and welfare of the child;
 - (ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108 or 18-6608, Idaho Code;
 - (iii) Torture of a child; any conduct described in the code sections listed in section 18-8303(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

- (iv) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or
- (c) The court determines the child to be an abandoned infant, except in a parental termination action brought by one (1) parent against another parent.

(3) The court may grant an order terminating the relationship if termination is found to be in the best interest of the parent and child.

(4) The court may grant an order terminating the relationship where a consent to termination in the manner and form prescribed by this chapter has been filed by the parent(s) of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, or where the consent to termination has been filed by a licensed adoption agency, no subsequent hearing on the merits of the petition shall be held. Consents required by this chapter must be witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person consenting resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE.... JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF....

In the Matter of the termination)
of the parental rights of)
.....)
.....)

I (we), the undersigned, being the.... of...., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said...., who was born....., unto...., hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said...., and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said...., and respectfully request the petition be granted.

DATED:....., 20..
.....

STATE OF IDAHO)
) ss.
COUNTY OF....)

On this.... day of...., 20.., before me, the undersigned..... (Judge or Magistrate) of the District Court of the.... Judicial District of the state of Idaho, in and for the county of...., personally appeared...., known to me (or proved to me on the oath of....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

..... (District Judge or Magistrate)

The court shall accept a consent or a surrender and release executed in another state if:

- (1) It is witnessed by a magistrate or district judge of the state where signed; or
- (2) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the consent or the surrender and release was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the consent or surrender and release was executed in accordance with the laws of the state in which it was executed; or

(3) The court shall accept a termination or relinquishment from a sister state that has been ordered by a court of competent jurisdiction under like proceedings; or in any other manner authorized by the laws of a sister state. In a state where the father has failed to file notice of claim to paternity and willingness to assume responsibility as provided for pursuant to the laws of such state, and where such failure constitutes an abandonment of such child and constitutes a termination or relinquishment of the rights of the putative father, the court shall accept such failure as a termination in this state without further hearing on the merits, if the court is satisfied that such failure constitutes a termination or relinquishment of parental rights pursuant to the laws of that state.

(5) Unless a consent to termination signed by the parent(s) of the child has been filed by an adoption agency licensed in the state of Idaho, or unless the consent to termination was filed in conjunction with a petition for adoption of the child, the court shall hold a hearing.

(6) If the parent has a disability, as defined in this chapter, the parent shall have the right to provide evidence to the court regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. Nothing in this section shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities.

SECTION 8. That Section 18-310, Idaho Code, be, and the same is hereby amended to read as follows:

18-310. IMPRISONMENT -- EFFECT ON CIVIL RIGHTS AND OFFICES. (1) A sentence of custody to the Idaho state board of correction suspends all the civil rights of the person so sentenced, including the right to refuse treatment authorized by the sentencing court, and forfeits all public offices and all private trusts, authority or power during such imprisonment: provided that any such person may bring an action for damages or other relief in the courts of this state or have an action brought against such person; and provided further that any such person may lawfully exercise all civil rights that are not political during any period of parole or probation, except the right to ship, transport, possess or receive a firearm, and the right to refuse treatment authorized by the sentencing court.

(2) Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason or those offenses enumerated in paragraphs (a) through (j) of this subsection the right to ship, transport, possess or receive a firearm shall not be restored. As used in this subsection, "final discharge" means satisfactory completion of imprisonment, probation and parole as the case may be.

- (a) ~~a~~Aggravated assault (18-905, 18-915, Idaho Code);
- (b) ~~a~~Aggravated battery (18-907, 18-915, Idaho Code);
- (c) ~~a~~Assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (d) ~~b~~Battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (e) ~~b~~Burglary (18-1401, Idaho Code);
- (f) ~~e~~Crime against nature (18-6605, Idaho Code);
- (g) ~~d~~Domestic battery, felony (18-918, Idaho Code);
- (h) ~~e~~Enticing of children, felony (18-1509, Idaho Code);
- (i) ~~f~~Forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);
- (j) ~~i~~Indecent exposure, felony (18-4116, Idaho Code);

(k) ~~i~~Injury to child, felony (18-1501, Idaho Code);

(l) ~~i~~Intimidating a witness, felony (18-2604, Idaho Code);

(m) ~~l~~Lewd conduct with a minor or child under sixteen (18-1508, Idaho Code);

(n) ~~s~~Sexual abuse of a child under sixteen (18-1506, Idaho Code);

(o) ~~s~~Sexual exploitation of a child (18-1507, Idaho Code);

(p) ~~f~~Felonious rescuing prisoners (18-2501, Idaho Code);

(q) ~~e~~Escape by one charged with, convicted of or on probation for a felony (18-2505, Idaho Code);

(r) ~~u~~Unlawful possession of a firearm (18-3316, Idaho Code);

(s) ~~d~~Degrees of murder (18-4003, Idaho Code);

(t) ~~v~~Voluntary manslaughter (18-4006(1), Idaho Code);

(u) ~~a~~Assault with intent to murder (18-4015, Idaho Code);

(v) ~~a~~Administering poison with intent to kill (18-4014, Idaho Code);

(w) ~~k~~Kidnapping (18-4501, Idaho Code);

(x) ~~m~~Mayhem (18-5001, Idaho Code);

(y) ~~r~~Rape (18-6101, Idaho Code);

(z) ~~male rape (18-6108, Idaho Code);~~

~~(aa) r~~Robbery (18-6501, Idaho Code);

~~(bbaa) r~~Ritualized abuse of a child (18-1506A, Idaho Code);

~~(eebb) e~~Cannibalism (18-5003, Idaho Code);

~~(ddcc) f~~Felonious manufacture, delivery or possession with the intent to manufacture or deliver, or possession of a controlled or counterfeit substance (37-2732, Idaho Code);

~~(eedd) t~~Trafficking (37-2732B, Idaho Code);

~~(ffee) t~~Threats against state officials of the executive, legislative or judicial branch, felony (18-1353A, Idaho Code);

~~(ggff) u~~Unlawful discharge of a firearm at a dwelling house, occupied building, vehicle or mobile home (18-3317, Idaho Code);

~~(hhgg) u~~Unlawful possession of destructive devices (18-3319, Idaho Code);

~~(iihh) u~~Unlawful use of destructive device or bomb (18-3320, Idaho Code);

~~(jjii) a~~Attempt (18-306, Idaho Code), conspiracy (18-1701, Idaho Code), or solicitation (18-2001, Idaho Code), to commit any of the crimes described in paragraphs (a) through ~~(iihh)~~ of this subsection.

~~(kkjj)~~ The provisions of this subsection shall apply only to those persons convicted of the enumerated felonies in paragraphs (a) through ~~(jjii)~~ of this subsection on or after July 1, 1991, except that persons convicted of the felonies enumerated in paragraphs (s) and (t) of this subsection, for any degree of murder or voluntary manslaughter, shall not be restored the right to ship, transport, possess or receive a firearm, regardless of the date of their conviction if the conviction was the result of an offense committed by use of a firearm.

(3) A person not restored to the civil right to ship, transport, possess or receive a firearm may make application to the commission of pardons and parole to restore the civil right to ship, transport, possess or receive a firearm. The commission shall not accept any such application until five (5) years after the date of final discharge. The commission shall conduct the proceeding upon such application pursuant to rules adopted in accordance with the law. The commission shall not restore the right to ship, transport, possess or receive a firearm to any person convicted of murder in the first degree (18-4003, Idaho Code), murder in the second degree (18-4003, Idaho Code), or any felony enumerated in paragraphs (a) through ~~(jjii)~~ of subsection (2) of this section, upon which the sentence was enhanced for the use of a firearm during the commission of said felony.

(4) Persons convicted of felonies in other states or jurisdictions shall be allowed to register and vote in Idaho upon final discharge which means satisfactory completion of imprisonment, probation and parole as the

case may be. These individuals shall not have the right restored to ship, transport, possess or receive a firearm, in the same manner as an Idaho felon as provided in subsection (2) of this section.

SECTION 9. That Section 18-8303, Idaho Code, be, and the same is hereby amended to read as follows:

18-8303. DEFINITIONS. As used in this chapter:

(1) "Aggravated offense" means any of the following crimes: 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second-degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim is at least twelve years of age or the defendant is eighteen years of age); ~~18-6108 (male rape, but excluding section 18-6108(1) where the victim is at least twelve years of age or the defendant is eighteen years of age)~~; 18-6608 (forcible sexual penetration by use of a foreign object); 18-8602(1) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen (13) years or an offense that is substantially similar to any of the foregoing offenses under the laws of another jurisdiction or military court or the court of another country.

(2) "Board" means the sexual offender management board described in section 18-8312, Idaho Code.

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

(4) "Certified evaluator" means either a psychiatrist licensed by this state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to chapter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall have by education, experience and training, expertise in the assessment and treatment of sexual offenders, and such person shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in section 18-8314, Idaho Code.

(5) "Department" means the Idaho state police.

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty (30) days in any calendar year, or any employment which that involves counseling, coaching, teaching, supervising or working with minors in any way regardless of the period of employment, whether such employment is financially compensated, volunteered or performed for the purpose of any government or education benefit.

(7) "Foreign conviction" means a conviction under the laws of Canada, Great Britain, Australia or New Zealand, or a conviction under the laws of any foreign country deemed by the U.S. department of state, in its country reports on human rights practices, to have been obtained with sufficient safeguards for fundamental fairness and due process.

(8) "Incarceration" means committed to the custody of the Idaho department of correction or department of juvenile corrections, but excluding cases where the court has retained jurisdiction.

(9) "Jurisdiction" means any of the following: a state, the District of Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the North-

ern Mariana Islands, the United States Virgin Islands, the federal government or a federally recognized Indian tribe.

(10) "Minor" means an individual who has not attained the age of eighteen (18) years.

(11) "Offender" means an individual convicted of an offense listed and described in section 18-8304, Idaho Code, or a substantially similar offense under the laws of another jurisdiction or military court or the court of another country deemed by the U.S. department of state, in its country reports on human rights practices, to have sufficient safeguards for fundamental fairness and due process.

(12) "Offense" means a sexual offense listed in section 18-8304, Idaho Code.

(13) "Psychosexual evaluation" means an evaluation which that specifically addresses sexual development, sexual deviancy, sexual history and risk of reoffense as part of a comprehensive evaluation of an offender.

(14) "Recidivist" means an individual convicted two (2) or more times of any offense requiring registration under this chapter.

(15) "Residence" means the offender's present place of abode.

(16) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education.

(17) "Violent sexual predator" means a person who was designated as a violent sexual predator by the sex offender classification board where such designation has not been removed by judicial action or otherwise.

SECTION 10. That Section 18-8502, Idaho Code, be, and the same is hereby amended to read as follows:

18-8502. DEFINITIONS. As used in this chapter:

(1) "Criminal gang" means an ongoing organization, association, or group of three (3) or more persons, whether formal or informal, that has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity, having as one (1) of its primary activities the commission of one (1) or more of the criminal acts enumerated in subsection (3) of this section.

(2) "Criminal gang member" means any person who engages in a pattern of criminal gang activity and who meets two (2) or more of the following criteria:

(a) Admits to gang membership;

(b) Is identified as a gang member;

(c) Resides in or frequents a particular gang's area and adopts its style of dress, its use of hand signs, or its tattoos, and associates with known gang members;

(d) Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity;

(e) Is identified as a gang member by physical evidence such as photographs or other documentation; or

(f) Has been stopped in the company of known gang members four (4) or more times.

(3) "Pattern of criminal gang activity" means the commission, attempted commission or solicitation of two (2) or more of the following offenses, provided that the offenses are committed on separate occasions or by two (2) or more gang members:

(a) Robbery, as provided in section 18-6501, Idaho Code;

(b) Arson, as provided in sections 18-801 through 18-804, Idaho Code;

(c) Burglary, as provided in sections 18-1401, 18-1403, 18-1405 and 18-1406, Idaho Code;

- (d) Murder or manslaughter, as provided, respectively, in sections 18-4001 and 18-4006, Idaho Code;
- (e) Any violation of the provisions of chapter 27, title 37, Idaho Code;
- (f) Any unlawful use or possession of a weapon, bomb or destructive device pursuant to chapter 33, title 18, Idaho Code;
- (g) Assault and battery, as provided in chapter 9, title 18, Idaho Code;
- (h) Criminal solicitation, as provided in section 18-2001, Idaho Code;
- (i) Computer crime, as provided in section 18-2202, Idaho Code;
- (j) Theft, as provided in sections 18-2401 and 18-2403, Idaho Code;
- (k) Evidence falsified or concealed and witnesses intimidated or bribed, as provided in sections 18-2601 through 18-2606, Idaho Code;
- (l) Forgery and counterfeiting, as provided in sections 18-3601 through 18-3603 and sections 18-3605 through 18-3616, Idaho Code;
- (m) Gambling, as provided in section 18-3802, Idaho Code;
- (n) Kidnapping, as provided in sections 18-4501 through 18-4503, Idaho Code;
- (o) Mayhem, as provided in section 18-5001, Idaho Code;
- (p) Prostitution, as provided in sections 18-5601 through 18-5614, Idaho Code;
- (q) Rape, as provided in sections 18-6101, ~~18-6108~~ and 18-6110, Idaho Code;
- (r) Racketeering, as provided in section 18-7804, Idaho Code;
- (s) Malicious harassment, as provided in section 18-7902, Idaho Code;
- (t) Terrorism, as provided in section 18-8103, Idaho Code;
- (u) Money laundering and illegal investment, as provided in section 18-8201, Idaho Code;
- (v) Sexual abuse of a child under the age of sixteen years, as provided in section 18-1506, Idaho Code;
- (w) Sexual exploitation of a child, as provided in section 18-1507, Idaho Code;
- (x) Lewd conduct with minor child under sixteen, as provided in section 18-1508, Idaho Code;
- (y) Sexual battery of a minor child sixteen or seventeen years of age, as provided in section 18-1508A, Idaho Code;
- (z) Escape or rescue of prisoners, as provided in sections 18-2501 through 18-2506, Idaho Code;
- (aa) Riot, as provided in sections 18-6401 and 18-6402, Idaho Code;
- (bb) Disturbing the peace, as provided in section 18-6409, Idaho Code;
- (cc) Malicious injury to property, as provided in section 18-7001, Idaho Code;
- (dd) Injuring jails, as provided in section 18-7018, Idaho Code;
- (ee) Injury by graffiti, as provided in section 18-7036, Idaho Code; or
- (ff) Human trafficking, as provided in sections 18-8602 and 18-8603, Idaho Code.

SECTION 11. That Section 19-401, Idaho Code, be, and the same is hereby amended to read as follows:

19-401. NO STATUTE OF LIMITATIONS FOR CERTAIN FELONIES. Notwithstanding any other provision of law, there is no limitation of time within which a prosecution for the following crimes must be commenced:

- (1) Murder;
- (2) Voluntary manslaughter;
- (3) Rape pursuant to section 18-6101(3) through (910), ~~or section 18-6108(3) through (7)~~, Idaho Code;
- (4) Sexual abuse of a child or lewd conduct with a child as set forth in sections 18-1506 and 18-1508, Idaho Code; or
- (5) An act of terrorism as set forth in sections 18-8102, 18-8103, 18-3322, 18-3323 and 18-3324, Idaho Code.

SECTION 12. That Section 19-5307, Idaho Code, be, and the same is hereby amended to read as follows:

19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in subsection (2) of this section.

The fine shall operate as a civil judgment against the defendant, and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant, and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);
- Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
- Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
- Section 18-913, Idaho Code (Felonious administration of drugs);
- Section 18-1501, Idaho Code (Felony injury to children);
- Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
- Section 18-1506A, Idaho Code (Ritualized abuse of a child);
- Section 18-1507, Idaho Code (Sexual exploitation of a child);
- Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
- Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or seventeen years of age);
- Section 18-4001, Idaho Code (Murder);
- Section 18-4006, Idaho Code (Felony manslaughter);
- Section 18-4014, Idaho Code (Administering poison with intent to kill);
- Section 18-4015, Idaho Code (Assault with intent to murder);

Section 18-4502, Idaho Code (First degree kidnapping);
 Section 18-5001, Idaho Code (Mayhem);
 Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
 Section 18-6101, Idaho Code (Rape);
~~Section 18-6108, Idaho Code (Male rape);~~
 Section 18-6501, Idaho Code (Robbery).

SECTION 13. That Section 20-509, Idaho Code, be, and the same is hereby amended to read as follows:

20-509. VIOLENT OFFENSES, CONTROLLED SUBSTANCES VIOLATIONS NEAR SCHOOLS AND OFFENDERS. (1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

- (a) Murder of any degree or attempted murder;
- (b) Robbery;
- (c) Rape as defined in section 18-6101, Idaho Code;
- (d) ~~Male rape as defined in section 18-6108, Idaho Code;~~
- ~~(e)~~ Forcible sexual penetration by the use of a foreign object;
- ~~(f)~~ Infamous crimes against nature, committed by force or violence;
- ~~(g)~~ Mayhem;
- ~~(h)~~ Assault or battery with the intent to commit any of the above serious felonies;
- ~~(i)~~ A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;
- ~~(j)~~ Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

SECTION 14. That Section 20-525A, Idaho Code, be, and the same is hereby amended to read as follows:

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of five (5) years from the date of termination of the continuing jurisdiction of the court, or, in case the juvenile offender was committed to the juvenile correctional center, five (5) years from the date of his release from the juvenile correctional center, or after reaching age eighteen (18) years, whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

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

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment pursuant to section 20-511, Idaho Code, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

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

(a) Administering poison with intent to kill (18-4014, Idaho Code);

(b) Aggravated battery (18-907, Idaho Code);

(c) Armed robbery (chapter 65, title 18, Idaho Code);

(d) Arson (chapter 8, title 18, Idaho Code);

(e) Assault with intent to commit a serious felony (18-909, Idaho Code);

(f) Assault with intent to murder (18-4015, Idaho Code);

(g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);

(h) Forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);

- (i) Infamous crime against nature, committed by force or violence (18-6605, Idaho Code);
- (j) Injury to child, felony (18-1501, Idaho Code);
- (k) Kidnapping (18-4501, Idaho Code);
- (l) Murder of any degree (18-4001 and 18-4003, Idaho Code);
- (m) Rape, excluding statutory rape (18-6101 and 18-6108, Idaho Code);
- (n) Ritualized abuse of a child (18-1506A, Idaho Code);
- (o) Sexual exploitation of a child (18-1507, Idaho Code);
- (p) Unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (q) Voluntary manslaughter (18-4006 1., Idaho Code);
- (r) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;
- (s) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

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

SECTION 15. That Section 33-1208, Idaho Code, be, and the same is hereby amended to read as follows:

33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDITIONS ON CERTIFICATE -- GROUNDS. 1. The professional standards commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds:

- a. Gross neglect of duty;
- b. Incompetency;
- c. Breach of the teaching contract;
- d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;

- e. Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
 - f. Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude;
 - g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture or production of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;
 - h. A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment in this or any other state, of the crime of involuntary manslaughter, section 18-4006 2. or section 18-4006 3., Idaho Code;
 - i. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
 - j. Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;
 - k. The kidnapping of a child, section 18-4503, Idaho Code;
 - l. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.
2. The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:
- a. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.
 - b. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.
 - c. The injury or death of a child, section 18-1501, Idaho Code.
 - d. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
 - e. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
 - f. The sexual exploitation of a child, section 18-1507, Idaho Code.
 - g. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
 - h. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.
 - i. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
 - j. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006 1., Idaho Code.
 - k. The kidnapping of a child, section 18-4502, Idaho Code.
 - l. The importation or exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.
 - m. The abduction of a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.
 - n. The rape of a child, section 18-6101 ~~or 18-6108~~, Idaho Code.

The general classes of felonies listed in subsection 2. of this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

3. The professional standards commission may investigate and follow the procedures set forth in section 33-1209, Idaho Code, for any allegation of inappropriate conduct as defined in this section, by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it was found that inappropriate conduct occurred, the commission shall record such findings in the permanent record of the individual and shall deny the issuance of a teaching certificate.

4. Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code.

5. The professional standards commission may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

SECTION 16. That Section 39-1113, Idaho Code, be, and the same is hereby amended to read as follows:

39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license may be denied, suspended or revoked by the department if the department finds that the applicant or licensee does not comply with the provisions of this chapter.

(2) No person who pleads guilty to, has been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to, or other abuse of a child including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

- (a) Felony injury of a child, section 18-1501, Idaho Code.
- (b) The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.
- (c) The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.
- (d) The sexual exploitation of a child, section 18-1507, Idaho Code.
- (e) Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
- (f) Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.
- (g) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- (h) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
- (i) Assault with intent to murder, section 18-4015, Idaho Code.
- (j) Voluntary manslaughter, section 18-4006, Idaho Code.
- (k) Rape, section 18-6101 or ~~18-6108~~, Idaho Code.
- (l) Incest, section 18-6602, Idaho Code.
- (m) Forcible sexual penetration by use of foreign object, section 18-6608, Idaho Code.
- (n) Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
- (o) Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
- (p) Crimes against nature, section 18-6605, Idaho Code.
- (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
- (r) Mayhem, section 18-5001, Idaho Code.
- (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
- (t) Robbery, section 18-6501, Idaho Code.
- (u) Stalking in the first degree, section 18-7905, Idaho Code.
- (v) Video voyeurism, section 18-6609, Idaho Code.
- (w) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.

(x) Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.

(y) Inducing person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.

(z) Any felony punishable by death or life imprisonment.

(aa) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

(3) No person who has pleaded guilty to, been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to, or other abuse of a child, including the following offenses or a similar provision in another jurisdiction shall be eligible for a license for a period of five (5) years under the provisions of this chapter.

(a) Aggravated assault, section 18-905, Idaho Code.

(b) Aggravated battery, section 18-907(1), Idaho Code.

(c) Burglary, section 18-1401, Idaho Code.

(d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.

(e) Forgery of a financial transaction card, section 18-3123, Idaho Code.

(f) Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.

(g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.

(h) Misappropriation of personal identifying information, section 18-3126, Idaho Code.

(i) Insurance fraud, section 41-293, Idaho Code.

(j) Damage to or destruction of insured property, section 41-294, Idaho Code.

(k) Public assistance fraud, section 56-227, Idaho Code.

(l) Provider fraud, section 56-227A, Idaho Code.

(m) Attempted strangulation, section 18-923, Idaho Code.

(n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

(o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.

(4) A daycare facility license may be denied, suspended or revoked by the department if the department finds that the daycare facility is not in compliance with the standards provided for in this chapter or criminal activity that threatens the health or safety of a child.

(5) A daycare facility license or privilege to operate a family daycare home shall be denied or revoked if a registered sex offender resides on the premises where daycare services are provided.

(6) The denial, suspension or revocation of a license under this chapter may be appealed to the district court of the county in which the affected daycare facility is located and the appeal shall be heard de novo in the district court.

SECTION 17. That Section 72-1025, Idaho Code, be, and the same is hereby amended to read as follows:

72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- DISPOSITION. (1) In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court:

(a) For each conviction or finding of guilt of each felony count, a fine or reimbursement of not less than seventy-five dollars (\$75.00) per felony count;

(b) For each conviction or finding of guilt of each misdemeanor count, a fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor count;

(c) In addition to any fine or reimbursement ordered under subsection paragraph (a) or (b) above of this subsection, the court shall impose a fine or reimbursement of not less than three hundred dollars (\$300) per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, ~~18-6108~~, 18-6605 and 18-6608, Idaho Code.

(2) The fine or reimbursement imposed under the provisions of this section shall have priority over all other judgments of the court, except an order to pay court costs.

(3) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines or reimbursements imposed under the provisions of this section shall be paid into the crime victims compensation account.

Approved March 30, 2016

CHAPTER 297
(H.B. No. 595)

AN ACT

RELATING TO GROUND WATER MANAGEMENT AREAS; AMENDING SECTION 42-233b, IDAHO CODE, TO REMOVE LANGUAGE REGARDING WHEN AN ORDER MAY BE GIVEN AND MAY BE EFFECTIVE AND TO PROVIDE THAT WATER RIGHT HOLDERS PARTICIPATING IN AN APPROVED GROUND WATER MANAGEMENT PLAN SHALL NOT BE SUBJECT TO ADMINISTRATION ON A TIME PRIORITY BASIS UNDER SPECIFIED CONDITIONS.

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

SECTION 1. That Section 42-233b, Idaho Code, be, and the same is hereby amended to read as follows:

42-233b. GROUND WATER MANAGEMENT AREA. "Ground water management area" is defined as any ground water basin or designated part thereof which the director of the department of water resources has determined may be approaching the conditions of a critical ground water area. Upon designation of a ground water management area the director shall publish notice in two (2) consecutive weekly issues of a newspaper of general circulation in the area.

When a ground water management area is designated by the director of the department of water resources, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan shall provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

Applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured.

The director may require all water right holders within a designated water management area to report withdrawals of ground water and other necessary information for the purpose of assisting him in determining available ground water supplies and their usage.

The director, upon determination that the ground water supply is insufficient to meet the demands of water rights within all or portions of a water management area, shall order those water right holders on a time priority basis, within the area determined by the director, to cease or reduce with-

drawal of water until such time as the director determines there is sufficient ground water. ~~Such order shall be given only before September 1 and shall be effective for the growing season during the year following the date the order is given~~ Water right holders participating in an approved ground water management plan shall not be subject to administration on a time priority basis so long as they are in compliance with the ground water management plan.

Approved March 30, 2016

CHAPTER 298
(H.B. No. 608)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2017;
REDUCING THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2017;
AND EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 576, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the Supreme Court for the District Courts Program the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$2,617,000	\$332,000	\$2,949,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Supreme Court for the District Courts Program in Section 1 of House Bill No. 576, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is hereby reduced by the following amounts according to the designated expense classes from the listed fund for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Drug Court, Mental Health Court and Family Court Services			
Fund	\$2,617,000	\$332,000	\$2,949,000

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the Supreme Court is hereby exempted from the provisions of Sections 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 30, 2016

CHAPTER 299
(H.B. No. 609)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2017; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 578, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the Public Defense Commission the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$368,700
Operating Expenditures	34,200
Capital Outlay	13,400
Trustee and Benefit Payments	<u>5,066,500</u>
TOTAL	\$5,482,800

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Public Defense Commission in Section 2 of House Bill No. 578, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is hereby increased by four and five-tenths (4.5) for the period July 1, 2016, through June 30, 2017.

Approved March 30, 2016

CHAPTER 300
(H.B. No. 610)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,605,200	\$164,600	\$1,769,800
Miscellaneous Revenue			
Fund	<u>37,900</u>	<u>7,100</u>	<u>45,000</u>
TOTAL	\$1,643,100	\$171,700	\$1,814,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than fifteen (15) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 30, 2016

CHAPTER 301
(H.B. No. 611)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Executive Office of the Governor, the following amounts to be expended according to the designated programs and expense classes, from the listed fund for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$1,939,200	\$198,100	\$2,137,300
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
GRAND TOTAL	\$1,957,400	\$203,100	\$2,160,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-two (22) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the Executive Office of the Governor is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 30, 2016

CHAPTER 302
(H.B. No. 612)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2017; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to the appropriation made in Section 1, Senate Bill No. 1390, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided by law, there is hereby appropriated from the General Fund to the Idaho State Police for the Forensic Services Program the following amounts to be expended according to

the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$189,800
Operating Expenditures	17,500
Capital Outlay	<u>15,000</u>
TOTAL	\$222,300

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Idaho State Police in Section 2, Senate Bill No. 1390, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is increased by three (3) for the period July 1, 2016, through June 30, 2017.

Approved March 30, 2016

CHAPTER 303
(H.B. No. 527)

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2110A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TUITION OF OUT-OF-DISTRICT STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2110B, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 33-2117, IDAHO CODE, TO DEFINE TERMS.

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

SECTION 1. That Section 33-2110A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2110A. TUITION OF OUT-OF-DISTRICT IDAHO STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT. (1) Any student residing in the area of a county outside of a community college district or in a county without a community college district, who has been a resident of the county and state as defined by section 33-2110B, Idaho Code, immediately prior to the date of his first enrollment in a community college, which residence may not be acquired while attending and enrolled in a community college, may enroll in any community college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. The tuition which shall be paid by the resident county shall be that portion of the tuition uniformly established by a community college district for all out-of-district students, both in state as well as out of state, pursuant to section 33-2110, Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at the community college; however, the liability of the resident county shall not exceed two-thirds (2/3) of the total tuition and fees charged and in no instance shall it exceed five hundred dollars (\$500) each semester for a two (2) semester year for a full-time student. The student shall pay the tuition and fees charged a student resident in the district, and the balance, if any, of the ~~nonresident~~ out-of-district student tuition above the maximum liability of the county of his residence. No county shall be liable for out-of-district tuition unless the board of county commissioners of that county has first verified to the community college in writing the fact that the student is a resident of the county. Upon verification, the county shall

thereafter be liable for the out-of-district tuition so long as the student is duly enrolled and attending the college subject to the following limitations:

(a) Liability shall be the term of the curriculum for which the student is enrolled, with a maximum lifetime liability of three thousand dollars (\$3,000). The three thousand dollar (\$3,000) maximum is exclusive of any reimbursement to counties for county tuition from the state or other funds.

(b) Liability shall terminate if the student's domiciliary residence changes and that change continues for twelve (12) months.

(2) ~~The nonresident tuition shall be established annually not later than August 1 and shall be forthwith filed with the state board of education, together with a statement supporting the computation thereof. Each community college, by October 15 and March 15 of each year, shall bill the county of residence of each nonresident student enrolled at the commencement of each semester, and each board of county commissioners shall allow and order paid any bill for tuition at the first regular meeting following receipt of the bill, but not exceeding forty-five (45) days after receipt. Upon failure of a county to pay the tuition, a community college district may commence action in the district court of the state of Idaho for the county to collect the same.~~

(3) To receive county payment of tuition, each out-of-district student taking community college courses shall complete a certificate of residency form and submit it to the county clerk of their resident county on or before December 1 of each year for classes taken during that fall semester, and on or before May 1 of each year for classes taken during that spring semester. Failure by a student to submit the certificate of residency form by these deadlines is sufficient grounds for denial of the certificate of residency by the county.

(4) Each county shall provide information regarding which students' certificates of residency were approved to each community college on or before December 20 of each year for classes taken during that fall semester, and on or before May 20 of each year for classes taken during that spring semester.

(5) Each community college shall submit an invoice to each county of residence of each out-of-district student on or before January 20 of each year for classes taken during that fall semester, and on or before June 20 of each year for classes taken during that spring semester. Counties are not required to pay for classes that are billed past these deadlines. Invoices shall list the out-of-district tuition amount for each out-of-district student who was approved by the county of residency, and shall list only students still duly enrolled in the class past the community college's drop deadline.

(6) Each board of county commissioners shall allow and order paid any timely submitted and proper invoice for tuition at a regular meeting following receipt of the invoice. Upon failure of a county to pay a timely submitted and proper invoice, a community college district may commence action in the district court of the state of Idaho for the county to collect the same.

(7) For the payment of tuition of nonresident out-of-district students as herein provided, there shall be allocated in each county without a community college district to a county community college fund, and paid to the county treasurer to be held in that fund, fifty percent (50%) of all moneys apportioned to the county out of liquor funds of the state of Idaho as set forth in chapter 4, title 23, Idaho Code, and that amount shall be deducted from the amount that would otherwise be allocated to the county; and if liquor funds are not sufficient to pay the tuition, commencing for the calendar year 1966, the board of county commissioners shall levy upon the taxable property within each county without a community college district, and, in a county with such a district, upon the taxable property within

the county lying outside of the community college district, a property tax not to exceed six hundredths percent (.06%) of market value for assessment purposes, to be certified as set out in section 33-2111, Idaho Code. The proceeds of the levy shall be placed in the county community college fund. ~~Apportionment of liquor funds herein provided shall commence for the fiscal quarter ending September 30, 1965, and accruing during that quarter.~~

(48) Based upon the enrollment established by the first semester's tuition bills ~~invoices~~ received by ~~October 15~~ January 20, the board of county commissioners shall establish immediately a total community college annual tuition budget for two (2) semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten percent (10%). This budget shall be adjusted after ~~March 15~~ June 20 based on any change of enrollment shown by the second semester tuition bills. If enrollment is from zero to not more than four (4) students, a minimum budget of five (5) students at five hundred dollars (\$500) each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of the budget, to the extent of that excess shall not be paid over to the county treasurer to be held in the community college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of the budget after the application of liquor funds thereto, to the extent of that excess shall not be paid over to the community college fund. Excess liquor funds shall be paid pursuant to law as if this section were not applicable and excess funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county community college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which deficiency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized to pay any deficiency at the earliest time. If the deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized shall have been made, for the next fiscal year thereafter the number of students from that county shall be limited by the board of county commissioners to the extent necessary to pay the deficiency not later than the end of the following year. ~~Provided nevertheless, for the two (2) semesters commencing September, 1965, the board of county commissioners shall limit the community college budget and total students to estimated liquor funds available on quarterly disbursements through June 30, 1966. Any limitation of students authorized shall be accomplished (a) on the basis of student grades and financial need, and (b) by each community college notifying the county of residence of each student's application and the county shall accept or reject the application at least five (5) days prior to the tuition billing dates set out herein.~~ A community college shall nevertheless have a right to require any student residing outside the district to pay nonresident out-of-district tuition if the county of his residence is more than twenty-five percent (25%) in arrears of a total county tuition bill for one (1) year as of the beginning of the subsequent semester, but tuition shall be refunded to such students when paid by the county.

SECTION 2. That Section 33-2110B, Idaho Code, be, and the same is hereby amended to read as follows:

33-2110B. RESIDENCY -- RULES -- APPEAL -- STANDARDS FOR NONRESIDENTS IN-DISTRICT, OUT-OF-DISTRICT AND OUT-OF-STATE STUDENTS. (1) For purposes of this chapter, a an "resident in-district student" is:

(a) Any student whose parents or court-appointed guardians are domiciled in the community college district and provide more than fifty percent (50%) of his support. Domicile, as used in this section, means an

individual's true, fixed and permanent home and place of habitation. It is the place where he intends to remain and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parents or guardian must have resided continuously in the community college district for twelve (12) months next preceding the opening day of the term for which the student matriculates.

(b) Any student who receives less than fifty percent (50%) of his support from parents or legal guardians who are not residents of the community college district for voting purposes and who has continuously resided in the community college district for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the community college.

(c) The spouse of a person who is classified, or is eligible for classification, as a resident of the community college district for the purposes of attending that community college.

(d) A member of the armed forces of the United States, stationed in the community college district on military orders or who entered service as a resident of the community college district and who has maintained resident status, but is not stationed within the community college district on military orders.

(e) An officer or an enlisted member of the Idaho national guard.

(f) A student whose parents or guardians are members of the armed forces and stationed in the community college district on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his residence when his parents or guardians are transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of active service, who at the time of separation designates the community college district as his intended domicile or who has the district as the home of record in service and enters the community college within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the community college district, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the district for a period of less than one (1) calendar year and has not established legal residence elsewhere, provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(2) A community college board of trustees shall adopt rules and regulations applicable to their college now or hereafter established to determine in-district, out-of-district and out-of-state residence status of any student and to establish procedures for review of that status.

(3) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected community college is located. An appeal from the district court shall lie as in all civil actions.

(4) Nothing contained herein shall prevent a community college board of trustees from waiving tuition to be paid by ~~nonresident~~ out-of-district, out-of-state or foreign students.

(5) Nothing contained herein shall prevent a community college board of trustees from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of the first two (2) years of postsecondary education.

SECTION 3. That Section 33-2117, Idaho Code, be, and the same is hereby amended to read as follows:

33-2117. DEFINITIONS. The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Junior college housing commission" or "commission" shall mean any public corporation created by section 33-2118.

(b) "District" shall mean any junior college district organized and existing under chapter 21 of title 33, Idaho Code.

(c) "Governing body" shall mean the board of trustees of a junior college district.

(d) "Chairman" shall mean the chairman of the board of trustees of a junior college district.

(e) "Clerk" shall mean the clerk of the board of trustees of a junior college district.

(f) "Federal government" shall include the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

(g) "Dormitory project" shall mean the construction of dormitory or dormitories for occupation by students attending a junior college organized under chapter 21, title 33, Idaho Code, and shall include the construction of buildings for occupation by students and facilities for the feeding and recreation of students, equipment and furniture therefor and all matters usually incidental thereto, including the furnishing of sewer, heat, water service, landscaping, and streets or rights of ingress and egress. The term "dormitory project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the construction, reconstruction, alteration and repair of the improvements, and all other work in connection therewith.

(h) "Students" shall mean persons duly enrolled as students in a junior college.

(i) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by a commission pursuant to this act.

(j) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgments, mortgage or otherwise, and the indebtedness secured by such liens.

(k) "Obligee of the commission" or "Obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessors demising to the commission property used in connection with the dormitory project, or any assignee or assignees of such lessor's interest, or any part thereof, and the federal government when it is a party to any contract with the commission.

(l) "Drop deadline" shall mean the last date by which a student can drop a class and still receive a one hundred percent (100%) refund of tuition and fees from the college. "Drop deadline" does not mean the withdrawal deadline.

(m) "Withdrawal deadline" shall mean the last date by which a student can drop a class and receive a "W" grade.

(n) "Out-of-district student" shall mean a student who is a resident of the state of Idaho but is not an in-district student as defined in section 33-2110B, Idaho Code.

CHAPTER 304
(H.B. No. 542)

AN ACT

RELATING TO PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS; AMENDING SECTION 67-6614A, IDAHO CODE, TO PROVIDE THAT WHENEVER ANY PERSON MAKES AN EXPENDITURE FOR THE PURPOSE OF FINANCING COMMUNICATIONS EXPRESSLY ADVOCATING THE ELECTION, APPROVAL OR DEFEAT OF A PERSON STANDING FOR ELECTION TO THE POSITION OF PRECINCT COMMITTEEMAN THROUGH ANY BROADCASTING STATION, NEWSPAPER, MAGAZINE, OUTDOOR ADVERTISING FACILITY, DIRECT MAILING OR ANY OTHER TYPE OF GENERAL PUBLIC POLITICAL ADVERTISING, THE PERSON RESPONSIBLE FOR SUCH COMMUNICATION SHALL BE CLEARLY INDICATED ON SUCH COMMUNICATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6614A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election, approval or defeat of a candidate ~~or~~, measure or person standing for election to the position of precinct committeeman through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the person responsible for such communication shall be clearly indicated on such communication.

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

Approved March 30, 2016

CHAPTER 305
(H.B. No. 570)

AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 33, IDAHO CODE, TO ESTABLISH THE LOCAL INNOVATION SCHOOL ACT, TO DEFINE TERMS, TO PROVIDE FOR ELIGIBILITY TO PARTICIPATE, REQUIREMENTS AND EXEMPTIONS AND TO PROVIDE FOR INNOVATION SCHOOL AGREEMENTS.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 58, Title 33, Idaho Code, and to read as follows:

CHAPTER 58
LOCAL INNOVATION SCHOOL ACT

33-5801. LOCAL INNOVATION SCHOOL ACT. There is hereby established the local innovation school act. Participating schools and districts will evaluate existing laws and administrative rules to receive flexibility from laws and policies that impede local autonomy, allowing them to be agile, innovative and empowered to adapt to local circumstances.

33-5802. DEFINITIONS. As used in this chapter:

(1) "Board" means the governing body of a school district or public charter school.

(2) "Innovation school" means a public school participating in the local innovation school act.

(3) "Innovation school agreement" means a written agreement between the innovation school team and the board establishing the innovation school.

(4) "Innovation school team" means the combination of individuals responsible for the operations of an innovation school.

33-5803. ELIGIBILITY TO PARTICIPATE -- REQUIREMENTS AND EXEMPTIONS. (1) Up to ten (10) public schools per year for each of school years 2016 through 2021, totaling not more than fifty (50) schools, are eligible to participate in the local innovation school act by following the processes set forth in section 33-5804, Idaho Code. If more than ten (10) schools seek to establish an innovation school in any single year, the first ten (10) schools to notify the state board of education pursuant to section 33-5804, Idaho Code, shall be established as innovation schools.

(2) The following shall apply to an innovation school:

(a) State, federal and local laws prohibiting discrimination;

(b) Laws governing safety including, but not limited to, sections 33-122 and 33-130, Idaho Code;

(c) Section 33-119, Idaho Code, as such section applies to secondary schools accreditation; and

(d) Section 33-5204, Idaho Code, if the innovation school is an existing public charter school authorized by the school district.

(3) Except as otherwise provided in subsection (2) of this section, pursuant to the terms of the innovation school agreement, innovation schools may be exempted from the following:

(a) Idaho Code statutes applicable to a school board or school district;

(b) Rules promulgated or guidelines adopted by the state board of education or state department of education; and

(c) Local district policies, including terms and conditions of employment.

33-5804. INNOVATION SCHOOL AGREEMENT. (1) An innovation school may be established by a written innovation school agreement between:

(a) A majority of the teachers at the school seeking to establish an innovation school, in cooperation with a principal or a superintendent, or both;

(b) A board; and

(c) The authorizer if the innovation school is a public charter school.

(2) The innovation school agreement shall include:

(a) A statement that the innovation school is considered to be part of the school district and not considered a separate local education agency;

(b) A provision that the district shall distribute estimated state, federal and local funding to the innovation school consistent with the amounts it distributes to other schools in the district;

(c) The performance goals and accountability metrics agreed upon for the innovation school;

(d) The duration of the agreement, which shall be for not less than three (3) years and include automatic renewal at the option of the innovation school team if all conditions under the agreement are satisfied;

(e) Grounds for termination of the agreement, including the right of termination if the innovation school team fails to:

(i) Comply with the conditions or procedures established in the innovation school agreement;

(ii) Meet generally accepted fiscal management and government accounting principles;

(iii) Comply with applicable laws; or

(iv) Meet the educational goals set forth in the innovation school agreement;

(f) If the innovation school is an existing public charter school authorized by the district, a statement regarding which provisions of chapter 52 of this title shall apply;

(g) A provision that specifies that the innovation school will administer the Idaho standards achievement test;

(h) A statement that the innovation school will meet content standards as set forth in rule promulgated by the state board of education; and

(i) A statement specifying how graduation requirements will be addressed.

(3) The board shall notify the state board of education within thirty (30) days after entering into an innovation school agreement to establish an innovation school. Upon receiving notification, the state board of education shall notify the state department of education, and the state department of education shall, for school years starting after the date of the agreement:

(a) Within sixty (60) days of notification, distribute ten thousand dollars (\$10,000) to the innovation school team to be used for planning purposes;

(b) Treat the innovation school as part of the local district for purposes of state and national assessments; and

(c) Treat the innovation school in the same manner as a school operated by the local district when calculating the total amount of state and federal funding to be distributed to the school district.

(4) For as long as an innovation school team operates an innovation school:

(a) The innovation school team may use the school building, the accompanying real property and the building's contents, equipment and supplies, unless otherwise provided in the innovation school agreement.

(b) The school district shall provide the innovation school with transportation, building and grounds maintenance and repair, and access to funds consistent with that afforded other schools in the same district.

(c) With the exception of funds described in subsection (3) (a) of this section, an innovation school is not entitled to any state funding not afforded other district schools.

(d) If an innovation school team contracts with a school district for goods or services, the school district may not charge more for the goods or services than the school district pays for the goods or services.

(5) The innovation school team shall have full operational autonomy to run the innovation school as provided in the innovation school agreement.

(6) Employees of an innovation school may organize and create collectively bargained working conditions with the innovation school team, consistent with the principles, vision, goals and essential characteristics of the innovation school.

(7) Individuals employed by an innovation school are entitled to participate in the public employee retirement system, federal social security,

unemployment insurance, worker's compensation insurance and health insurance.

(8) If an agreement is terminated pursuant to subsection (2) (e) of this section, then the affected school shall revert to the type of school it was immediately before becoming an innovation school and shall thereby be subject to all applicable laws, rules, guidelines and policies.

Approved March 30, 2016

CHAPTER 306
(H.B. No. 619)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2017; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$25,696; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY; DIRECTING THE USE OF APPROPRIATION FOR INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING THE TERM "DISTRIBUTED"; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG SIX DIVISIONS OF THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Operations for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$570,746,700
Public Schools Other Income	6,000,000
Public School Endowment Earnings Reserve Fund	<u>36,724,800</u>
TOTAL	\$613,471,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$570,746,700
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Operations the following amount to be expended from the listed fund for the period July 1, 2016, through June 30, 2017:

FROM:

Public School Income Fund

\$613,471,500

SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-four thousand fifty-five dollars (\$24,055). The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-two thousand seven hundred three dollars (\$32,703).

(3) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply ~~nineteen~~ twenty thousand eight ~~four~~ hundred ~~twenty-six~~ one dollars (\$19,82620,421) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. Pursuant to the provisions of Section 33-1018, Idaho Code, for the period July 1, 2016, through June 30, 2017, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program/Division of Operations will result in total discretionary funds of \$25,696 per support unit.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$2,500,000 shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the Superintendent of Public Instruction.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$18,000,000 shall be distributed for classroom technology and classroom technology infrastructure that assists teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Superintendent of Public Instruction.

SECTION 8. The Superintendent of Public Instruction shall distribute an amount not to exceed \$3,000,000 to school districts and charter schools based on the support units used to calculate salary-based apportionment. Moneys so distributed shall be used to implement and operate an instructional management system of their choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student learning plans, monitoring of interventions, integration with a district's Student Information System (SIS), and analysis of student and classroom levels of learning.

SECTION 9. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 10. For the period July 1, 2016, through June 30, 2017, the State Department of Education is hereby granted the authority to transfer

appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Public Schools Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code. Additionally, appropriations may be transferred from the Central Services Division to the other divisions of the Public Schools Educational Support Program.

Approved March 30, 2016

CHAPTER 307
(H.B. No. 620)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2017; PROVIDING LEGISLATIVE INTENT RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR LITERACY PROGRAMS AND REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING DIRECTION TO THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DIRECTING THE USE OF FUNDS FOR GIFTED AND TALENTED STUDENTS; AND DEFINING THE TERM "DISTRIBUTED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$33,775,900
Cigarette, Tobacco and Lottery Income Taxes	4,024,900
Federal Grant	<u>249,115,000</u>
TOTAL	\$286,915,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund	\$33,775,900
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs the following amount to be expended from the listed funds for the period July 1, 2016, through June 30, 2017:

FROM:

Public School Income Fund	\$37,800,800
Federal Grant	<u>249,115,000</u>
TOTAL	\$286,915,800

SECTION 4. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds for the period July 1, 2016, through June 30, 2017, to achieve the following:

(1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 5. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,024,900 from funds determined by available tobacco, cigarette and lottery income tax revenues accruing, appropriated or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2016, through June 30, 2017, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$2,150,000 shall be distributed for literacy programs in kindergarten through grade 3, and \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Superintendent of Public Instruction. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2018, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$3,820,000 shall be distributed for support of programs for students with non-English or limited English proficiency, as follows:

(1) The Superintendent of Public Instruction shall distribute \$3,370,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the department.

(2) The Superintendent of Public Instruction shall distribute \$450,000 for a competitive grant program to assist school districts in which the population of English language learners must meet Annual Measurable Achievement Objectives (AMAOs) in math or reading, as defined in federal law. This

amount shall be distributed annually to school districts in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The superintendent shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2018, on the program design, uses of funds and program effectiveness.

SECTION 8. It is legislative intent that the Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 16, Title 33, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2017. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2017.

SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2016, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 10. Of the funds appropriated in Section 3 of this act, and pursuant to Section 33-1024, Idaho Code, \$110,000 is to be distributed to, and expended by, the Idaho Digital Learning Academy to continue the development and maintenance of an Internet-based portal of available online, nonsectarian K-12 or dual credit courses. The Idaho Digital Learning Academy is to collaborate with the State Department of Education on this effort.

SECTION 11. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2016, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 12. Of the funds appropriated in Section 3 of this act, \$1,000,000 shall be distributed by the Superintendent of Public Instruction for professional training and screening for gifted and talented students and instructors. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of identified gifted and talented students.

SECTION 13. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

CHAPTER 308
(H.B. No. 623)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2017; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2017; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2017; DIRECTING THE USE OF APPROPRIATION FOR THE SUPPORT OF LITERACY PROGRAMS, INTERVENTION SERVICES FOR NON-TITLE I SCHOOLS AND MATH INITIATIVE PROGRAMS, AND FOR NON-ENGLISH OR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF APPROPRIATION FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF APPROPRIATION FOR TEACHER AND ADMINISTRATIVE POSITIONS PERFORMANCE EVALUATIONS; DIRECTING THE USE OF APPROPRIATION FOR WIRELESS TECHNOLOGY INFRASTRUCTURE; DIRECTING THE USE OF APPROPRIATION FOR PROFESSIONAL DEVELOPMENT; PROVIDING LEGISLATIVE INTENT FOR CONTENT AND CURRICULUM RELATED TO DIGITAL CONTENT AND CREDIT RECOVERY; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING LEGISLATIVE INTENT FOR CONTENT AND CURRICULUM RELATED TO TECHNOLOGY; PROVIDING DIRECTION FOR THE DEVELOPMENT OF AN ON-LINE PORTAL; AND DEFINING THE TERMS "DISTRIBUTED" AND "EXPENDED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Central Services for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund \$15,262,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2016, through June 30, 2017:

FROM:

General Fund \$15,262,500

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR OPERATING EXPENDITURES	TOTAL
FROM:		
General		
Fund	\$15,262,500	\$15,262,500

SECTION 4. Of the moneys appropriated in Section 3 of this act, up to \$2,775,300 shall be expended for the support of literacy programs, for intervention services for non-Title I schools that fail to achieve proficiency

on Idaho's standards-based achievement tests, for math initiative programs and regional math labs, and for evaluation of the programs for students with non-English or limited English proficiency. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House Education Committee by no later than February 1, 2018, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$1,758,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 6. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend or distribute up to \$300,000 for professional development and training that promotes the effective and consistent evaluation of teacher and administrator performance, pursuant to standards established by the State Board of Education.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$2,100,000 of one-time moneys shall be expended or distributed, in whole or pro rata, by the Superintendent of Public Instruction for the installation, repair, replacement and support of a wireless technology infrastructure, in each public school serving high school grades, of sufficient capacity to support utilization of mobile computing devices by all users in the following ways:

- (1) Expend for any current contracts entered into by the State Department of Education for wireless technology infrastructure; or
- (2) Distribute \$21.00 per student, certified staff, and administrative staff to school districts and charter schools that have wireless technology infrastructures that meet or exceed the standards established in Idaho Code and that opted in fiscal year 2014 not to participate in the statewide contract for such services.

SECTION 8. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$3,388,700 for professional development and teacher training and to develop a portal to track usage and effectiveness of professional development efforts at the state and local levels. Of this amount, \$750,000 shall be passed through to the Office of the State Board of Education on July 1, 2016, or as soon as practicable, to be expended for school improvement evaluations.

SECTION 9. CONTENT AND CURRICULUM -- DIGITAL CONTENT AND CREDIT RECOVERY. Of the moneys appropriated in Section 3 of this act, up to \$3,250,000 may be expended for the purchase of content and curriculum that includes up to \$950,000 for digital content, up to \$650,000 to provide a statewide approach for credit recovery and an alternative pathway to graduation, up to \$1,200,000 for adaptive math instruction, and up to \$450,000 for research-based programs to assist with the instruction of students with non-English or limited English proficiency.

SECTION 10. If the funds appropriated and transferred to the Public School Income Fund and the funds appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary. If the funding amounts specified in Sections 5 and 7 of this act are insufficient to meet the actual

expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

SECTION 11. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,000,000 may be expended by the Superintendent of Public Instruction to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career or the workplace. Funding shall be awarded for projects that include three (3) or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The Superintendent of Public Instruction shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House Education Committee by February 1, 2018, regarding the number and type of certificates earned by students and faculty.

SECTION 12. Of the funds appropriated in Section 3 of this act, and pursuant to Section 33-1024, Idaho Code, up to \$40,000 may be expended by the Superintendent of Public Instruction to continue the development and maintenance of an Internet-based portal of available online, nonsectarian K-12 or dual credit courses. The State Department of Education is to collaborate with the Idaho Digital Learning Academy on this effort.

SECTION 13. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. The term "expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

Approved March 30, 2016

CHAPTER 309
(S.B. No. 1406)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2017; MAKING A CASH TRANSFER; PROVIDING REAPPROPRIATION AUTHORITY FOR DEDICATED FUNDS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>0</u>	<u>\$2,200,000</u>	<u>2,200,000</u>
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Capitol Commission and the State Controller shall transfer \$200,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund, on July 1, 2016, or as soon thereafter as practicable, for the period July 1, 2016, through June 30, 2017.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission any unexpended and unencumbered balances of moneys in the Capitol Commission Operating Fund as appropriated for fiscal year 2016, to be used for nonrecurring expenditures in the Capitol Commission Operating Fund, for the period July 1, 2016, through June 30, 2017.

SECTION 4. LEGISLATIVE INTENT. The director of the Department of Administration shall prepare a maintenance schedule for the Idaho State Capitol Building. The director shall present the schedule and a plan to implement the schedule to the Legislative Council in the fall of 2016. The maintenance schedule shall include, but not be limited to, an annual plan as well as a five-year plan to address routine maintenance, repairs and upkeep of the Statehouse and its grounds.

Approved March 31, 2016

CHAPTER 310
(S.B. No. 1407)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2017 THROUGH FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,821,400	\$923,800		\$31,600	\$2,776,800
Miscellaneous Revenue					
Fund	610,000	627,200			1,237,200
Records Management Service					
Fund	115,600	141,300			256,900
Capitol Commission Operating					
Fund	68,300	53,500			121,800
Economic Recovery Reserve					
Fund		29,900	\$216,200		246,100
Idaho Historic Preservation & Cultural Enhancement					
Fund		50,000			50,000
Federal Grant					
Fund	<u>957,700</u>	<u>476,500</u>	<u>0</u>	<u>130,000</u>	<u>1,564,200</u>
TOTAL	\$3,573,000	\$2,302,200	\$216,200	\$161,600	\$6,253,000

SECTION 2. In addition to the moneys appropriated in Section 1 of this act, there is hereby appropriated to the Idaho State Historical Society for operating expenditures \$4,000,000 from the Economic Recovery Reserve Fund and \$4,000,000 from the Miscellaneous Revenue Fund for the historical museum renovation and expansion project for the period July 1, 2016, through June 30, 2018.

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than forty-nine (49) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2016

CHAPTER 311
(S.B. No. 1412)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED FEDERAL GRANT FUND BALANCE INTO FISCAL YEAR 2017; AND REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED BALANCE IN THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND INTO FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education, the following amounts to be expended according to the desig-

nated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$2,167,300	\$543,900	\$19,300		\$2,730,500
Indirect Cost Recovery					
Fund	33,000	83,300			116,300
Miscellaneous Revenue					
Fund	140,000	60,000		\$800,000	1,000,000
Federal Grant					
Fund	<u>151,600</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,736,100</u>
TOTAL	\$2,491,900	\$2,133,300	\$19,300	\$1,938,400	\$6,582,900
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund	\$116,500	\$28,900	\$1,100		\$146,500
Public Charter School Authorizers					
Fund	<u>251,200</u>	<u>100,400</u>	<u>0</u>		<u>351,600</u>
TOTAL	\$367,700	\$129,300	\$1,100		\$498,100
GRAND TOTAL	\$2,859,600	\$2,262,600	\$20,400	\$1,938,400	\$7,081,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-eight and seventy-five hundredths (28.75) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR FEDERAL GRANT FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Federal Grant Fund as appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Public Charter School Authorizers Fund as appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

Approved March 31, 2016

CHAPTER 312
(S.B. No. 1413)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES, HEALTHCARE POLICY INITIATIVES AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING A REPORT ON THE USE OF VOCA FUNDS; DIRECTING MONTHLY MEDICAID TRACKING REPORTS; REQUIRING BIENNIAL REPORTS FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; DIRECTING PROGRAM TRANSFER REPORTS; REQUIRING A MONTHLY REPORT ON DEPARTMENT VACANCIES; REPORTING ON IMPLEMENTATION OF THE SHIP GRANT; AND REQUIRING QUARTERLY REPORTS ON FACILITY LICENSING AND CERTIFICATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated divisions, programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$101,700	\$11,800			\$113,500
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>336,500</u>	<u>196,600</u>		<u>\$31,600</u>	<u>564,700</u>
TOTAL	\$438,200	\$223,400		\$31,600	\$693,200
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$13,200	\$1,300			\$14,500
Domestic Violence Project					
Fund	184,600	163,200		\$171,800	519,600
Cooperative Welfare (Dedicated)					
Fund		20,000			20,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Cooperative Welfare (Federal)					
Fund	<u>171,700</u>	<u>166,900</u>		<u>7,415,400</u>	<u>7,754,000</u>
TOTAL	\$369,500	\$351,400		\$7,587,200	\$8,308,100
DIVISION TOTAL	\$807,700	\$574,800		\$7,618,800	\$9,001,300
II. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,869,700	\$6,271,500			\$17,141,200
Cooperative Welfare (Dedicated)					
Fund	1,673,300	1,449,500	\$3,000		3,125,800
Cooperative Welfare (Federal)					
Fund	<u>12,555,600</u>	<u>7,254,200</u>	<u>646,400</u>		<u>20,456,200</u>
TOTAL	\$25,098,600	\$14,975,200	\$649,400		\$40,723,200
III. HEALTHCARE POLICY INITIATIVES:					
FROM:					
Cooperative Welfare (Federal)					
Fund	\$642,100	\$9,593,800			\$10,235,900
IV. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,529,400	\$275,300			\$1,804,700
Cooperative Welfare (Dedicated)					
Fund	795,900	12,200			808,100
Cooperative Welfare (Federal)					
Fund	<u>3,531,500</u>	<u>1,374,600</u>			<u>4,906,100</u>
TOTAL	\$5,856,800	\$1,662,100			\$7,518,900
GRAND TOTAL	\$32,405,200	\$26,805,900	\$649,400	\$7,618,800	\$67,479,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the divisions in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Developmental Disabilities Council	6.0
Domestic Violence Council	4.0
Indirect Support Services	291.6
Healthcare Policy Initiatives	7.0
Licensing and Certification	67.9

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense classes during fiscal year 2017.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. REPORTING ON USE OF ADDITIONAL VOCA FUNDS. The Domestic Violence Council shall provide a report to the Legislative Services Office and the Division of Financial Management that describes the status of the additional federal Victims of Crime Act (VOCA) funds that were appropriated in fiscal year 2016. These funds were provided to the council by the federal government with little notice and at an amount that more than doubled the normal distribution. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be provided no later than December 31, 2016.

SECTION 7. MEDICAID TRACKING REPORT. The Department of Health and Welfare, Medicaid Division and Indirect Support Services Division, shall deliver on a monthly basis to the Legislative Services Office and the Division of Financial Management a report that compares the Medicaid budget as appropriated, distributed by month for the year, to actual expenditures and remaining forecasted expenditures for the year. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 8. MEDICAID PROGRAM INTEGRITY COLLECTIONS. It is the intent of the Legislature that the Indirect Support Services Division provide reports biannually to the Legislative Services Office and the Division of Financial Management comparing the total costs from all funding sources used for the Medicaid Program Integrity Unit and the collections related to those efforts. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2016, and the second report shall be submitted no later than June 30, 2017.

SECTION 9. PROGRAM TRANSFER REPORT. The Department of Health and Welfare, Indirect Support Services Division, shall provide to the Legislative Services Office and the Division of Financial Management three (3) reports, with each report providing information that compares the department budget, as appropriated, to the estimated expenditures of the department for each budget unit to include: transfers of FTP authority between and among budget units; transfers of appropriation, by fund, between and among budget units; and transfers of funds by expense class between and among budget units. The first report shall be submitted no later than November 1, 2016, the second report shall be submitted no later than March 1, 2017, and the third report shall be submitted no later than June 30, 2017.

SECTION 10. VACANCY REPORT. On a monthly basis, the Department of Health and Welfare, Indirect Support Services Division, shall provide to the Legislative Services Office and the Division of Financial Management a staff vacancy report that compares filled positions to authorized positions for each budgeted program. The format of the report, and information contained therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 11. REPORTING ON IMPLEMENTATION OF THE SHIP GRANT. On an annual basis, the Healthcare Policy Initiatives Program shall report the status of the State Healthcare Innovation Plan (SHIP) to the Legislative Services Office and the Division of Financial Management. The report shall include comments and suggestions from private insurers, private providers, and other active stakeholders on the process of moving from the current fee-for-service medical model to a capitated model of healthcare delivery. The report shall also include results of any performance metrics required by the grant, in addition to updates on potential solutions for the State of Idaho. This report shall be submitted no later than December 31, 2016.

SECTION 12. REQUIRING QUARTERLY REPORTS ON FACILITY LICENSING AND CERTIFICATION. It is the intent of the Legislature that the Department of Health and Welfare, Licensing and Certification Program, provide quarterly reports to the Legislative Services Office and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. For the past several years, the program has noted staffing issues related to retention, which in turn has created a large backlog of facility inspections and licensures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than October 1, 2016, the second report shall be submitted no later than January 1, 2017, the third report shall be submitted no later than April 1, 2017, and the fourth report shall be submitted no later than June 30, 2017.

Approved March 31, 2016

CHAPTER 313
(S.B. No. 1414)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated to the Wolf Depredation Control Board and the State Controller shall transfer \$400,000 from the General Fund to the Wolf Control Fund Other Money Subaccount, on July 1, 2016, or as soon thereafter as practicable, for the period July 1, 2016, through June 30, 2017.

Approved March 31, 2016

CHAPTER 314
(S.B. No. 1417)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 261, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated from the Invasive Species Fund to the Department of Agriculture, the following amounts to be expended for the designated expense classes, for the period July 1, 2015, through June 30, 2016:

FOR:

Personnel Costs	\$200,000
Operating Expenditures	<u>100,000</u>
TOTAL	\$300,000

SECTION 2. There is hereby appropriated to the Department of Agriculture, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$720,100	\$426,000			\$1,146,100
Administration and Accounting Services					
Fund	1,066,600	120,000	\$34,100		1,220,700
Facilities Maintenance					
Fund	<u>157,200</u>	<u>173,300</u>	<u>0</u>		<u>330,500</u>
TOTAL	\$1,943,900	\$719,300	\$34,100		\$2,697,300

II. ANIMAL INDUSTRIES:

FROM:

General

Fund	\$1,644,300	\$217,300			\$1,861,600
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Agricultural Inspection

Fund	38,000	9,700			47,700
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Agricultural Fees - Livestock Disease Control

Fund	577,100	266,300	\$78,900		922,300
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Dairy Inspection					
Fund	1,408,500	412,100	141,100		1,961,700
Agricultural Fees - Egg Inspection					
Fund	158,800	16,500			175,300
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	72,200	17,500			89,700
Seminars and Publications					
Fund		98,300			98,300
Federal Grant					
Fund	<u>579,700</u>	<u>117,300</u>	<u>60,000</u>	<u>\$58,200</u>	<u>815,200</u>
TOTAL	\$4,484,300	\$1,159,200	\$280,000	\$58,200	\$5,981,700
 III. AGRICULTURAL RESOURCES:					
FROM:					
General					
Fund	\$206,300	\$130,700			\$337,000
Agricultural Fees - Pesticides					
Fund	1,957,800	785,300	\$78,000		2,821,100
Federal Grant					
Fund	<u>405,300</u>	<u>133,400</u>	<u>0</u>		<u>538,700</u>
TOTAL	\$2,569,400	\$1,049,400	\$78,000		\$3,696,800
 IV. PLANT INDUSTRIES:					
FROM:					
General					
Fund	\$1,212,100	\$683,000		\$1,288,000	\$3,183,100
Agricultural Inspection					
Fund	1,160,800	286,700	\$41,900	111,100	1,600,500
Invasive Species					
Fund	834,600	550,900	79,200	750,000	2,214,700
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,149,300	293,600	88,300		1,531,200
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Quality Assurance Laboratory Services					
Fund	344,000	135,200	77,600		556,800
Federal Grant					
Fund	<u>708,000</u>	<u>825,800</u>	<u>38,800</u>	<u>536,700</u>	<u>2,109,300</u>
TOTAL	\$5,409,200	\$2,791,500	\$325,800	\$2,685,800	\$11,212,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General					
Fund	\$765,700	\$162,900	\$8,900		\$937,500
Weights and Measures Inspection					
Fund	372,300	205,500	137,600		715,400
Agricultural Fees - Organic Food Products					
Fund	314,500	80,200	2,600		397,300
Agricultural Fees - Fresh Fruit and Vegetable Inspection					
Fund	7,242,600	2,797,000	193,700		10,233,300
Federal Grant					
Fund	<u>0</u>	<u>20,000</u>	<u>0</u>	<u>\$200,000</u>	<u>220,000</u>
TOTAL	\$8,695,100	\$3,265,600	\$342,800	\$200,000	\$12,503,500
VI. MARKET DEVELOPMENT:					
FROM:					
General					
Fund	\$426,500	\$363,400			\$789,900
Agricultural Inspection					
Fund	49,300	70,100	\$2,400		121,800
Seminars and Publications					
Fund		245,600			245,600
USDA Publications					
Fund		24,900			24,900
Rural Economic Development Integrated Freight Transportation					
Fund	9,300	20,000		\$140,000	169,300
Revolving Loans					
Fund	12,300	15,300			27,600
Federal Grant					
Fund	<u>185,900</u>	<u>778,100</u>	<u>0</u>	<u>1,267,500</u>	<u>2,231,500</u>
TOTAL	\$683,300	\$1,517,400	\$2,400	\$1,407,500	\$3,610,600
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General					
Fund		\$4,000		\$160,000	\$164,000
Animal Damage Control					
Fund				215,700	215,700
Agricultural Fees - Sheep and Goat Health					
Fund		<u>200</u>		<u>167,200</u>	<u>167,400</u>
TOTAL		\$4,200		\$542,900	\$547,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$70,100				\$70,100
Agricultural Fees - Sheep and Goat Health					
Fund	<u>68,800</u>	<u>\$37,700</u>	<u>\$2,600</u>		<u>109,100</u>
TOTAL	\$138,900	\$37,700	\$2,600		\$179,200
GRAND TOTAL	\$23,924,100	\$10,544,300	\$1,065,700	\$4,894,400	\$40,428,500

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred (200) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the Department of Agriculture (ISDA) maximize the use of the appropriation provided from the Invasive Species Fund to enhance the boat inspection program to minimize the chances of spreading zebra and quagga mussels into Idaho waters. Furthermore, it is the intent of the Legislature that ISDA leverage inspection activities to secure federal funding to the extent possible to further enhance invasive species detection and prevention efforts.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 4 of this act shall be in full force and effect on and after passage and approval.

Approved March 31, 2016

CHAPTER 315
(S.B. No. 1418)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2016; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 151, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated to the Secretary of State \$258,000 from the General Fund to be expended for operating expenditures for the period July 1, 2015, through June 30, 2016, for the purpose of implementing an online voter registration system.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Secretary of State any unexpended and unencumbered balances of moneys

as appropriated in Section 1 of this act for fiscal year 2016, to be used for nonrecurring expenditures related to the online voter registration system, for the period July 1, 2016, through June 30, 2017.

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

Approved March 31, 2016

CHAPTER 316
(S.B. No. 1419)

AN ACT

APPROPRIATING AND TRANSFERRING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A DEDICATED FUND CASH TRANSFER; PROVIDING FOR NOTIFICATION OF CONTRACT RENEWALS OR EXTENSIONS; DIRECTING CONTINUATION OF THE HEALTH INSURANCE PREMIUM FOR STATE EMPLOYEES; PROVIDING LEGISLATIVE INTENT REGARDING THE EMPLOYEE GROUP INSURANCE PLAN STRUCTURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 346, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated to the Department of Administration, for the Insurance Management Program, and the State Controller shall transfer \$13,140,000 from the General Fund to the Employee Group Insurance Fund, to be expended for the period July 1, 2015, through June 30, 2016.

SECTION 2. There is hereby appropriated to the Department of Administration, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$167,400	\$56,000		\$223,400
Permanent Building				
Fund	145,000	100		145,100
Administration and Accounting Services				
Fund	427,200	11,500		438,700
Federal Surplus Property Revolving				
Fund	19,100			19,100
Employee Group Insurance				
Fund	75,400	100		75,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Retained Risk				
Fund	55,800			55,800
Administrative Code				
Fund	17,600			17,600
Industrial Special Indemnity				
Fund	<u>211,000</u>	<u>98,700</u>		<u>309,700</u>
TOTAL	\$1,118,500	\$166,400		\$1,284,900

II. ADMINISTRATIVE RULES:

FROM:

Administrative Code

Fund	\$242,700	\$174,000		\$416,700
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III. INFORMATION TECHNOLOGY:

FROM:

General

Fund	\$736,700	\$453,000		\$1,189,700
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Permanent Building

Fund	115,200			115,200
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Administration and Accounting Services

Fund	1,433,600	778,000		2,211,600
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Federal Surplus Property Revolving

Fund	11,400			11,400
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Employee Group Insurance

Fund	23,900			23,900
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Retained Risk

Fund	25,800			25,800
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Administrative Code

Fund	11,300			11,300
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Industrial Special Indemnity

Fund	<u>9,400</u>	<u>0</u>		<u>9,400</u>
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TOTAL	\$2,367,300	\$1,231,000		\$3,598,300
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IV. PUBLIC WORKS:

FROM:

General

Fund		\$1,293,100		\$1,293,100
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Permanent Building

Fund	\$2,021,100	402,600	\$47,200	2,470,900
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Administration and Accounting Services

Fund	<u>1,808,200</u>	<u>4,615,600</u>	<u>30,000</u>	<u>6,453,800</u>
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TOTAL	\$3,829,300	\$6,311,300	\$77,200	\$10,217,800
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. PURCHASING:				
FROM:				
General				
Fund	\$629,500			\$629,500
Administration and Accounting Services				
Fund	1,255,300	\$809,100	\$30,000	2,094,400
Federal Surplus Property Revolving				
Fund	<u>182,700</u>	<u>417,400</u>	<u>0</u>	<u>600,100</u>
TOTAL	\$2,067,500	\$1,226,500	\$30,000	\$3,324,000
VI. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$422,900	\$386,500		\$809,400
Retained Risk				
Fund	<u>509,900</u>	<u>113,700</u>		<u>623,600</u>
TOTAL	\$932,800	\$500,200		\$1,433,000
GRAND TOTAL	\$10,558,100	\$9,609,400	\$107,200	\$20,274,700

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred thirty-eight (138) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. CASH TRANSFER. There is hereby appropriated to the Department of Administration and the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2016, or as soon thereafter as necessary, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2017.

SECTION 5. NOTIFICATION OF CONTRACT RENEWALS OR EXTENSIONS. The director of the department shall notify the Legislature prior to any contract extensions or renewals in excess of \$1,000,000. As part of the budget submission process, the department shall submit a list of contracts due for renewal in the upcoming fiscal year that exceed \$1,000,000 on an annual basis. Further, the director shall notify the members of legislative leadership, the chairmen of the Joint Finance-Appropriations Committee and the chairmen of the Senate and House Commerce and Human Resources Committees, in writing, of any proposed early contract renewal or extension at least 90 days prior to signing the contract.

SECTION 6. HEALTH INSURANCE PREMIUM. The Office of Group Insurance shall maintain the current health insurance program structure and benefit package for state employees. The office shall also maintain the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee.

SECTION 7. LEGISLATIVE INTENT REGARDING THE EMPLOYEE GROUP INSURANCE PLAN STRUCTURE. The director of the Department of Administration is encouraged to undertake and complete a study of the state's group insurance plan to include, but not be limited to, consideration of the costs and benefits of allowing the current insurance plans' grandfathered status to lapse, as well as the structural plan changes that will be required as a result; consideration of a self-insured plan or a fully insured plan structure; and development of a list of changes to the employee group insurance benefit package, as well as potential statutory changes outlining the minimum employee group insurance benefit plan design that will comply with the Patient Provider and Affordable Care Act should the Legislature adopt structural plan changes. The director is also encouraged to report an analysis of the findings to the Legislature.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved March 31, 2016

CHAPTER 317
(S.B. No. 1421)

AN ACT

RELATING TO LEGAL COSTS OF THE STATE OF IDAHO; APPROPRIATING AND TRANSFERRING MONEYS TO THE CONSTITUTIONAL DEFENSE FUND FOR FISCAL YEAR 2016; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE PURCHASING PROGRAM FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$2,000,000 from the General Fund to the Constitutional Defense Fund as soon as practicable, for the period July 1, 2015, through June 30, 2016.

SECTION 2. In addition to the appropriation made in Section 2, Chapter 346, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated \$971,700 from the General Fund to the Department of Administration for the Purchasing Program, to be expended for operating expenditures, for the period July 1, 2015, through June 30, 2016. These funds shall be used exclusively for the payment of attorney fees, costs, and expenses in *Syringa Networks, LLC v. Idaho Department of Administration, et al*, as determined by the Idaho district courts. If the final settlement amount plus accrued interest is less than the amount appropriated in this section, then the Department of Administration shall revert such appropriation to the General Fund on or before June 30, 2016.

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

Approved March 31, 2016

CHAPTER 318
(S.B. No. 1423)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN MONEYS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION AND THE STRATEGIC INITIATIVES PROGRAM FUND; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A CASH TRANSFER TO THE GARVEE DEBT SERVICE FUND; PROVIDING A CASH TRANSFER TO THE LOCAL HIGHWAY TRUST FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 340, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated to the Idaho Transportation Department, the following amounts to be expended for the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. HIGHWAY OPERATIONS:				
FROM:				
State Highway (Dedicated)				
Fund	\$43,200			\$43,200
State Highway (Federal)				
Fund	<u>188,900</u>	<u>\$0</u>	<u>\$662,300</u>	<u>851,200</u>
TOTAL	\$232,100	\$0	\$662,300	\$894,400
II. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:				
FROM:				
State Highway (Dedicated)				
Fund	\$19,900	\$966,300	\$8,000	\$994,200
State Highway (Federal)				
Fund	3,276,500	50,436,600	110,600	53,823,700
State Highway (Local)				
Fund	<u>2,500</u>	<u>123,200</u>	<u>1,000</u>	<u>126,700</u>
TOTAL	\$3,298,900	\$51,526,100	\$119,600	\$54,944,600
GRAND TOTAL	\$3,531,000	\$51,526,100	\$781,900	\$55,839,000

SECTION 2. There is hereby appropriated to the Idaho Transportation Department, the following amounts to be expended according to the designated

programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$16,149,400	\$9,172,400	\$1,813,700		\$27,135,500
State Highway (Federal)					
Fund	<u>403,200</u>	<u>219,100</u>	<u>0</u>	<u>\$240,000</u>	<u>862,300</u>
TOTAL	\$16,552,600	\$9,391,500	\$1,813,700	\$240,000	\$27,997,800
II. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$50,000		\$50,000
State Highway (Dedicated)					
Fund		<u>\$30,000</u>	<u>3,265,000</u>		<u>3,295,000</u>
TOTAL		\$30,000	\$3,315,000		\$3,345,000
III. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$1,004,600	\$516,600	\$129,000	\$550,000	\$2,200,200
State Aeronautics (Billing)					
Fund	88,700	138,400			227,100
State Highway (Dedicated)					
Fund			3,800		3,800
State Aeronautics (Federal)					
Fund	<u>64,000</u>	<u>258,200</u>	<u>0</u>	<u>0</u>	<u>322,200</u>
TOTAL	\$1,157,300	\$913,200	\$132,800	\$550,000	\$2,753,300
IV. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$15,136,900	\$17,400,600	\$178,000		\$32,715,500
State Highway (Federal)					
Fund	<u>0</u>	<u>2,600,000</u>	<u>0</u>		<u>2,600,000</u>
TOTAL	\$15,136,900	\$20,000,600	\$178,000		\$35,315,500
V. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$84,304,100	\$51,726,700	\$24,136,600	\$462,000	\$160,629,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Local)					
Fund	227,000	80,800			307,800
State Highway (Federal)					
Fund	<u>13,578,800</u>	<u>4,320,600</u>	<u>0</u>	<u>16,050,300</u>	<u>33,949,700</u>
TOTAL	\$98,109,900	\$56,128,100	\$24,136,600	\$16,512,300	\$194,886,900

VI. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:

FROM:

State Highway (Dedicated)					
Fund		\$1,946,800	\$121,567,100	\$319,300	\$123,833,200
State Highway (Local)					
Fund		271,500	3,264,600	542,500	4,078,600
State Highway (Federal)					
Fund		<u>8,007,100</u>	<u>252,606,400</u>	<u>3,061,300</u>	<u>263,674,800</u>
TOTAL		\$10,225,400	\$377,438,100	\$3,923,100	\$391,586,600
GRAND TOTAL	\$130,956,700	\$96,688,800	\$407,014,200	\$21,225,400	\$655,885,100

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred seventy-eight (1,678) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. CONTINUOUSLY APPROPRIATED MONEYS. It is legislative intent that all moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purposes of those funds.

SECTION 5. TOURISM AND PROMOTION FUND. There is hereby appropriated and the State Controller is directed to transfer \$25,000 from the State Highway Fund to the Tourism and Promotion Fund in the Department of Commerce during fiscal year 2017. This transfer will provide the matching fund support for the Gateway Visitor Centers.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as the State Highway Fund for the Contract Construction and Right-of-Way Acquisition Division as appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017. Furthermore, there is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money in the Strategic Initiatives Program Fund as appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 7. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as the State Aeronautics Fund as appropriated or reappropriated for trustee and benefit payments to be used for Airport Development Grants for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 8. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2017 is approximately \$53,408,200. The Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from within the State Highway Account to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2017.

SECTION 9. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer up to \$1,470,800 from the GARVEE Capital Project Fund to the GARVEE Debt Service Fund for fiscal year 2016. The accounting transactions will be processed at the request of the Idaho Transportation Department, with approval from the State Controller's Division of Statewide Accounting, to begin close-out of the GARVEE program. In addition, the department is authorized to make the necessary accounting adjusting entries between the State Highway Account and the GARVEE Capital Project Fund.

SECTION 10. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$32,900 from the dedicated State Highway Fund to the Local Highway Trust Fund for fiscal year 2016 to offset the impact from the distribution of losses from the Idle Pool Portfolio to the Local Highway Trust Fund.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 9 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved March 31, 2016

CHAPTER 319
(S.B. No. 1424)

AN ACT

REDUCING THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT RELATED TO SCHOOL DISTRICT BROADBAND SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Superintendent of Public Instruction in Section 1, Chapter 311, Laws of 2015, from the General Fund is hereby reduced by \$5,500,000 for trustee and benefit payments for the period July 1, 2015, through June 30, 2016.

SECTION 2. There is hereby appropriated to the Superintendent of Public Instruction, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$6,357,700	\$5,102,500		\$2,724,600	\$14,184,800
Indirect Cost Recovery					
Fund	759,700	561,200			1,320,900
Driver's Training					
Fund	181,500	150,200	\$2,500	2,113,300	2,447,500
Public Instruction					
Fund	797,200	975,300	20,300	11,400	1,804,200
Miscellaneous Revenue					
Fund	300,200	184,200	11,000		495,400
Public Schools Other Income					
Fund	93,400	362,000			455,400
Cigarette, Tobacco and Lottery Income Taxes					
Fund	96,500				96,500
Federal Grant					
Fund	<u>5,072,200</u>	<u>12,198,500</u>	<u>33,200</u>	<u>82,200</u>	<u>17,386,100</u>
TOTAL	\$13,658,400	\$19,533,900	\$67,000	\$4,931,500	\$38,190,800

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred forty-two (142) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. LEGISLATIVE INTENT. Notwithstanding any laws to the contrary, it is the intent of the Legislature that for the time period of July 1, 2016, through June 30, 2017, distributions of funds appropriated in Section 2 of this act for reimbursement of the non E-rate portion of self-procured broadband costs shall be made only to the following E-rate eligible entities: public schools grades K-12, the Idaho Digital Learning Academy, the Idaho Department of Juvenile Corrections education programs, and the Idaho School for the Deaf and the Blind.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after its passage and approval.

Approved March 31, 2016

CHAPTER 320
(S.B. No. 1425)

AN ACT

APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$247,200	\$2,074,500	\$2,321,700
Miscellaneous Revenue			
Fund	<u>0</u>	<u>100,000</u>	<u>100,000</u>
TOTAL	\$247,200	\$2,174,500	\$2,421,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2016

CHAPTER 321
(S.B. No. 1426)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2017; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service, the following amounts to be expended from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$26,752,100	\$3,614,600	\$150,000	\$30,516,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Equine Education				
Fund	<u>0</u>	<u>24,000</u>	<u>0</u>	<u>24,000</u>
TOTAL	\$26,752,100	\$3,638,600	\$150,000	\$30,540,700

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2017, the Agricultural Research and Cooperative Extension Service is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 31, 2016

CHAPTER 322
(S.B. No. 1427)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE DISTRICT COURTS PROGRAM FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE MAGISTRATES DIVISION PROGRAM FOR FISCAL YEAR 2017; AND EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 576, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the District Courts Program \$320,600 from the General Fund to be expended for personnel costs for the period July 1, 2016, through June 30, 2017, for the purpose of judicial salary increases.

SECTION 2. In addition to the appropriation made in Section 1 of House Bill No. 576, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the Magistrates Division Program \$495,100 from the General Fund to be expended for personnel costs for the period July 1, 2016, through June 30, 2017, for the purpose of judicial salary increases.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the Supreme Court is hereby exempted from the provisions of Sections 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 31, 2016

CHAPTER 323
(S.B. No. 1429)

AN ACT

RELATING TO EDUCATIONAL APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2017; PROVIDING LEGISLATIVE INTENT THAT SERVICES SHALL BE COMPLIANT WITH LAW; APPROPRIATING MONEYS AND PROVIDING A CASH TRANSFER TO THE HIGHER EDUCATION STABILIZATION FUND; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2017; APPROPRIATING MONEYS AND PROVIDING A CASH TRANSFER TO THE BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT FUND; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2017; APPROPRIATING MONEYS AND PROVIDING A CASH TRANSFER TO THE STEM EDUCATION FUND; APPROPRIATING ADDITIONAL MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2017; AND AUTHORIZING ONE ADDITIONAL FULL-TIME EQUIVALENT POSITION.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1392, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided by law, there is hereby appropriated \$180,000 from the General Fund to the Idaho Commission for Libraries, to be expended for trustee and benefit payments for the period July 1, 2016, through June 30, 2017. Funds shall be used for reimbursement of the non E-rate portion of public libraries' Internet service provider charges in accordance with the intent of the Education Opportunity Resource Act, Chapter 56, Title 33, Idaho Code.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that any services using appropriations provided for in Section 1 of this act, including Wi-Fi on personal devices, shall be compliant with Section 33-2741, Idaho Code.

SECTION 3. There is hereby appropriated, and the State Controller shall transfer, \$5,000,000 from the General Fund to the Higher Education Stabilization Fund, Community College Start-up Account, on July 1, 2016, or as soon thereafter as practicable.

SECTION 4. In addition to any other appropriation provided for by law, there is hereby appropriated \$5,000,000 from the Higher Education Stabilization Fund, Community College Start-up Account, to the Office of the State Board of Education for trustee and benefit payments for the period July 1, 2016, through June 30, 2017.

SECTION 5. There is hereby appropriated, and the State Controller shall transfer, \$2,700,000 from the General Fund to the Broadband Infrastructure Improvement Grant Fund, on July 1, 2016, or as soon thereafter as practicable.

SECTION 6. In addition to the appropriation made in Section 2 of Senate Bill No. 1424, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided by law, there is hereby appropriated \$2,700,000 from the Broadband Infrastructure Improvement Grant Fund to the Superintendent of Public Instruction, to be expended for trustee and benefits payments for the period July 1, 2016, through June 30, 2017.

SECTION 7. There is hereby appropriated, and the State Controller shall transfer, \$2,000,000 from the General Fund to the STEM Education Fund on July 1, 2016, or as soon thereafter as practicable.

SECTION 8. In addition to the appropriation made in Section 1 of Senate Bill No. 1425, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided by law, there is hereby appropriated \$2,000,000 from the STEM Education Fund to the STEM Action Center, to be expended for operating expenditures for the period July 1, 2016, through June 30, 2017.

SECTION 9. In addition to the appropriation made in Section 1 of Senate Bill No. 1425, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided by law, there is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$82,500
Operating Expenditures	12,500
Capital Outlay	<u>4,000</u>
TOTAL	\$99,000

SECTION 10. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the STEM Action Center in Section 2 of Senate Bill No. 1425, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is increased by one (1) for the period July 1, 2016, through June 30, 2017.

Approved March 31, 2016

CHAPTER 324
(S.B. No. 1408)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENT PROGRAM FOR FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Bond Payment Program, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
General			
Fund	\$2,075,000	\$2,255,000	\$4,330,000
Permanent Building			
Fund	2,994,200	4,305,800	7,300,000

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration and Accounting Services			
Fund	293,000	380,000	673,000
TOTAL	\$5,362,200	\$6,940,800	\$12,303,000

Approved March 31, 2016

CHAPTER 325
(H.B. No. 454)

AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2201, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 55-2202, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 22, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2203, IDAHO CODE, TO ESTABLISH A DAMAGE PREVENTION BOARD IN THE DIVISION OF BUILDING SAFETY; AMENDING CHAPTER 22, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2204, IDAHO CODE, TO PROVIDE FOR A DAMAGE PREVENTION BOARD FUND; AMENDING SECTION 55-2203, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY NOTIFICATION REQUIREMENTS PRIOR TO EXCAVATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2204, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR JURISDICTION BY THE DAMAGE PREVENTION BOARD OVER CERTAIN PERSONS; AMENDING SECTION 55-2205, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 55-2206, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY CERTAIN RESPONSIBILITIES, TO PROVIDE FOR LIABILITY FOR THE COST OF REPAIRS, TO AUTHORIZE RULEMAKING REGARDING THE PROCESSING OF CLAIMS AND TO REQUIRE THE REPORTING OF DATA; AMENDING SECTION 55-2207, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CLARIFY DUTIES OF ENTITIES ISSUING BUILDING, EXCAVATION AND OTHER PERMITS; AMENDING SECTION 55-2208, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2209, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO AUTHORIZE THE DAMAGE PREVENTION BOARD TO REVIEW ALLEGED VIOLATIONS, TO MAKE ADMINISTRATIVE DETERMINATIONS AND TO IMPOSE ADMINISTRATIVE PENALTIES ON VIOLATORS; AMENDING SECTION 55-2210, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO REVISE THE DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY.

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

SECTION 1. That Section 55-2201, Idaho Code, be, and the same is hereby amended to read as follows:

55-2201. LEGISLATIVE INTENT. It is the intent of the legislature in enacting this chapter to create a system of stakeholder-driven education and enforcement addressing the prevention of damage to underground facilities, to assign responsibilities for locating and keeping accurate records of underground facility locations, for ~~protecting~~ preventing and repairing damage to existing underground facilities, for collecting, storing, analyzing and disseminating data related to underground facility damage and excavator downtime events, and for protecting the public health and safety from great personal harm including death, property damage and interruption in vital services caused by damage to existing underground facilities. It is further the intent of the legislature that the state of Idaho, by

adopting this chapter, reaffirms its primacy over underground facility damage prevention programs that protect the health, safety and property of its citizens and that, by adopting this chapter, Idaho precludes the pipeline and hazardous materials safety administration of the United States department of transportation from determining that Idaho's damage prevention enforcement is inadequate pursuant to 49 CFR part 198, as adopted on July 9, 2015, and effective on January 1, 2016, and prevents any subsequent federal administrative enforcement actions that would result from such a formal determination.

SECTION 2. That Section 55-2202, Idaho Code, be, and the same is hereby amended to read as follows:

55-2202. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety.

(2) "Board" means the damage prevention board.

(3) "Business day" means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(24) "Damage" includes means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected underground facility owner determines that repairs are required.

(35) "Emergency" means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.

(46) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.

(57) "Excavator" means any person who engages directly in excavation.

(8) "Excavator downtime" means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.

(69) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(710) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(811) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(912) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(103) "One-number locator notification service" means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

(114) "Person" means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(125) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(16) "Rural underground facility owner" means an underground facility owner that is a public utility or a member-owned cooperative that serves fewer than five thousand (5,000) total customers in a county or counties with populations that do not exceed fifty thousand (50,000) people.

(17) "Stakeholder" means any party with an interest in protecting underground facilities including, but not limited to, persons, property owners, underground facility owners, excavators, contractors, cities, counties, highway districts, railroads, public entities that deliver irrigation water and those engaged in agriculture.

(138) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

(149) "Underground facility owner" means any person who owns or operates an underground facility.

SECTION 3. That Chapter 22, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-2203, Idaho Code, and to read as follows:

55-2203. DAMAGE PREVENTION BOARD. (1) The Idaho damage prevention board is hereby created and made a part of the division of building safety. The principal purpose of the board is to reduce damages to underground facilities and to promote safe excavation practices through education directed toward excavators, underground facility owners and the public at large. The board also shall review complaints of alleged violations of this chapter. It shall be the responsibility and duty of the administrator to administer this chapter, and the administrator shall exercise such powers and duties as are reasonably necessary to enforce the provisions of this chapter.

(2) The board shall consist of eleven (11) members, each of whom shall be appointed by and serve at the pleasure of the governor. All members of the board shall be qualified by experience, knowledge and integrity in formulating rules, reviewing complaints referred to it and assessing penalties, and properly performing the functions of the board. Of the eleven (11) members, one (1) each shall represent the interests of the following designated groups and be:

- (a) A city official or a county official;
- (b) An employee or elected official of a highway district;
- (c) An employee of the Idaho public utilities commission;
- (d) An employee or officer of a one-number notification service entity or a member of the Idaho utility coordinating council or similar cooperative statewide nonprofit organization created to coordinate the protection of underground facilities in specific geographic portions of the state;
- (e) An employee or officer of an underground facility owner;
- (f) An employee or officer of an underground pipeline facility owner;
- (g) An employee or officer of a rural underground facility owner;
- (h) An employee or officer of a contractor;
- (i) An employee or officer of a building contractor;
- (j) An employee or officer of an excavator; and
- (k) An employee or owner of an agricultural enterprise, a representative of the agriculture industry, or an employee or an official of a public entity that delivers water for irrigation.

(3) Each member of the board shall serve a term of four (4) years, and such terms shall be staggered. The initial board shall have three (3) mem-

bers whose terms expire July 1, 2018; four (4) members whose terms expire July 1, 2019; and four (4) members whose terms expire July 1, 2020. Thereafter, each board member shall be appointed for a term of four (4) years. No member of the board may be appointed to more than two (2) consecutive terms. A member may continue to serve until a successor is appointed. A successor must represent the same designated group that his predecessor was appointed to represent.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties, but the board shall hold at least two (2) regular meetings per year. At the board's first meeting, the members shall elect one (1) of their number to be chairman and one (1) to serve as the vice chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms. A majority of the board shall constitute a quorum for the transaction of business. The administrator shall serve as the secretary to the damage prevention board.

(5) Each member of the board shall be compensated as provided by section 59-509(n), Idaho Code.

(6) Each member of the board who is a contractor shall be registered in accordance with chapter 52, title 54, Idaho Code, and shall be in good standing.

(7) The activities of the board shall be funded by a fee established by the board and promulgated in rule. Such fee shall be adopted by the board by no less than eight (8) affirmative votes at a meeting duly called for such purpose at which a quorum is present and shall be imposed uniformly upon all of the underground facility owners required by the provisions of this chapter to participate in and cooperate with the one-number notification service. The fee shall be assessed upon an underground facility owner each time such owner receives notice from a one-number notification service as required by section 55-2205, Idaho Code. The fee is established to defray the expenses of the board and the division in supervising, regulating and administering the provisions of this chapter, and the provision of services hereunder. The fee assessed upon an underground facility owner shall be collected by a one-number notification service and payable to the board in accordance with a schedule and in a manner established by the board in rule. All fees collected by the board shall be deposited with the state treasurer to be credited to the damage prevention board fund established pursuant to section 55-2204, Idaho Code.

(8) The board shall cause educational materials regarding safe digging practices and the dangers of failing to provide notice prior to excavating to be prepared and distributed statewide on an ongoing basis. The board may enter into agreements with other entities for this purpose.

(9) The board, by rule, may adopt or create training programs on all pertinent underground damage prevention topics, which may include, but are not limited to, safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and procedures used when encountering unmarked facilities, for general use or for remedial training that may be ordered by the board pursuant to section 55-2211, Idaho Code.

(10) The board shall periodically review the effectiveness of the methods used for maintaining effective communications among stakeholders from receipt of an excavation notification until successful completion of the excavation and may adopt, by rule, methods to maintain or improve these communications among stakeholders.

(11) The board shall review complaints alleging violations of this chapter by any party against any other party subject to the jurisdiction of the board involving practices related to public safety and underground facilities damage prevention including, but not limited to, notification

procedures, pre-marking of areas to be excavated, marking of facilities, excavation practices, excavator downtime, inaccurate location of facilities, untimely location of facilities, untimely commencement of excavation, failure of a permitting entity to reinstate a permit in a timely manner, failure of an underground facility owner to participate in a one-number notification service as required, or failure by a party to report damage data when required, and may impose appropriate training requirements or enforcement discipline as authorized by this chapter. The proceedings shall be governed by the provisions of section 55-2211 and chapter 52, title 67, Idaho Code. Any party aggrieved by the action of the board shall be entitled to judicial review thereof in accordance with the provisions of chapter 52, title 67, Idaho Code.

(12) To continually evaluate and improve program effectiveness, the board shall analyze the data collected pursuant to section 55-2208, Idaho Code, including the number of reported damage and downtime events and trends, the causes of such damage and any recommendations to further reduce the number of damage or downtime events annually. The board shall make its analysis publicly available.

(13) The board shall adopt, by rule, a process for reviewing the adequacy of underground facility owners' use of internal performance measures for those locating underground facilities and recommending changes to improve such performance.

(14) The board shall adopt, by rule, a process for reviewing and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground facility locating capability and the gathering and analysis of appropriate data.

(15) The board is authorized and directed to promulgate rules consistent with this act for the administration of this chapter and to effectuate the purpose thereof, except as may be limited or prohibited by law and the provisions of this chapter.

(16) The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter. The board is authorized to, and may among other activities:

(a) Hold meetings and attend or be represented at such meetings, prepare and publish rules pertaining to this section, make investigation or inquiry, conduct hearings, report findings and enter orders in matters over which the board has authority;

(b) Summon witnesses to appear and testify before it on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. A summons to testify shall be issued and served in like manner as a subpoena of a witness issued from the district court, or in any other manner consistent with the procedures of the division of building safety;

(c) Administer oaths and take affirmations of witnesses appearing before the board and appoint competent persons to issue subpoenas, administer oaths and take testimony, and appoint hearing officers;

(d) Impose civil penalties and conduct hearings related thereto for violations of this chapter or the rules of the board;

(e) Enter into agreements with any vendor or contractor to provide services or administer any obligation imposed on the board or the administrator by law, as well as the authority to make expenditures, and to make purchases in accordance with chapter 57, title 67, Idaho Code, to effectuate such agreements; and

(f) Delegate to the administrator the power to perform ministerial functions, conduct investigations, recommend and collect civil penalties on its behalf and appoint hearing officers.

(17) The board may establish by administrative rule the fines to be paid for penalties issued for violations of this chapter. In no case shall the penalty exceed the limits prescribed in section 55-2211, Idaho Code.

(18) The board may receive contributions, gifts and grants on behalf of and in aid of the program. Such contributions, gifts and grants shall be deposited in the damage prevention board fund established pursuant to section 55-2204, Idaho Code.

SECTION 4. That Chapter 22, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-2204, Idaho Code, and to read as follows:

55-2204. DAMAGE PREVENTION BOARD FUND ESTABLISHED -- USE OF FUNDS. (1) All moneys received by the administrator under the terms and provisions of this chapter shall be paid into the state treasury as directed by the provisions of section 59-1014, Idaho Code, and shall be held by the state treasurer in a dedicated fund to be known as the damage prevention board fund and, other than as prescribed in subsection (2) of this section, all such moneys placed in said fund shall be set aside and appropriated to the division of building safety to carry into effect the provisions of this chapter.

(2) All moneys received from civil penalties collected under the provisions of this chapter shall be deposited into the damage prevention board fund and shall be spent exclusively in support of board activities to develop and disseminate educational programming designed to improve worker and public safety relating to excavation and underground facilities.

SECTION 5. That Section 55-2203, Idaho Code, be, and the same is hereby amended to read as follows:

55-22035. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NOTICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1) Before commencing excavation, the excavator shall:

(a) Comply with other applicable law or permit requirements of any public agency issuing permits;

(b) Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation. An excavator need not pre-mark as required in this subsection if:

(i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number ~~locate~~ notification service. If no one-number ~~locate~~ notification service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number ~~locate~~ notification service or, if no one-number ~~locate~~ notification service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and with reasonable accuracy as defined in section 55-2202(125), Idaho Code. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than three (3) consecutive weeks following the date of notification so long as it is reasonably apparent to the excavator that site conditions have not changed so substantially as to invalidate the markings. If excavation has not commenced within three (3) weeks from the original notice to underground facility owners through the one-number notification service, the excavator shall reinitiate notice in accordance with this section.

(a) Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this chapter.

(b) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two (2) business days prior to the excavation except for notices given for discovered facilities after the owner has identified facilities.

(3) Emergency excavations are exempt from the time requirements for notification provided in this section.

(4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located with reasonable accuracy, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or one ~~one~~ two thousand dollars (~~\$12,000~~), whichever is less.

SECTION 6. That Section 55-2204, Idaho Code, be, and the same is hereby amended to read as follows:

55-22046. ONE-NUMBER LOCATOR NOTIFICATION SERVICE -- ESTABLISHMENT -- PARTICIPATION REQUIRED -- FUNDING. Two (2) or more persons who own or operate underground facilities in a county may voluntarily establish or contract with a third person to provide a one-number ~~locator~~ notification service to maintain information concerning underground facilities within a county. Upon the establishment of the first such one-number notification

service, all others operating and maintaining underground facilities within said county shall participate and cooperate with the service, and no duplicative service shall be established pursuant to this chapter. The activities of the one-number locator service shall be funded by all of the underground facility owner/operators required by the provisions of this section to participate in and cooperate with the service. All underground facility owner/operators who are required to participate in a one-number notification service are subject to the jurisdiction of the damage prevention board established in section 55-2203, Idaho Code.

SECTION 7. That Section 55-2205, Idaho Code, be, and the same is hereby amended to read as follows:

55-22057. EXCAVATION CONTRACTS -- LIMITATIONS -- PRECAUTIONS TO AVOID DAMAGE -- LIABILITY FOR DAMAGE. (1) Project owners shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation.

(2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:

(a) Determine by hand digging, in the area twenty-four (24) inches or less from the facilities, the precise actual location of underground facilities which have been marked;

(b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and

(c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

(3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages to the underground facility owner. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

(4) In any action brought under this section, the prevailing party is entitled to reasonable attorney's fees.

SECTION 8. That Section 55-2206, Idaho Code, be, and the same is hereby amended to read as follows:

55-22068. DAMAGE TO UNDERGROUND FACILITIES -- DUTIES OF EXCAVATOR AND OWNER -- REPORTING OF DATA. (1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the underground facility owner and the one-number ~~locator~~ notification service. If the damage causes an emergency condition or an actual breach of an underground facility that releases gas or hazardous liquids into the surrounding environment, the excavator causing the damage shall also alert the appropriate local public safety agencies by, at a minimum, calling 911, and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

(3) Any party responsible for damages to an underground facility shall be liable for the cost of repairs.

(4) The board shall adopt by rule a procedure for the processing of claims related to damages to underground facilities.

(5) Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to com-

ply with applicable damage prevention regulations shall report such information to the board in accordance with the rules promulgated by the board. Reporting of such data does not constitute a complaint provided for in section 55-2211, Idaho Code.

SECTION 9. That Section 55-2207, Idaho Code, be, and the same is hereby amended to read as follows:

55-22079. DUTIES OF PUBLIC AGENCY ISSUING EXCAVATION, BUILDING OR OTHER SIMILAR PERMITS. (1) Any public agency issuing, as defined in section 67-2327, Idaho Code, that has the authority to issue excavation, building or other similar permits authorizing excavation operations shall notify persons seeking such permits of the existence of this chapter and the one-call locator ~~one-number notification~~ service telephone number.

(2) A permit shall not be valid for excavation until or unless the notice provisions of this section have been complied with, and the portion of the permit directly relating to excavation may be suspended by the issuing public agency if the permit holder violates any provisions of this chapter. The issuing public agency shall reinstate the permit at no charge within forty-eight (48) hours of receiving evidence of compliance with the provisions of this chapter.

SECTION 10. That Section 55-2208, Idaho Code, be, and the same is hereby amended to read as follows:

55-220810. EXCAVATIONS EXEMPT FROM NOTICE REQUIREMENT. Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, the following excavations shall not require notice of the excavation pursuant to section 55-22035(1)(c), Idaho Code:

(1) An excavation of less than fifteen (15) inches in vertical depth outside the boundaries of an underground facility easement of public record on private property.

(2) The tilling of soil to a depth of less than fifteen (15) inches for agricultural practices.

(3) The extraction of minerals within recorded mining claims or excavation within material sites legally located and of record, unless such excavation occurs within the boundaries of an underground facility easement.

(4) Normal maintenance of roads, streets and highways, including cleaning of roadside drainage ditches and clear zones, to a depth of fifteen (15) inches below the grade established during the design of the last construction of which underground facility owners were notified and which excavation will not reduce the authorized depth of cover of an underground facility.

(5) Replacement of highway guardrail posts, sign posts, delineator posts, culverts, and traffic control device supports in the same approximate location and depth of the replaced item within public highway rights-of-way.

(6) Normal maintenance of railroad rights-of-way, except where such rights-of-way intersect or cross public roads, streets, highways, or rights-of-way adjacent thereto, or recorded underground facility easements.

SECTION 11. That Section 55-2209, Idaho Code, be, and the same is hereby amended to read as follows:

55-220911. VIOLATION -- CIVIL PENALTY -- ~~TREBLE DAMAGES~~ DUTIES OF THE BOARD AND THE ADMINISTRATOR -- OTHER REMEDIES UNIMPAIRED. (1) Any person who violates any provision of this chapter, other than the failure to provide notice pursuant to section 55-2203(1)(c), Idaho Code, and which violation re-

sults in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each violation. All penalties recovered in such actions shall be deposited in the state general account.

(2) If an underground facility is damaged as a result of an excavator's failure to provide notice pursuant to section 55-2203(1)(c), Idaho Code, unless otherwise exempt, the excavator shall receive a written warning from the underground facility owner and shall be liable for actual costs of repairing the facility if it is the excavator's first failure to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, during any consecutive period of twelve (12) months.

(a) If the court finds, by a preponderance of the evidence, that the excavator has, on more than one (1) occasion during any consecutive period of twelve (12) months, failed to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, and that such failure has been a proximate cause of damage to an underground facility, the court may increase the civil penalty in an amount up to five thousand dollars (\$5,000).

(b) If the court finds, by a preponderance of the evidence, that the excavator has, on three (3) or more occasions during any consecutive period of twelve (12) months, failed to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, and that such failure has been a proximate cause of damage to an underground facility, the court may increase the civil penalty in an amount up to ten thousand dollars (\$10,000) for the third occurrence taking place during the twelve (12) month period

The damage prevention board established in section 55-2203, Idaho Code, may hear, but may not initiate, contested cases of alleged violations of this chapter involving practices related to underground facilities as set forth in rules by the board. Persons who violate the provisions of this chapter are subject to civil penalties in accordance with this section. Complaints regarding an alleged violation of this chapter may be made by any individual and shall be made to the administrator. Complaints shall include the name and address of the complainant and the alleged violator, and the violation alleged. If the alleged violation involves facility damage or a downtime event, the complaint must be submitted on such forms and contain such information as required by the board in rule. Upon review of the complaint, and any investigation conducted therewith, the administrator shall notify the person making the complaint and the alleged violator, in writing, of the administrator's recommended course of action to the board. The administrator shall recommend that a training course adopted by the board, by rule, be successfully completed for a first violation of this chapter, except that if the complaint is for a first violation of this chapter wherein a residential homeowner or residential tenant excavating on the lot of his residency failed to provide notice as required in section 55-2205, Idaho Code, and caused damage to underground facilities, the board shall direct the administrator to deliver to the violator a written warning and educational materials to prevent a future violation. The administrator may recommend the imposition of a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for a second violation of this chapter and in addition may recommend successful completion of a training course adopted by the board, by rule, and issue a notice of intent to impose such penalty on behalf of the board. If the administrator recommends the imposition of a civil penalty, the violator may pay the fine to the board upon receipt of such notice. If, upon the expiration of twenty-one (21) days, the violator has not responded in writing to the division, the board may impose the penalty provided for in the notice. A violator shall also have the right to contest the imposition of a civil penalty to the board and the opportunity to produce evidence in his behalf. Notice of the time and place of such hearing shall be provided by the board,

and such proceeding shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) In the event the board determines that a person has violated the provisions of this chapter a subsequent time within eighteen (18) months from an earlier violation, and where facility damage has occurred, the board may impose a civil penalty of not more than five thousand dollars (\$5,000) for each separate violation in accordance with the process described in subsection (1) of this section.

~~(3) (a) An action to recover a civil penalty under this section may be brought by a prosecuting attorney. If the prosecuting attorney does not file an action for such civil penalty within sixty (60) days from the date of a request for such action by the owner of an underground facility, the underground facility owner may file such action. Venue for such an action shall be proper in the judicial district for the county in which the damaged underground facility is located or the county in which the excavator resides or maintains a principal place of business in this state. The prevailing party in such action shall be entitled to recover its costs and reasonable attorney's fees incurred in such action. All civil penalties recovered shall be deposited in the underground facility damage prevention board fund and used pursuant to section 55-2204 (2), Idaho Code.~~

~~(b) (4) The penalties provided in this section are in addition to any other remedy at law or equity available to an excavator or to the owner or operator of a damaged underground facility any party subject to the jurisdiction of the damage prevention board established in section 55-2203, Idaho Code.~~

~~(c) The court shall consider, as a mitigating factor in determining the amount of civil penalty to be imposed, evidence showing by a preponderance of the evidence that the violation occurred solely as a proximate result of the excavator or underground facility owner's reasonable response to an emergency beyond the control of the offending party.~~

~~(d) Any civil penalty imposed pursuant to this section shall be deposited in the state general fund. Attorney's fees shall be paid solely to the party successfully bringing the action.~~

~~(4) Any excavator who damages an underground facility on a third or subsequent violation pursuant to subsection (2) of this section may be liable for treble the costs incurred in repairing or relocating the facility.~~

(5) Unless expressly provided herein, nothing in this chapter eliminates, alters or otherwise impairs common law, statutory or other preexisting rights and duties of persons affected by the provisions of this chapter; nor does anything in this chapter, unless expressly so provided, eliminate, alter or otherwise impair other remedies, state or federal, including those at common law, of an underground facility owner whose facility is damaged; nor do the provisions of this chapter affect any civil remedies for personal injury or property damage except as expressly provided for herein. The court in its discretion may award attorney's fees and costs to the prevailing party.

SECTION 12. That Section 55-2210, Idaho Code, be, and the same is hereby amended to read as follows:

55-22102. WAIVER PERMITTED BY OWNER OF UNDERGROUND FACILITY. The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.

SECTION 13. That Section 67-2601A, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The administrator shall administer the following provisions and shall perform such additional duties as are imposed on him by law: chapter 43, title 39, Idaho Code, relating to the building code board; chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and installer licensing; chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to licensing of public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter 45, title 54, Idaho Code, relating to public works construction management licensing; chapter 50, title 54, Idaho Code, relating to heating, ventilation and air conditioning systems; chapter 80, title 39, Idaho Code, relating to school building safety; and chapter 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title 55, Idaho Code, relating to underground facilities damage prevention.

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

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

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

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

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

(4) In addition to safety inspections of state-owned public buildings conducted under chapter 23, title 67, Idaho Code, the administrator may conduct safety inspections of buildings owned or maintained by political subdivisions of the state upon receipt of a written request from the governing body of that political subdivision, subject to the availability of division resources and the requesting entity's agreement to pay the division's current fees for such an inspection.

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

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

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

(5) In administering the laws regulating professions, trades and occupations that are devolved for administration upon the division, and in addition to the authority granted to the administrator by the laws and rules of the agencies and entities within the division, the administrator may:

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

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

(c) Conduct hearings on proceedings to discipline, renew or reinstate licenses, certificates or authorities of persons exercising the respective professions, trades or occupations; appoint hearing officers, administer oaths, issue subpoenas, and compel the attendance of witnesses; revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications or authorities; and prescribe rules to recover costs and fees incurred in the investigation and prosecution of any certificate holder, licensee or registrant of the division, its boards, bureaus and programs, in accordance with the contested case provisions of chapter 52, title 67, Idaho Code, and the laws and rules of the boards, bureaus and programs the division administers;

(d) Assess civil penalties as authorized;

(e) Promulgate rules establishing: a coordinated system for the issuance, renewal, cancellation and reinstatement of licenses, certificates, registrations and permits; assessment of all related fees; the terms by which fees may be prorated, if any; and procedures for the replacement of lost or destroyed licenses, certificates or registrations; and

(f) Promulgate other rules as may be necessary for the orderly administration of the chapters specified in subsection (2) of this section, except for those related to underground facilities damage prevention contained in chapter 22, title 55, Idaho Code, and such rules as may otherwise be required by those chapters as well as rules for the standardization of operating procedures.

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

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

Approved March 31, 2016

CHAPTER 326
(H.B. No. 540)

AN ACT

RELATING TO SALES TAX EXEMPTIONS; AMENDING SECTION 63-3622GG, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE SALES AND USE TAX FOR THE SALE, LEASE, PURCHASE OR USE OF FIXED-WING AIRCRAFT PRIMARILY USED AS AN AIR TACTICAL GROUP SUPERVISOR PLATFORM UNDER CONTRACT WITH A GOVERNMENTAL ENTITY FOR WILDFIRE ACTIVITY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

63-3622GG. AIRCRAFT. There is exempted from the taxes imposed by this chapter:

(1) The sale, lease, purchase, or use of aircraft primarily used to provide passenger or freight services for hire as a common carrier only if:

(a) The person operates the aircraft under the authority of the laws of this state, the United States or any foreign government; and

(b) The aircraft is used to provide services indiscriminately to the public; and

(c) The aircraft itself transports the person or property from one (1) location on the ground or water to another.

(2) The sale, lease, purchase or use of aircraft primarily used for air ambulance services.

(3) The sale, lease or purchase of aircraft for use outside this state by nonresidents, even though delivery be made within this state, but only when:

(a) The aircraft will be taken from the point of delivery to a point outside this state;

(b) The aircraft will not be used in this state more than ninety (90) days in any twelve (12) month period.

(4) Repair and replacement materials and parts installed in or affixed or applied to, or sold, leased or purchased to be installed in or affixed or applied to, aircraft in connection with the remodeling, repair or maintenance of aircraft described under subsections (1), (2) and (5) of this section and industry standard, federal aviation administration (FAA) approved materials, parts and components installed on non-resident privately owned aircraft by qualified employees of an FAA approved Idaho repair station are exempt. Tools and equipment utilized in performing such remodeling, repair or maintenance are not exempt.

(5) The sale, lease, purchase or use of fixed-wing aircraft primarily used as an air tactical group supervisor platform under contract with a governmental entity for wildfire activity.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 30, 2016.

Approved March 31, 2016

CHAPTER 327
(H.B. No. 625)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2017; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated to the Division of Career Technical Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$2,015,000	\$315,000	\$11,700		\$2,341,700
Federal Grant					
Fund	<u>299,600</u>	<u>60,200</u>	<u>0</u>		<u>359,800</u>
TOTAL	\$2,314,600	\$375,200	\$11,700		\$2,701,500
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund				\$13,984,200	\$13,984,200
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Federal Grant					
Fund	<u>\$196,100</u>	<u>\$14,800</u>		<u>5,999,700</u>	<u>6,210,600</u>
TOTAL	\$196,100	\$14,800		\$20,051,700	\$20,262,600
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$39,795,900	\$3,378,000	\$1,049,500	\$240,500	\$44,463,900
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$325,000	\$325,000
Displaced Homemaker					
Fund				170,000	170,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Quality Program Standard Incentive Grant					
Fund				200,000	200,000
Agriculture and Natural Resource Education Program Start-Up					
Fund				<u>125,000</u>	<u>125,000</u>
TOTAL				\$820,000	\$820,000
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$96,200	\$5,700		\$840,900	\$942,800
Miscellaneous Revenue					
Fund	243,600	31,500			275,100
Seminars and Publications					
Fund		140,000			140,000
Federal Grant					
Fund	<u>51,500</u>	<u>17,800</u>		<u>2,174,000</u>	<u>2,243,300</u>
TOTAL	\$391,300	\$195,000		\$3,014,900	\$3,601,200
GRAND TOTAL	\$42,697,900	\$3,963,000	\$1,061,200	\$24,127,100	\$71,849,200

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2017, the Division of Career Technical Education, Postsecondary Program, is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Career Technical Education, any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

Approved March 31, 2016

CHAPTER 328
(H.B. No. 626)

AN ACT

PROVIDING A CASH TRANSFER FROM THE IDAHO LAW ENFORCEMENT FUND TO THE LOCAL HIGHWAY DISTRIBUTION FUND; PROVIDING A CASH TRANSFER FROM THE STATE HIGHWAY ACCOUNT (DEDICATED) TO THE LOCAL HIGHWAY DISTRIBUTION FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated from the Idaho Law Enforcement Fund, the excess amount collected from the special fuel tax pursuant to Section 63-2402, Idaho Code, for the period July 1, 2015, through the end of the month following passage and approval of this act. The State Controller shall transfer that amount to the Local Highway Distribution Fund, as soon as practicable, for the period July 1, 2015, through June 30, 2016, as a result of changes made in the special fuels distribution pursuant to House Bill No. 343, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature.

SECTION 2. CASH TRANSFER. There is hereby appropriated from the State Highway Account (dedicated), the excess amount collected from the special fuel tax pursuant to Section 63-2402, Idaho Code, for the period July 1, 2015, through the end of the month following passage and approval of this act. The State Controller shall transfer that amount to the Local Highway Distribution Fund, as soon as practicable, for the period July 1, 2015, through June 30, 2016, as a result of changes made in the special fuels distribution pursuant to House Bill No. 343, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature.

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

Approved March 31, 2016

CHAPTER 329
(H.B. No. 635)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT TO CLARIFY THE TRANSFER OF FUNDS TO THE MISCELLANEOUS REVENUE/SCHOOL SECURITY ASSESSMENT FUND.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1379, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated from the General Fund to the Division of Building Safety the following amounts to be expended according

to the designated expense classes for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$180,200
Capital Outlay	<u>89,800</u>
TOTAL	\$270,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Building Safety in Section 1 of Senate Bill No. 1379, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, from the School Security Assessment Fund, is hereby reduced by \$247,500 for operating expenditures for the period July 1, 2016, through June 30, 2017.

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1379, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated from the School Security Assessment Fund to the Division of Building Safety \$247,500 for personnel costs for the period July 1, 2016, through June 30, 2017.

SECTION 4. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Division of Building Safety in Section 2 of Senate Bill No. 1379, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is increased by five (5) for the period July 1, 2016, through June 30, 2017.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the Miscellaneous Revenue Fund referenced in Section 33-5804(5), Idaho Code, of House Bill No. 514, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, shall be known as the Miscellaneous Revenue/School Security Assessment Fund.

Approved March 31, 2016

CHAPTER 330
(H.B. No. 636)

AN ACT

APPROPRIATING AND TRANSFERRING ADDITIONAL MONEYS TO THE FIRE SUPPRESSION DEFICIENCY FUND FOR FISCAL YEAR 2017.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated and the State Controller shall transfer \$34,500,000 from the General Fund to the Fire Suppression Deficiency Fund on July 1, 2016, or as soon thereafter as practicable. Such moneys shall be used to reimburse costs incurred by the Range and Forest Fire Protection Program in the Department of Lands pursuant to Sections 38-131 and 38-131A, Idaho Code.

Approved March 31, 2016

CHAPTER 331
(H.B. No. 638)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR 2017; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT RELATING TO SYSTEM-WIDE EXPENDITURES; AND PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE.

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

SECTION 1. There is hereby appropriated to the State Board of Education for Community Colleges, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$11,045,700	\$1,812,700	\$607,400	\$13,465,800
Community College				
Fund	<u>155,100</u>	<u>26,900</u>	<u>18,000</u>	<u>200,000</u>
TOTAL	\$11,200,800	\$1,839,600	\$625,400	\$13,665,800
II. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$7,729,700	\$3,938,500		\$11,668,200
Community College				
Fund	<u>0</u>	<u>200,000</u>		<u>200,000</u>
TOTAL	\$7,729,700	\$4,138,500		\$11,868,200
III. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$10,363,100	\$1,418,900	\$3,000	\$11,785,000
Community College				
Fund	<u>122,200</u>	<u>52,800</u>	<u>25,000</u>	<u>200,000</u>
TOTAL	\$10,485,300	\$1,471,700	\$28,000	\$11,985,000
GRAND TOTAL	\$29,415,800	\$7,449,800	\$653,400	\$37,519,000

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016,

through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1, Subsections I. through III. of this act, an amount not to exceed \$70,000 may be expended by the Office of the State Board of Education for system-wide needs including, but not limited to, projects to promote accountability and information transfer throughout the higher education system.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that for the \$1,227,400 appropriated from the General Fund in fiscal year 2016 and the \$575,500 appropriated in Section 1 of this act for the Complete College Idaho initiative and CWI's student success effort, the president of the State Board of Education shall provide a written report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee on the implementation and effectiveness of the individual institution's efforts. The board may use the measures of effectiveness as submitted by the institutions in their fiscal year 2017 budget requests or develop other measures as necessary. Reporting to the Legislature should occur no later than February 1, 2017.

Approved March 31, 2016

CHAPTER 332
(H.B. No. 641)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2017;
AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,996,500	\$1,521,700	\$4,197,200		\$9,715,400
Fish and Game (Other)					
Fund	634,000	113,300			747,300
Fish and Game Set-Aside (Licenses)					
Fund	200	33,900			34,100
Fish and Game Set-Aside (Other)					
Fund	18,000	21,100			39,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,600			7,600
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>4,272,700</u>	<u>2,905,000</u>	<u>64,700</u>		<u>7,242,400</u>
TOTAL	\$8,921,400	\$4,609,100	\$4,261,900		\$17,792,400
 II. ENFORCEMENT:					
FROM:					
Fish and Game (Licenses)					
Fund	\$9,233,300	\$2,005,000	\$148,300		\$11,386,600
Fish and Game (Other)					
Fund	172,600	77,000			249,600
Fish and Game Set-Aside (Other)					
Fund		20,600			20,600
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>32,100</u>	<u>6,700</u>	<u>0</u>		<u>38,800</u>
TOTAL	\$9,438,000	\$2,135,700	\$148,300		\$11,722,000
 III. FISHERIES:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,829,500	\$2,882,600	\$250,600		\$6,962,700
Fish and Game (Other)					
Fund	3,059,600	3,009,200	1,200,000		7,268,800
Fish and Game Set-Aside (Licenses)					
Fund	242,100	257,200			499,300
Fish and Game Set-Aside (Other)					
Fund	74,300	3,500			77,800
Fish and Game Expendable Trust					
Fund	48,000	1,634,200			1,682,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>12,511,000</u>	<u>10,981,200</u>	<u>849,000</u>		<u>24,341,200</u>
TOTAL	\$19,764,500	\$18,801,100	\$2,299,600		\$40,865,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,494,000	\$3,220,200	\$152,400	\$174,800	\$8,041,400
Fish and Game (Other)					
Fund	489,900	944,100			1,434,000
Fish and Game Set-Aside (Other)					
Fund	941,700	401,800			1,343,500
Fish and Game Expendable Trust					
Fund	585,000	325,200			910,200
Fish and Game Nonexpendable Trust					
Fund	11,400	2,300			13,700
Fish and Game (Federal)					
Fund	<u>6,400,200</u>	<u>5,331,500</u>	<u>457,500</u>	<u>0</u>	<u>12,189,200</u>
TOTAL	\$12,922,200	\$10,225,100	\$609,900	\$174,800	\$23,932,000
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,699,900	\$607,400	\$68,700		\$2,376,000
Fish and Game (Other)					
Fund	32,200	171,300			203,500
Fish and Game Set-Aside (Other)					
Fund	100,200	16,500			116,700
Fish and Game Expendable Trust					
Fund	39,100	51,300			90,400
Fish and Game (Federal)					
Fund	<u>1,214,100</u>	<u>628,400</u>	<u>0</u>		<u>1,842,500</u>
TOTAL	\$3,085,500	\$1,474,900	\$68,700		\$4,629,100
VI. ENGINEERING:					
FROM:					
Fish and Game (Licenses)					
Fund	\$980,400	\$72,800	\$4,200		\$1,057,400
VII. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$704,800	\$516,200	\$8,900		\$1,229,900
Fish and Game (Other)					
Fund	53,500	7,800			61,300
Fish and Game Set-Aside (Licenses)					
Fund	3,400	1,329,800	1,000		1,334,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Set-Aside (Other)					
Fund	2,000	100			2,100
Expendable Big Game Depredation					
Fund				\$600,000	600,000
Fish and Game (Federal)					
Fund	<u>469,200</u>	<u>375,500</u>	<u>0</u>	<u>0</u>	<u>844,700</u>
TOTAL	\$1,232,900	\$2,229,400	\$9,900	\$600,000	\$4,072,200
GRAND TOTAL	\$56,344,900	\$39,548,100	\$7,402,500	\$774,800	\$104,070,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred fifty-eight (558) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2016

CHAPTER 333
(H.B. No. 642)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2017; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$346,800	\$186,400	\$249,700	\$782,900
Miscellaneous Revenue				
Fund		89,800	16,500	106,300
Federal Grant				
Fund	<u>397,800</u>	<u>219,000</u>	<u>450,200</u>	<u>1,067,000</u>
TOTAL	\$744,600	\$495,200	\$716,400	\$1,956,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2016

CHAPTER 334
(H.B. No. 647)

AN ACT

REGARDING EDUCATION EFFORTS RELATED TO LITERACY INTERVENTIONS, LOCAL SCHOOL INNOVATION, AND REVIEW OF CAREER LADDER EVALUATIONS; APPROPRIATING AND TRANSFERRING ADDITIONAL FUNDS TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING ADDITIONAL FUNDS TO THE PUBLIC SCHOOLS SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2017 FOR LITERACY INTERVENTIONS; APPROPRIATING AND TRANSFERRING ADDITIONAL FUNDS TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS SUPPORT PROGRAM/DIVISION OF OPERATIONS PROGRAMS FOR FISCAL YEAR 2017 FOR THE LOCAL SCHOOL INNOVATION ACT; REDUCING THE APPROPRIATION AND TRANSFER OF FUNDS TO THE PUBLIC SCHOOL INCOME FUND; REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2017; AND APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2017 FOR REVIEW OF CAREER LADDER EVALUATIONS.

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

SECTION 1. In addition to the appropriation and transfer made in Section 2 of House Bill No. 620, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated and transferred \$9,100,000 from the General Fund to the Public School Income Fund for the period July 1, 2016, through June 30, 2017.

SECTION 2. In addition to the appropriation made in Section 3 of House Bill No. 620, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the Public School Support Program/Division of Children's Programs \$9,100,000 from the Public School Income Fund for the period July 1, 2016, through June 30, 2017, to be used for literacy interventions.

SECTION 3. In addition to the appropriation and transfer made in Section 2 of House Bill No. 619, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated and transferred \$100,000 from the General Fund to the Public School Income Fund for the period July 1, 2016, through June 30, 2017.

SECTION 4. In addition to the appropriation made in Section 3 of House Bill No. 619, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the Public School Support Program/Division of Operations \$100,000 from the Public School Income Fund for the period July 1, 2016, through June 30, 2017, to be used for the Local School Innovation Act.

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation and transfer from the General Fund to the Public School In-

come Fund in Section 2 of House Bill No. 623, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, is hereby reduced by \$600,000 for the period July 1, 2016, through June 30, 2017.

SECTION 6. That Section 3 of House Bill No. 623, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR OPERATING EXPENDITURES	TOTAL
FROM:		
General		
Fund	\$15,262,500	\$15,262,500
<u>Public School Income</u>		
<u>Fund</u>	<u>\$14,662,500</u>	<u>\$14,662,500</u>

SECTION 7. In addition to the appropriation made in Section 1 of Senate Bill No. 1412, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated \$600,000 from the General Fund to the Office of the State Board of Education for the OSBE Administration Program for trustee and benefit payments for the period July 1, 2016, through June 30, 2017, to be used for review of career ladder evaluations.

Approved March 31, 2016

CHAPTER 335
(S.B. No. 1409)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2017;
AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Correction, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$9,824,400	\$3,575,300	\$531,900		\$13,931,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Inmate Labor					
Fund	105,600				105,600
Parolee Supervision					
Fund	204,000	92,300			296,300
Miscellaneous Revenue					
Fund	<u>847,900</u>	<u>97,400</u>	<u>7,400</u>		<u>952,700</u>
TOTAL	\$10,981,900	\$3,765,000	\$539,300		\$15,286,200

II. STATE PRISONS:

A. PRISONS ADMINISTRATION:

FROM:

General

Fund	\$1,486,700	\$1,096,900			\$2,583,600
Inmate Labor					
Fund		54,100			54,100
Miscellaneous Revenue					
Fund	188,000	131,400			319,400
Penitentiary Endowment Income					
Fund			\$164,400		164,400
Federal Grant					
Fund	<u>492,100</u>	<u>583,400</u>	<u>0</u>		<u>1,075,500</u>
TOTAL	\$2,166,800	\$1,865,800	\$164,400		\$4,197,000

B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:

FROM:

General

Fund	\$22,129,200	\$3,529,000	\$297,000		\$25,955,200
Inmate Labor					
Fund		46,800			46,800
Miscellaneous Revenue					
Fund	678,400	145,600	654,300		1,478,300
Penitentiary Endowment Income					
Fund		1,004,200	279,300		1,283,500
Federal Grant					
Fund	<u>167,800</u>	<u>0</u>	<u>0</u>		<u>167,800</u>
TOTAL	\$22,975,400	\$4,725,600	\$1,230,600		\$28,931,600

C. IDAHO STATE CORRECTIONAL CENTER - BOISE:

FROM:

General

Fund	\$22,040,400	\$5,610,800	\$360,200		\$28,011,400
Miscellaneous Revenue					
Fund		341,400	58,300		399,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>58,800</u>		<u>58,800</u>
TOTAL	\$22,040,400	\$5,952,200	\$477,300		\$28,469,900
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$7,855,900	\$1,612,200	\$224,300		\$9,692,400
Inmate Labor					
Fund	980,100	653,200	126,100		1,759,400
Miscellaneous Revenue					
Fund	58,700	50,800			109,500
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>49,000</u>	<u>63,500</u>		<u>112,500</u>
TOTAL	\$8,894,700	\$2,365,200	\$413,900		\$11,673,800
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$10,506,200	\$1,464,500	\$105,500		\$12,076,200
Inmate Labor					
Fund		49,700			49,700
Miscellaneous Revenue					
Fund	69,500	48,600	14,000		132,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>15,400</u>	<u>39,700</u>		<u>55,100</u>
TOTAL	\$10,575,700	\$1,578,200	\$159,200		\$12,313,100
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$4,865,500	\$1,050,900	\$177,000		\$6,093,400
Inmate Labor					
Fund		41,400			41,400
Miscellaneous Revenue					
Fund	48,000	67,000	51,200		166,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>12,000</u>	<u>43,000</u>		<u>55,000</u>
TOTAL	\$4,913,500	\$1,171,300	\$271,200		\$6,356,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$6,700,700	\$1,661,600	\$341,500		\$8,703,800
Inmate Labor					
Fund	1,220,600	535,500	113,700		1,869,800
Miscellaneous Revenue					
Fund	121,000	73,300			194,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>21,000</u>	<u>38,900</u>		<u>59,900</u>
TOTAL	\$8,042,300	\$2,291,400	\$494,100		\$10,827,800
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$2,365,000	\$411,200	\$55,100		\$2,831,300
Inmate Labor					
Fund	909,100	519,200	72,400		1,500,700
Miscellaneous Revenue					
Fund		8,300			8,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,900</u>	<u>43,500</u>		<u>45,400</u>
TOTAL	\$3,274,100	\$940,600	\$171,000		\$4,385,700
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$5,633,600	\$933,600	\$207,500		\$6,774,700
Inmate Labor					
Fund	307,900	74,600	7,300		389,800
Miscellaneous Revenue					
Fund	304,600	104,500			409,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>26,900</u>	<u>60,400</u>		<u>87,300</u>
TOTAL	\$6,246,100	\$1,139,600	\$275,200		\$7,660,900
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$3,382,400	\$550,400	\$55,600		\$3,988,400
Miscellaneous Revenue					
Fund		32,700	44,700		77,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>7,800</u>	<u>35,600</u>		<u>43,400</u>
TOTAL	\$3,382,400	\$590,900	\$135,900		\$4,109,200
DIVISION					
TOTAL	\$92,511,400	\$22,620,800	\$3,792,800		\$118,925,000
III. COUNTY & OUT-OF-STATE PLACEMENT:					
FROM:					
General					
Fund		\$11,460,000			\$11,460,000
IV. CORRECTIONAL ALTERNATIVE PLACEMENT:					
FROM:					
General					
Fund		\$8,655,200	\$893,000		\$9,548,200
Miscellaneous Revenue					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL		\$8,855,200	\$893,000		\$9,748,200
V. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund	\$16,767,800	\$1,357,700			\$18,125,500
Parolee Supervision					
Fund	5,091,300	1,527,900	\$1,201,100		7,820,300
Drug and Mental Health Court Supervision					
Fund	<u>468,000</u>	<u>27,200</u>	<u>0</u>		<u>495,200</u>
TOTAL	\$22,327,100	\$2,912,800	\$1,201,100		\$26,441,000
B. COMMUNITY WORK CENTERS:					
FROM:					
General					
Fund	\$3,187,800	\$1,600			\$3,189,400
Inmate Labor					
Fund	761,600	1,181,000			1,942,600
Miscellaneous Revenue					
Fund		66,500	\$589,300		655,800
Federal Grant					
Fund	<u>66,200</u>	<u>0</u>	<u>0</u>		<u>66,200</u>
TOTAL	\$4,015,600	\$1,249,100	\$589,300		\$5,854,000
DIVISION					
TOTAL	\$26,342,700	\$4,161,900	\$1,790,400		\$32,295,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,367,100	\$158,500		\$6,286,300	\$7,811,900
VII. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$41,554,200			\$41,554,200
Economic Recovery Reserve					
Fund		3,106,100			3,106,100
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$44,795,300			\$44,795,300
GRAND TOTAL	\$131,203,100	\$95,816,700	\$7,015,500	\$6,286,300	\$240,321,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand nine hundred seventy-two and eighty-five hundredths (1,972.85) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2016

CHAPTER 336
(S.B. No. 1415)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND.

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

SECTION 1. There is hereby appropriated to the Department of Environmental Quality, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,686,800	\$1,511,400	\$79,200		\$3,277,400
Air Quality Permitting					
Fund	229,100	98,200	8,300		335,600
Public Water System Supervision					
Fund	378,500	50,800	7,100		436,400
Water Pollution Control					
Fund	77,000	21,300	1,500		99,800
Department of Environmental Quality (Receipts)					
Fund	268,200	99,200	8,300		375,700
Bunker Hill Trust					
Fund		12,300			12,300
Department of Environmental Quality (Federal)					
Fund	<u>1,929,500</u>	<u>1,742,100</u>	<u>178,100</u>		<u>3,849,700</u>
TOTAL	\$4,569,100	\$3,535,300	\$282,500		\$8,386,900
II. AIR QUALITY:					
FROM:					
General					
Fund	\$3,210,900	\$197,600	\$128,000		\$3,536,500
Air Quality Permitting					
Fund	1,243,200	82,700		\$40,000	1,365,900
Department of Environmental Quality (Receipts)					
Fund	306,100	243,000			549,100
Department of Environmental Quality (Federal)					
Fund	<u>1,548,300</u>	<u>674,200</u>	<u>20,000</u>	<u>41,400</u>	<u>2,283,900</u>
TOTAL	\$6,308,500	\$1,197,500	\$148,000	\$81,400	\$7,735,400
III. WATER QUALITY:					
FROM:					
General					
Fund	\$6,245,200	\$1,031,200	\$100,400	\$678,500	\$8,055,300
Public Water System Supervision					
Fund	1,083,100	499,700			1,582,800
Water Pollution Control					
Fund	645,200	334,300		158,200	1,137,700
Department of Environmental Quality (Receipts)					
Fund	500,500	158,000		51,600	710,100
Department of Environmental Quality (Federal)					
Fund	<u>4,787,900</u>	<u>1,649,500</u>	<u>0</u>	<u>2,333,200</u>	<u>8,770,600</u>
TOTAL	\$13,261,900	\$3,672,700	\$100,400	\$3,221,500	\$20,256,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General					
Fund	\$113,600	\$10,200			\$123,800
Environmental Remediation (Basin)					
Fund	65,900	15,500			81,400
Department of Environmental Quality (Federal)					
Fund	<u>15,400</u>	<u>253,400</u>		<u>\$50,000</u>	<u>318,800</u>
TOTAL	\$194,900	\$279,100		\$50,000	\$524,000
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General					
Fund	\$2,582,800	\$102,700		\$134,600	\$2,820,100
Economic Recovery Reserve					
Fund	117,700	42,300			160,000
Environmental Remediation (Box)					
Fund	29,200	76,600		150,500	256,300
Environmental Remediation (Basin)					
Fund	92,500	541,800			634,300
Department of Environmental Quality (Receipts)					
Fund	788,400	1,447,100		51,800	2,287,300
Bunker Hill Trust					
Fund	46,100	920,000		300,000	1,266,100
Department of Environmental Quality (Federal)					
Fund	<u>3,129,900</u>	<u>14,706,100</u>		<u>3,015,500</u>	<u>20,851,500</u>
TOTAL	\$6,786,600	\$17,836,600		\$3,652,400	\$28,275,600
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General					
Fund	\$86,200	\$8,700			\$94,900
Department of Environmental Quality (Federal)					
Fund	<u>973,600</u>	<u>918,800</u>	<u>\$20,000</u>	<u>\$146,900</u>	<u>2,059,300</u>
TOTAL	\$1,059,800	\$927,500	\$20,000	\$146,900	\$2,154,200
GRAND TOTAL	\$32,180,800	\$27,448,700	\$550,900	\$7,152,200	\$67,332,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred seventy-two (372) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Environmental Quality and the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation Basin Fund, through monthly installments or as practicable for the period July 1, 2016, through June 30, 2017.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that moneys deposited into the Environmental Remediation Basin Fund are to be used for remediation of the Coeur d'Alene Basin in accordance with the superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall file an annual report with the Governor, the Legislature, and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the appropriation of moneys from the Water Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630, Idaho Code.

Approved March 31, 2016

CHAPTER 337
(S.B. No. 1416)

AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT REGARDING DISTRIBUTIONS TO THE CONSERVATION DISTRICTS; AND PROVIDING LEGISLATIVE INTENT REGARDING MONEYS PROVIDED FOR NORTH CENTRAL IDAHO WILDFIRE RESTORATION.

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

SECTION 1. There is hereby appropriated to the Soil and Water Conservation Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,201,000	\$177,500	\$54,800	\$1,253,200	\$2,686,500
Economic Recovery Reserve					
Fund				100,000	100,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Administration and Accounting Services					
Fund		30,000			30,000
Resource Conservation and Rangeland Development					
Fund	166,500	145,500			312,000
Clean Water Revolving Loan (SCC)					
Fund	<u>0</u>	<u>30,000</u>	<u>0</u>	<u>0</u>	<u>30,000</u>
TOTAL	\$1,367,500	\$383,000	\$54,800	\$1,353,200	\$3,158,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than seventeen and seventy-five hundredths (17.75) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that \$100,000 of the amount appropriated in Section 1 of this act for trustee and benefit payments is to be distributed equally between the fifty (50) soil and water conservation districts in addition to the amounts authorized under Section 22-2727, Idaho Code.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that \$100,000 of the amount appropriated in Section 1 of this act for trustee and benefit payments is to be granted to the Nez Perce Soil and Water Conservation District as the lead for the North Central Idaho Wildfire Restoration Group. Such moneys shall be leveraged to the extent possible for a regional effort to identify and prioritize restoration of private and municipal lands damaged by the 2015 wildfires.

Approved March 31, 2016

CHAPTER 338
(S.B. No. 1430)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE CHARTER SCHOOL DEBT RESERVE FUND.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$750,000 from the Economic Recovery Reserve Fund to the Charter School Debt Reserve Fund, as created in Section 33-5217, Idaho Code, on July 1, 2016, or as soon thereafter as practicable.

Approved March 31, 2016

CHAPTER 339
(H.B. No. 640)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING CERTAIN APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Department of Lands, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$390,200	\$293,100	\$97,000		\$780,300
Department of Lands					
Fund	578,800	328,900	97,300		1,005,000
Indirect Cost Recovery					
Fund	69,100	128,200			197,300
Endowment Earnings Administrative					
Fund	<u>2,654,700</u>	<u>1,345,100</u>	<u>355,800</u>		<u>4,355,600</u>
TOTAL	\$3,692,800	\$2,095,300	\$550,100		\$6,338,200
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$860,200	\$88,300	\$1,400		\$949,900
Department of Lands					
Fund	885,300	862,000	59,000		1,806,300
Indirect Cost Recovery					
Fund	112,000	320,000			432,000
Endowment Earnings Administrative					
Fund	10,581,700	7,101,900	516,600		18,200,200
Community Forestry					
Fund		20,000		\$20,000	40,000
Federal Grant					
Fund	<u>973,800</u>	<u>1,234,500</u>	<u>0</u>	<u>3,115,400</u>	<u>5,323,700</u>
TOTAL	\$13,413,000	\$9,626,700	\$577,000	\$3,135,400	\$26,752,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$490,600	\$149,100	\$1,000		\$640,700
Department of Lands					
Fund	317,000	1,244,300	1,000		1,562,300
Oil and Gas Conservation					
Fund	15,400	100,000			115,400
Navigable Waterways					
Fund	515,800	74,500			590,300
Endowment Earnings Administrative					
Fund	<u>2,482,000</u>	<u>4,872,800</u>	<u>192,500</u>		<u>7,547,300</u>
TOTAL	\$3,820,800	\$6,440,700	\$194,500		\$10,456,000
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$1,890,000	\$285,900	\$5,000	\$793,100	\$2,974,000
Department of Lands					
Fund	3,926,800	550,100	806,000	873,000	6,155,900
Fire Suppression Deficiency					
Fund	129,500	22,100			151,600
Economic Recovery Reserve					
Fund	55,000	85,000			140,000
Federal Grant					
Fund	<u>738,900</u>	<u>305,000</u>	<u>0</u>	<u>250,000</u>	<u>1,293,900</u>
TOTAL	\$6,740,200	\$1,248,100	\$811,000	\$1,916,100	\$10,715,400
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$207,000	\$56,700			\$263,700
GRAND TOTAL	\$27,873,800	\$19,467,500	\$2,132,600	\$5,051,500	\$54,525,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than two hundred ninety-one and one-tenth (291.1) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2017, the Department of Lands is hereby exempted from the provisions

of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated for the Forest and Range Fire Protection Program for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 31, 2016

CHAPTER 340
(H.B. No. 482)

AN ACT

RELATING TO BOARDS; AMENDING SECTION 36-2106, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ACCOUNTANCY; AMENDING SECTION 54-312, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ARCHITECTURAL EXAMINERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-313, IDAHO CODE, TO PROVIDE FOR REMOVAL OF A BOARD MEMBER; AMENDING SECTION 54-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILLING VACANCIES ON THE BOARD; AMENDING SECTION 54-521, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF BARBER EXAMINERS, TO PROVIDE FOR REMOVAL OF A BOARD MEMBER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-604, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF PODIATRY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-828, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF COSMETOLOGY; AMENDING SECTION 54-829, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF COSMETOLOGY; AMENDING SECTION 54-907, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DENTISTRY; AMENDING SECTION 54-908, IDAHO CODE, TO AUTHORIZE THE GOVERNOR TO APPOINT CERTAIN PERSONS TO THE BOARD; AMENDING SECTION 54-1006, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO ELECTRICAL BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF MORTICIANS; AMENDING SECTION 54-1203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 54-1204, IDAHO CODE, TO PROVIDE FOR A PUBLIC MEMBER OF THE BOARD; AMENDING SECTION 54-1206, IDAHO CODE, TO REVISE A PROVISION REGARDING REMOVAL OF BOARD MEMBERS; AMENDING SECTION 54-1403, IDAHO CODE, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF NURSING SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-1503, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF OPTOMETRY; AMENDING SECTION 54-1603, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; AMENDING SECTION 54-1709, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT CERTAIN PERSONS TO FILL VACANCIES ON THE BOARD OF PHARMACY; AMENDING SECTION 54-1712, IDAHO CODE, TO PROVIDE THAT BOARD MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-1805, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF MEDICINE; AMENDING SECTION 54-1905, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2005, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE IDAHO REAL ESTATE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-2006, IDAHO CODE, TO REVISE QUALIFICA-

TIONS FOR MEMBERS OF THE COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF VETERINARY MEDICINE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2205, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE PHYSICAL THERAPY LICENSURE BOARD, TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD AND TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-2304, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF PSYCHOLOGIST EXAMINERS; AMENDING SECTION 54-2404, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS AND TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-2605, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO PLUMBING BOARD; AMENDING SECTION 54-2803, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS; AMENDING SECTION 54-2804, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS; AMENDING SECTION 54-2806, IDAHO CODE, TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-3003, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF LANDSCAPE ARCHITECTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE SHORTHAND REPORTERS BOARD; AMENDING SECTION 54-3203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF SOCIAL WORK EXAMINERS; AMENDING SECTION 54-3307, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DENTURITRY; AMENDING SECTION 54-3403, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3714, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE OCCUPATIONAL THERAPY LICENSURE BOARD AND TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD; AMENDING SECTION 54-4106, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE REAL ESTATE APPRAISERS BOARD, TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4204, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS; AMENDING SECTION 54-4704, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ACUPUNCTURE; AMENDING SECTION 54-5004, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD; AMENDING SECTION 54-5206, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO CONTRACTORS BOARD; AMENDING SECTION 54-5309, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE LIQUEFIED PETROLEUM GAS SAFETY BOARD AND TO REVISE PROVISIONS REGARDING MEETINGS OF THE BOARD; AMENDING SECTION 54-5606, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE GENETIC COUNSELORS LICENSING BOARD; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 36-2106, Idaho Code, be, and the same is hereby amended to read as follows:

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. Each appointment made by the fish and game commission shall be for a term of three (3) years. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resig-

nation or removal of any but the member representing the fish and game commission, the governor shall appoint a member to fill out the unexpired term as provided in this section. Immediately upon the creation of a vacancy, one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified persons for each such vacancy created and the appointment to fill such vacancy shall be made by the governor ~~from the names submitted within thirty (30) days after the receipt by the governor of the names submitted who may consider recommendations for appointment to the board from the association and from any individual residing in this state.~~ All appointments to the board made after July 1, 1986, shall be subject to the advice and consent of the senate. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. All board members shall serve at the pleasure of the governor. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code. The member representing the fish and game commission shall be paid by the fish and game commission.

SECTION 2. That Section 54-203, Idaho Code, be, and the same is hereby amended to read as follows:

54-203. BOARD CREATED -- MEMBERSHIP -- APPOINTMENT -- VACANCIES. There is hereby created in the department of self-governing agencies a board of accountancy in and for the state of Idaho, to be known as the Idaho state board of accountancy. The board shall consist of seven (7) members, all of whom shall be residents of this state, appointed by the governor, five (5) of whom shall hold current certified public accountant licenses issued under the laws of this state, one (1) who shall be either a licensed public accountant or certified public accountant and one (1) public member not licensed under this chapter, who has professional or practical experience in the use of accounting services and financial statements. Board members shall be appointed for terms of five (5) years to commence on the first day of September and shall serve at the pleasure of the governor. ~~The existing Board members of the Idaho state board of accountancy as previously appointed, shall continue in office with their terms expiring on August 31 of each member's final year. Whenever the term for a member of the board holding one (1) of the seats on the board originally appointed from nominations of the Idaho society of certified public accountants expires or becomes vacant for any cause, the governor may consider recommendations for appointment to the board from the Idaho society of certified public accountants shall nominate two (2) persons with qualifications to become a member of the board as herein specified, for each such vacancy. Whenever the term for a member holding the position on the board originally appointed from nominations of the Idaho association of public accountants expires or becomes vacant for any cause, the Idaho association of public accountants shall nominate two (2) persons with qualifications to become a member of the board as herein specified, for each such vacancy. Nominations shall be forwarded to the governor who shall appoint from such nominees the requisite number of persons to be members of the board to fill such vacancy or vacancies. Whenever the term for the public member on the board expires or becomes vacant for any cause, the governor shall appoint a nonlicensed person to become a member of the board without receiving official nominees from any source and from any individual residing in this state.~~ Vacancies occurring during the term shall be filled by appointment by the governor for the unexpired term. Upon expiration of the term of office, a member shall continue to serve until a successor shall have been appointed and shall have qualified.

SECTION 3. That Section 54-312, Idaho Code, be, and the same is hereby amended to read as follows:

54-312. ARCHITECTS -- BOARD OF EXAMINERS -- POWERS AND DUTIES -- COMPENSATION. (1) The board of architectural examiners is hereby created in the department of self-governing agencies. The board of architectural examiners shall consist of six (6) members, to be appointed by the governor and to serve at the pleasure of the governor, each five (5) of whom shall be an architect, and shall have been a residents of and a lawfully practicing architect within the state of Idaho for a period of at least five (5) years next before his appointment and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of architectural services. At all times the board shall have at least one (1) member who is engaged primarily in professional architectural education.

(2) The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers and duties:

(a) To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest.

(b) To adopt, pursuant to the administrative procedure act, such rules as the board, in its discretion, deems necessary for the administration and enforcement of this chapter.

(c) To conduct investigations into violations of this chapter.

(d) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(e) To adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter.

(3) Each member of the board of architectural examiners shall be compensated as provided by section 59-509(i), Idaho Code.

SECTION 4. That Section 54-313, Idaho Code, be, and the same is hereby amended to read as follows:

54-313. BOARD OF ARCHITECTURAL EXAMINERS -- CONTINUANCE OF PRESENT BOARD. The members of the board of architectural examiners in office at the date this act becomes effective shall continue in office until the expiration of their respective terms, subject to the provisions of this act.

The regular term of office of a member shall begin as of the first Monday immediately following the date of his appointment, and, for terms commencing after February 1, 1971, shall continue for five (5) years thereafter and until his successor shall have been appointed and accepted such appointment. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor. No members shall be appointed for a period exceeding two (2) consecutive terms. Any member

who has served two (2) consecutive terms may be reappointed after a lapse of five (5) years from the termination date of his last term.

A vacancy in membership shall occur and be declared by the chief of the bureau of occupational licenses whenever the regular term of a member expires or whenever a member dies, resigns, or is mentally or physically incapable of acting, or neglects or refuses to act, or is removed or otherwise ceases to have the qualifications of a member.

SECTION 5. That Section 54-314, Idaho Code, be, and the same is hereby amended to read as follows:

54-314. FILLING VACANCIES ON BOARD. Prior to the expiration of the regular term of a member of or upon the occurrence or declaration of a vacancy in membership upon the board of architectural examiners, ~~the chief of the bureau of occupational licenses shall in writing notify the officers of the professional society thereof, and request said society, within sixty (60) days thereafter, to recommend three (3) architects with the qualifications for membership for each appointment to be made to said board or for each vacancy. Said recommended architects shall be selected by the officers or members of said society in such manner as shall be determined by the society and shall be certified by the secretary of the society to the governor within such sixty (60) days. The governor shall appoint one (1) of the recommended architects~~ a qualified individual to fill the membership ~~of or~~ vacancy on the board of architectural examiners; ~~provided, however, that if no recommendation be made within the time aforesaid, the governor may appoint any architect qualified for membership and may consider recommendations for appointment from any organization and from any individual residing in this state.~~ The governor shall notify the appointee of his appointment and the appointee shall qualify by filing his acceptance with the governor.

SECTION 6. That Section 54-521, Idaho Code, be, and the same is hereby amended to read as follows:

54-521. BOARD OF BARBER EXAMINERS -- POWERS AND DUTIES -- DESIGNATION OF PERSONS TO REPORT TO BOARD. There is hereby created, and established in the department of self-governing agencies, the board of barber examiners. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in the board's interest. In addition to the powers otherwise conferred by this chapter, it shall be the duty of the board:

(1) To conduct or approve examinations to ascertain the qualifications and fitness of applicants for licenses hereunder and to pass upon the qualifications of all applicants for licenses.

(2) To conduct hearings and proceedings in accordance with the provisions of chapter 52, title 67, Idaho Code, to revoke licenses issued under this chapter and to revoke such licenses subject to the provisions of this chapter.

(3) To designate what schools of barbering within and without the state are approved schools, and from time to time, to change such designations and to keep public records thereof.

(4) To prescribe rules in accordance with the provisions of chapter 52, title 67, Idaho Code, for a fair and wholly impartial method of examination of applicants for licenses hereunder and, subject to the provisions of chapter 52, title 67, Idaho Code, for conducting hearings for the revocation of licenses, defining the qualifications of an approved school of barbering and for the administration of this chapter in general.

Excepting the regulation of schools under section 54-507, Idaho Code, ~~hereof,~~ and the issuance of licenses under section 54-511, Idaho Code, none of the powers and duties specified in subsections (1) through (4) of this section, shall be exercised by the bureau except on the action of the board

of barber examiners. When vacancies occur on the board, the governor shall appoint new members who shall serve at the pleasure of the governor, but not more than a total of three (3) members, each two (2) of whom shall be a registered barbers, and shall have been a residents of, and lawfully practicing barbering within the state of Idaho for a period of at least five (5) years next before his their appointment, and who is are neither directly nor indirectly in any way connected with or interested in the barber supply business nor in any institution offering instruction in barbering and one (1) of whom shall be a member of the public with an interest in the rights of consumers of barber services. In appointing the members of the board the governor shall give consideration to all nominations. The board and all assistants shall be compensated as provided by section 59-509(n), Idaho Code.

The regular term of office of a member of the board shall begin as of the first Monday of July of the year in which he is appointed and shall continue for three (3) years thereafter. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor.

A vacancy in membership in the board shall occur, and be declared by the governor, whenever the regular term of a member expires, or whenever a member dies, resigns, or is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or to cease to have the qualifications of a member, or to have acquired disqualifications of a member, or to have been absent without reasonable cause from two (2) successive meetings of the board, or is removed.

The board of barber examiners shall select from its members a chairman and vice chairman who shall serve at the pleasure of the board.

The action and report in writing of the board so designated shall be sufficient authority upon which the bureau may act.

Whenever the board is satisfied that substantial justice has not been done, either in examination or in revocation of a license or otherwise, it may order a reexamination or rehearing of the matter.

SECTION 7. That Section 54-604, Idaho Code, be, and the same is hereby amended to read as follows:

54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. (1) There is hereby established in the department of self-governing agencies a state board of podiatry to be composed of five (5) members to be appointed by the governor in the manner hereinafter set forth. Four (4) members shall be podiatrists, duly licensed under the laws of the state of Idaho, and who shall have been continuously engaged in the practice of podiatry for a period of not less than five (5) years prior to his their appointment. The fifth member of the board shall be a layman, a and resident of the state of Idaho for a period of not less than five (5) years prior to his appointment. All appointments to the board shall be made for terms of four (4) years, and all board members shall serve at the pleasure of the governor. Vacancies on the board, occurring for any reason, shall be filled by the governor. The governor in making appointments shall give consideration to but shall not be bound by the recommendations received from the Idaho podiatric medical association.

(2) The board shall select a chairman and a vice chairman annually. The chairman shall be a podiatrist. The board shall meet at least annually for the purpose of transacting any business which may lawfully come before it. The board may meet in special session at the call of the chairman, or at the call of not less than two-thirds (2/3) of the membership of the board. The members of the board shall each be compensated as provided by section 59-509(m), Idaho Code.

(3) Examinations of applicants may be conducted by the board or by designated representatives of the board.

(4) A quorum will consist of at least three (3) members of the board. The chairman, or person acting as such, will vote only in the case of a tie.

SECTION 8. That Section 54-828, Idaho Code, be, and the same is hereby amended to read as follows:

54-828. IDAHO BOARD OF COSMETOLOGY -- APPOINTMENT -- TERM. There is hereby created in the department of self-governing agencies a board to be known as the "Idaho Board of Cosmetology." It shall consist of three (3) registered cosmetologists, one (1) from the northern section of the state, one (1) from the south central section of the state, and one (1) from the southeastern section of the state, one (1) electrologist/esthetician and, one (1) currently active cosmetology school representative, and one (1) member of the public with an interest in the rights of the consumers of cosmetology services, all appointed by the governor from among nominees persons recommended by any organized and generally recognized group of cosmetologists in this state and from any individual residing in this state. The members of the board shall be appointed for terms of three (3) years and shall serve at the pleasure of the governor. On the expiration of the term of any member, his successor shall be appointed in like manner by the governor for a term of three (3) years. Vacancies shall be filled in like manner for the unexpired portion of the term. Members of the board shall hold office until their successors have been appointed and have qualified. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

The action and report in writing of a majority of the board with reference to the violation of any of the provisions of this chapter shall be the basis for the board to proceed according to the provisions of sections 54-816, 54-817, and 54-821, Idaho Code.

SECTION 9. That Section 54-829, Idaho Code, be, and the same is hereby amended to read as follows:

54-829. BOARD -- QUALIFICATIONS OF MEMBERS. Members of the board shall be at least twenty-five (25) years of age and residents of this state for at least five (5) years prior to their appointment, ~~and they.~~ Members who are licensed under the provisions of this chapter shall have been engaged in the practice of cosmetology for at least three (3) years immediately preceding their appointment, and shall be licensed cosmetologists under the provision of this chapter. No member of the board shall be affiliated with a company selling cosmetic supplies while in office, and no two (2) members of the board can be graduates of the same school of cosmetology except that the qualifications for the cosmetology school representative and the electrologists shall be established by board rules.

SECTION 10. That Section 54-907, Idaho Code, be, and the same is hereby amended to read as follows:

54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby established in the department of self-governing agencies a state board of dentistry to be composed of eight (8) members, five (5) of whom shall be dentists, two (2) of whom shall be dental hygienists, and one (1) of whom shall be a ~~consumer person familiar with health care occupations~~ member of the public with an interest in the rights of consumers of dental services. Board members shall be appointed by the governor and shall serve at the pleasure of the governor. Upon appointment by the governor, the term of office of a member of the board shall commence on the first Monday of February following his appointment and shall continue for five (5) years, or until his successor has been named, whichever is later. A vacancy in membership of the board shall

occur whenever the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy occurring for some reason other than expiration of term of office shall be made for the unexpired term which is being filled. ~~The governor may remove any member of the board from membership on the board who is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member or who has failed to attend, without reasonable cause, two (2) successive meetings of the board.~~

SECTION 11. That Section 54-908, Idaho Code, be, and the same is hereby amended to read as follows:

54-908. STATE BOARD OF DENTISTRY -- ~~NOTICE OF VACANCY~~ VACANCIES -- NOMINEES. (1) ~~Prior to the expiration of the regular term of a dentist member of the board or upon the occurrence or declaration of a vacancy in the dentist membership of the board, t~~The governor shall notify may consider recommendations for appointment to the board from the Idaho state dental association of that fact in writing and the association shall, within sixty (60) days thereafter, nominate three (3) persons licensed to practice dentistry to fill the vacancy and shall forward the nominations to the governor, who shall appoint from among the nominees, a person to be a member of the board to fill the vacancy. The nominees shall be selected in a manner as shall be determined by the rules and regulations of the association and from any individual residing in this state. For the purposes of nominations and appointments, the state shall be divided by the association into four (4) components and nominations and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dentist member. The fifth dentist member of the board shall be a member at large who may reside in any of the four (4) components. If the association shall fail to furnish to the governor the names of nominees to fill vacancies within the time provided, the governor may appoint any dentist qualified for membership to fill the vacancy. If the vacancy is in the term of a member from one of the four (4) components, the appointee shall reside within the component.

(2) ~~Prior to the expiration of the regular term of a dental hygienist member of the board or upon the occurrence or declaration of a vacancy in the dental hygienist membership of the board, t~~The governor shall notify may also consider recommendations for appointment to the board from the Idaho dental hygienists' association of that fact in writing and the association shall within sixty (60) days thereafter, nominate three (3) persons licensed to practice dental hygiene to fill the vacancy and shall forward the nominations to the governor, who shall appoint one (1) of the nominees to be a member of the board. The nominees shall be selected in a manner as shall be determined by the rules and regulations of the dental hygienists' association and from any individual residing in this state. For the purposes of nominations and appointments, the state shall be divided by the Idaho dental hygienists' association into two (2) components and nominations and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dental hygienist member. If the dental hygienists' association fails to furnish the names of nominees within the time provided, the governor may appoint any qualified dental hygienist to fill the vacancy. If the vacancy is in the term of a member from one (1) of the two (2) components, the appointee shall reside within the component.

~~(3) The governor shall appoint any qualified person as a consumer member to the board, prior to the first Monday of February in the year the term of office of the consumer member shall expire or upon the vacancy of office of the consumer member.~~

SECTION 12. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this act, and to serve as secretary to the Idaho electrical board.

(2) The board shall consist of nine (9) members to be appointed by the governor ~~with power of removal for cause and who shall serve at the pleasure of the governor~~. Two (2) members shall be licensed journeymen or master electricians; two (2) members shall be employees or officers of licensed electrical contractors; one (1) member shall be a licensed specialty journeyman or contractor; one (1) member shall be an employee or officer of an electrical power provider; one (1) member shall be an employee or officer of a manufacturing plant or other large power user; one (1) member shall be an employee or director of a manufacturer or distributor of electrical supplies or materials; and one (1) member shall be from the public at large not directly associated with the electrical industry. Board members shall be appointed for a term of four (4) years. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity in formulating rules for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act.

(4) The members of the board shall, ~~at their first regular meeting following the effective date of this act and every two (2) years thereafter~~, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board and a vice chairman who shall preside at any board meeting in the event the chairman is not present. A majority of the members of the board shall constitute a quorum.

(5) The board is authorized and directed to prescribe and amend rules consistent with this act for the administration of this chapter and to effectuate the purpose thereof, and for the examination and licensing of electrical contractors, journeyman electricians, master electricians, specialty electricians, specialty electrical contractors, specialty electrical trainees and apprentice electricians. The board shall also establish the classifications for specialty electrician and specialty electrical contractor licensing and the fees to be charged for permits and inspections of electrical systems. The board shall establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and the rules of the Idaho electrical board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

(6) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509 (n), Idaho Code.

SECTION 13. That Section 54-1105, Idaho Code, be, and the same is hereby amended to read as follows:

54-1105. BOARD OF MORTICIANS. There is hereby established in the department of self-governing agencies a state board of morticians to be composed of three (3) members who shall be appointed by the governor and who shall serve at the pleasure of the governor in the manner hereinafter set forth. Each Two (2) members of the board shall be a duly licensed morticians under the laws of the state of Idaho and a resident of the state of Idaho for a period of at least five (5) years next preceding his appointment, during which time he shall have been continuously engaged in the practice as a mortician as defined in this chapter. One (1) member of the board shall be a member of the public with an interest in the rights of the consumers of mortuary services. No person shall be eligible for appointment to the board of morticians who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.

~~The governor shall appoint the~~ may consider recommendations for members of the board from a list of qualified morticians of triple the number of persons to be appointed, who shall be proposed and submitted to him by the Idaho funeral service association, or other statewide organization or association of licensed morticians whose membership is composed of a majority of all licensed morticians of the state or from any individual residing in this state.

All members of the board of morticians shall be appointed to serve for a term of three (3) years, to expire on May 1 of the year of termination of their term, and until their successors have been appointed and qualified; provided however, the governor is hereby granted the power to alter the term of office of the members of the board first appointed hereunder so that the term of office of not more than one (1) member of the board shall terminate in any one (1) year. In case of a vacancy occurring on said board of morticians ~~by reason of the death of any member, or his resignation, incapacity, neglect or refusal to act, or in any other way,~~ the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office ~~from a list of duly qualified morticians prepared and submitted in the manner prescribed herein for the initial appointment of members to the board. Any member of the board of morticians who willfully fails to properly discharge his duties may be removed by the governor.~~

The board shall meet, not less than annually, to elect a chairman, vice chairman and secretary and take official board action on pending matters by majority vote of all the members of the board of morticians, and in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

Each member of the board of morticians shall be compensated as provided by section 59-509(m), Idaho Code.

SECTION 14. That Section 54-1203, Idaho Code, be, and the same is hereby amended to read as follows:

54-1203. IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS. A board to be known as the "Idaho board of licensure of professional engineers and professional land surveyors" is a division of the Idaho department of self-governing agencies and shall administer the provisions of this chapter. It shall consist of seven (7) persons ~~duly licensed as provided by this chapter,~~ appointed by the governor who may consider recommendations for appointment to the board from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or, any organized and generally recognized state land surveying society in this state for the professional land surveyor members and from any individual residing in this state. The board shall be comprised of ~~five~~ four (54) persons licensed as

professional engineers and, two (2) persons licensed as professional land surveyors and one (1) person who shall be a member of the general public with an interest in the rights of consumers of engineering and land surveying services. The members of the board shall have the qualifications required by section 54-1204, Idaho Code. ~~The members of the present board shall continue to serve for the balance of their respective terms of appointment.~~ Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation, removal or inability of a member to serve for any reason, shall be for the unexpired portion of the term. A member of the board shall hold office until the expiration of the term for which he was appointed and until his successor has been appointed and qualified. A member, after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an emeritus member for special assignment to assist the board in the administration of this chapter.

SECTION 15. That Section 54-1204, Idaho Code, be, and the same is hereby amended to read as follows:

54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall be citizens of the United States and residents of this state; and except for the public member, they shall have been engaged for at least twelve (12) years in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor members, shall have been in responsible charge for at least five (5) years of important professional engineering or professional land surveying work, and shall be licensed under the provisions of this chapter. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work.

SECTION 16. That Section 54-1206, Idaho Code, be, and the same is hereby amended to read as follows:

54-1206. REMOVAL OF BOARD MEMBERS AND FILLING VACANCIES. ~~The Board members shall serve at the pleasure of the governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any reason prescribed in the Idaho Code for removal of state officials.~~ Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section 54-1203, Idaho Code.

SECTION 17. That Section 54-1403, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(d) One (1) person who is a lay person to health care occupations. In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Persons may be reappointed to the board so long as they meet the qualifications of the position to which they were originally appointed. In the event that a member has attained an additional degree of education, they may not be reappointed to represent the board position designated for another specific degree of education. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of four (4) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than three (3) consecutive terms. ~~The All board members shall serve at the pleasure of the governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.~~

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

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

SECTION 18. That Section 54-1503, Idaho Code, be, and the same is hereby amended to read as follows:

54-1503. STATE BOARD OF OPTOMETRY ESTABLISHED -- QUALIFICATIONS. (1) There is hereby established in the department of self-governing agencies a state board of optometry composed of five (5) members who shall be appointed by the governor. The governor may consider recommendations for appointment to the board from any optometric association or any individual residing in this state. Members will serve staggered terms of five (5) years each after the effective date of this act unless otherwise provided in this chapter. A vacancy in membership on the board shall occur when the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy because of the expiration of a regular term shall be filled by the governor by appointment of a member for a five (5) year term. Appointments to fill a vacancy occurring for some reason other than expiration of a term of office shall be made for the unexpired term which is being filled. The members of the board shall serve at the pleasure of the governor.

(2) ~~Each Four (4) members of the state board of optometry shall be a licensed optometrists in the state of Idaho and shall have been a be residents of and lawfully practicing optometry within the state of Idaho for a period of not less than five (5) years immediately preceding his their appointment.~~

One (1) member shall be a member of the public with an interest in the rights of consumers of optometric services.

SECTION 19. That Section 54-1603, Idaho Code, be, and the same is hereby amended to read as follows:

54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1) There is hereby created in the department of self-governing agencies a board of examiners of nursing home administrators, which board shall consist of five (5) members, and composed of two (2) public or private nursing home administrators, duly licensed and registered under this act, and three (3) other members as hereinafter described, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required under this act, one (1) member shall be selected from any other profession, agency, or institution concerned with the care of chronically ill and infirm patients; one (1) licensed nurse from the nursing profession; and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments, except that they may be administrators of publicly owned nursing homes. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) ~~One (1) member of the initial board shall be appointed for a one (1) year term of office, two (2) members of the initial board shall be appointed for a two (2) year term of office, and two (2) members of the initial board shall be appointed for a three (3) year term of office. Thereafter, t~~The term of office for each member of the board shall be three (3) years.

(3) (a) ~~Appointments to the board shall be made by the governor after consultation with the executive board of, who may consider recommendations for appointment to the board from any organized and generally recognized group concerned with nursing home administration and from any individual residing in this state. Each member of the board shall hold office until his successor is duly appointed and qualified. Dismissals Board members shall be by serve at the pleasure of the governor, for reasonable cause.~~

(b) ~~The two (2) nursing home administrators who are members must be appointed from a list of three (3) submitted by any organized and generally recognized group concerned with nursing home administration.~~

~~(c) Members of the board shall be compensated as provided by section 59-509(1), Idaho Code.~~

(4) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this act.

(6) The board may appoint an executive secretary. He shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules of the board. A clerk and sufficient deputy clerks to adequately assist the board and the executive secretary in the keeping of the records and in the performance of their duties may be appointed by the board. All employees of the board shall be appointed, and serve in accordance with the provisions of law.

(7) The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

SECTION 20. That Section 54-1709, Idaho Code, be, and the same is hereby amended to read as follows:

54-1709. APPOINTMENT OF BOARD MEMBERS -- NOTICE OF VACANCY -- NOMINEES. Prior to the expiration of the regular term of a member of the board or upon the occurrence of declaration of a vacancy in the membership of the board, the governor shall ~~notify in writing the Idaho State Pharmacy Association, Inc. thereof, and the association shall, within thirty (30) days thereafter, nominate three (3) qualified persons to fill such vacancy and shall forthwith forward the nominations to the governor, who may thereupon appoint from such nominees, the person to be a member of the board to fill such vacancy. If the association shall fail to furnish to the governor the names of nominees to fill a vacancy within the time herein provided, the governor may appoint any a qualified person otherwise qualified to fill said the vacancy. The governor may consider recommendations for appointment to the board from the Idaho state pharmacy association and from any individual residing in this state.~~

SECTION 21. That Section 54-1712, Idaho Code, be, and the same is hereby amended to read as follows:

54-1712. REMOVAL OF BOARD MEMBERS. ~~The governor may remove any member of the All board from membership on the board who is found by members shall serve at the pleasure of the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member as provided in this act.~~

SECTION 22. That Section 54-1805, Idaho Code, be, and the same is hereby amended to read as follows:

54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby established in the department of self-governing agencies a state board of medicine to be composed of ten (10) members. The membership of the state board of medicine as it exists on the effective date of this act is hereby confirmed as members of the board for the terms to which they were originally appointed.

(2) (a) The board shall consist of ten (10) members. The director of the Idaho state police or the director's designated agent shall be a member of the board. Seven (7) members shall be physicians who are residents of this state and engaged in the active practice of medicine in this state, and two (2) members shall be public members.

(b) All physician appointments to the board shall be for six (6) year terms. The physician members shall consist of six (6) members who are licensed to practice medicine and surgery in this state and one (1) member who is licensed to practice osteopathic medicine or osteopathic medicine and surgery in this state. Whenever a term of a member of the board who is licensed to practice medicine and surgery expires or becomes vacant, the Idaho medical association shall nominate recommend three (3) persons licensed to practice medicine and surgery for each such vacancy, and forward such nominations recommendations to the governor who shall appoint from among such nominees, one (1) person to be a member of the board to fill such vacancy consider them for appointment, as well as recommendations from any individual residing in this state. Whenever a term of the member of the board who is licensed to practice osteopathic medicine or osteopathic medicine and surgery expires or becomes vacant, the Idaho osteopathic association shall nominate recommend three (3) persons licensed to practice osteopathic medicine or osteopathic medicine and surgery for such vacancy, and shall forward the nominations their names to the governor who shall appoint from among such nominees one (1) person to be a member of the board to fill such vacancy consider them for appointment, as well as recommendations from any individual residing in this state.

(c) All public members shall be appointed by the governor for three (3) year terms. Public members must reside in the state and be persons of integrity and good reputation who have lived in this state for at least five (5) years immediately preceding their appointment, who have never been authorized to practice a healing art, and who have never had a substantial personal, business, professional, or pecuniary connection with a healing art or with a medical education or health care facility, except as patients or potential patients.

(3) Appointments to fill vacancies occurring from some other reason than expiration of a term for which a member was appointed, shall be made in the same manner as hereinabove set forth for the unexpired term. ~~The All board members shall serve at the pleasure of the governor may remove any member of the board from the membership of the board, who is guilty of malfeasance, misfeasance or nonfeasance.~~

(4) The board shall elect a chairman from its membership. The members of the board except for state employees shall be compensated as provided by section 59-509(n), Idaho Code. Five (5) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.

SECTION 23. That Section 54-1905, Idaho Code, be, and the same is hereby amended to read as follows:

54-1905. PUBLIC WORKS CONTRACTORS LICENSE BOARD CREATED -- QUALIFICATIONS OF APPOINTEES -- TERM -- REMOVALS. There is hereby created and made part of the division of building safety in the department of self-governing agencies a public works contractors license board. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this chapter, and to serve as secretary to the board. The board shall be composed of seven eight (78) members, who shall be appointed by the governor. One (1) member of the board shall be a person whose primary business is that of a "heavy construction" contractor, one (1) member shall be a person whose primary business is that of a "highway construction" contractor, one (1) member shall be a person whose primary business is that of a "building construction" contractor, one (1) member shall be a person whose primary business is that of a "specialty construction" contractor, as such construction terms are defined in this chapter, one (1) member shall be a subcontractor with a license no higher than a class "A^u," one (1) member shall be a "construction manager," and one (1) member shall be a registered professional engineer, and one (1) member shall be a member of the general public with an interest in the rights of consumers of public works contracting services. All contractor members of the board shall be contractors holding a current unrevoked license at the time of their appointment, actively engaged in the contracting business and have been so engaged for a period of not less than five (5) years preceding the date of their appointment, and who shall so continue in the contracting business during their term of office. Each member of the board next preceding his appointment shall have been a citizen and resident of the state of Idaho for at least five (5) years. The governor shall appoint a member to said board for a term of three (3) years, and no member shall be appointed to more than two (2) consecutive terms. All members shall serve at the pleasure of the governor. Each member shall hold office after the expiration of their own term until their successor has been duly appointed and qualified. Vacancies on the board for any cause shall be filled by appointment by the governor for the balance of the unexpired term. ~~The governor may remove any member of the board for misconduct, incompetence or neglect of duty.~~ Each member of the board shall receive a certificate of appointment from the governor, and before entering upon the discharge of their duties, shall file with the secretary of state the constitutional oath of office.

SECTION 24. That Section 54-2005, Idaho Code, be, and the same is hereby amended to read as follows:

54-2005. THE IDAHO REAL ESTATE COMMISSION. There is hereby created in the department of self-governing agencies the Idaho real estate commission, for the purpose of administering this chapter. The commission shall consist of ~~four~~ five (45) members who shall be appointed by the governor and who shall serve at the pleasure of the governor. Members who are licensed under this chapter shall be appointed as follows: one (1) from the northern district consisting of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai and Bonner counties; one (1) from the southeastern district consisting of Lemhi, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Power and Bannock counties; one (1) from the southwestern district consisting of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams and Valley counties; and one (1) from the south central district consisting of Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties.

SECTION 25. That Section 54-2006, Idaho Code, be, and the same is hereby amended to read as follows:

54-2006. QUALIFICATIONS OF COMMISSIONERS, TERM AND ORGANIZATION. (1) Each ~~Four~~ (4) members of the commission shall be an actively licensed Idaho designated real estate brokers or associate brokers who has have had at least five (5) years active license experience as a designated broker or associate broker in the real estate business in Idaho. One (1) member shall be a member of the public from the state at large with an interest in the rights of consumers of real estate services.

(2) Each regular appointment, other than an appointment to fill an unexpired term, shall commence on July 1 of the year of appointment and be for a term of four (4) years. Each commissioner shall hold office until a qualified successor is appointed. Upon the death, resignation or removal of any member of the commission, the governor shall appoint a qualified licensed real estate broker or associate broker person to fill out the unexpired term. ~~The governor may remove any member from the commission for neglect of duty required by law, for incompetency, or for unprofessional or dishonorable conduct.~~

Each year, within thirty (30) days after the appointment of the members of the commission, the commission shall call a meeting and elect a chair, a vice chair, and a commissioner to serve on the Idaho real estate education council. Thereafter, the chair may call meetings of the commission whenever he or she deems it advisable, but if the chair refuses to call a meeting upon written demand of the other three (3) members of the commission, then such members may call the meeting.

(3) The commission may hire an executive director and such other assistants as it may require from either within or without the commission, and shall pay these persons a compensation as determined by the commission. The position of executive director shall be a nonclassified state employee, and such person shall be an at-will employee of the commission.

SECTION 26. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall consist of six (6) members to be appointed by and serve at the pleasure of the governor, is hereby created in the department of self-governing agencies.

Five (5) members shall be veterinarians and one (1) member shall be a public member. Each of the five (5) veterinary members shall serve a term of four (4) years as a veterinary board member and a fifth year as a liaison officer, or until his successor is appointed, ~~except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year.~~ The public member shall serve for a term of three (3) years or until his successor is appointed.

Whenever the occasion arises for an appointment of a veterinary member under this section, ~~the state veterinary medical association or one (1) of the regional veterinary medical associations may nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days before the date set for the appointment. The governor shall appoint one (1) of the persons so nominated~~ may consider recommendations for appointment to the board from the state veterinary medical association, one (1) of the regional veterinary medical associations, and from any individual residing in this state. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive terms, except in the case of a person appointed for less than a full term. Each of the five (5) veterinarians shall be qualified to serve as a member of the board if a graduate of an accredited or approved school of veterinary medicine or, if a graduate of a nonaccredited or nonapproved school, a letter from the educational commission for foreign veterinary graduates (ECFVG) certifying completion of the ECFVG program or a copy of their ECFVG certificate, or verification of successful completion of any educational equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as they relate to the practice of veterinary medicine, as approved and outlined by the rules of the board. In addition to verification of graduation from an accredited or nonaccredited school of veterinary medicine, each of the five (5) veterinary members shall be a resident of this state, and have been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of appointment. The public member shall be at least twenty-one (21) years of age and a resident of this state for five (5) years immediately preceding appointment. No person may serve on the board who is, or was, during the two (2) years preceding appointment, a member of the faculty or trustees of an accredited school of veterinary medicine.

(2) Each member of the board and certified euthanasia task force shall be compensated as provided by section 59-509(n), Idaho Code.

(3) Any member of the board may be removed by the governor at his discretion.

(4) The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by state statute or rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except as otherwise provided by the open meeting law, chapter 23, title 67 74, Idaho Code.

(5) The board member serving the fourth year of appointment shall be the president of the board and shall serve as chairman at the board meetings.

(6) The veterinary board member serving the fifth year of appointment shall be the liaison officer of the board and shall render advice, review and mediate complaints, and perform other tasks assigned by the board.

(7) All revenues received under this chapter shall be paid to the state board of veterinary medicine account created in section 54-2121, Idaho Code, and shall be subject to and administered in accordance with the provisions of this chapter.

(8) The responsibility for enforcement of the provisions of this chapter is hereby vested in the board. The board shall have all of the duties, powers and authority specifically granted by or necessary for the enforce-

ment of this chapter and the rules made pursuant thereto, as well as such other duties, powers and authority as it may be granted from time to time by applicable law. The powers vested in the board shall include, but are not limited to:

(a) Establish qualifications and prescribe the application format for issuance or renewal of a license to practice as a veterinarian and certification to practice as a veterinary technician, euthanasia agency or euthanasia technician, review each application for compliance with the licensure and certification requirements, issue, renew or deny licenses and certifications. Upon a showing of good cause by a licensee or certificate holder to the board, the board may grant an extension of time for submission of the required application or renewal documentation, including the required number of continuing education hours, as set forth by this chapter or the rules of the board.

(b) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine, or certification to practice veterinary technology or as a euthanasia technician or operate as a certified euthanasia agency in the state.

(c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, restrict, limit, place on probation, require voluntary surrender of, or revoke any licenses, certifications or temporary permits or certifications to practice veterinary medicine, veterinary technology or euthanize animals in the state, and may fine and impose other forms of discipline, and enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia technicians and certified euthanasia agencies consistent with the provisions of this chapter and the rules adopted hereunder. Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed under the applicable provisions of chapter 52, title 67, Idaho Code.

(d) Establish a schedule of fees for licensing, certifying and registering veterinarians, veterinary technicians, euthanasia agencies and euthanasia technicians, as well as for the review, approval and administration of national licensing and certification examinations.

(e) In addition to the fees specifically provided for herein, the board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this chapter or rules adopted hereunder. Such services rendered shall include, but not be limited to, the following:

- (i) Issuance of duplicate licenses or certificates;
- (ii) Mailing lists or reports of data maintained by the board;
- (iii) Copies of any documents;
- (iv) Verification of license or certification status;
- (v) Examination review, approval and administration; and
- (vi) Examination materials.

(f) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of veterinary medicine or veterinary technology or the euthanizing of animals. Complaints not filed within one (1) year after the alleged unlawful conduct occurs will not be investigated. If the alleged unlawful conduct is of a continuing nature, the date of the occurrence of such conduct shall be deemed to be any date subsequent to the commencement of the unlawful conduct up to and including the date on which the complaint is filed so long as the alleged unlawful conduct continues.

(g) Initiate and conduct disciplinary hearings or proceedings on its own or through its designated hearing officer, provided such hearings

and proceedings shall be held in conformance with the provisions of chapter 52, title 67, Idaho Code, and in connection thereto, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one (1) or more of its members or a person appointed by the state board of veterinary medicine to serve as its hearing officer.

(h) Employ an executive director who shall be responsible for the performance of the administrative functions of the board and such other duties as the board may direct. The board may also employ or contract with other individuals to provide professional, clerical or other services deemed necessary by the board to effectuate the provisions of this chapter and the rules of the board, and purchase or rent necessary office space, equipment and supplies. The compensation of the executive director and other personnel shall be determined by the board and the executive director shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

(i) Appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or outside the state where such representation is deemed desirable.

(j) Bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(k) For purposes of enforcement of the provisions of this chapter and any rules duly promulgated hereunder, including the levying of civil penalties, assessment and collection of fines, and recovery of costs and paralegal, hearing officer and attorney's fees incurred by the board in investigation and prosecution of complaints, the board shall maintain jurisdiction over individuals, irrespective of their license or certification status (i.e., active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints and investigations which occurred during the licensure or certification period. Jurisdiction of the board shall also extend to all individuals engaged in the practice of veterinary medicine, veterinary technology or practicing as a certified euthanasia agency or certified euthanasia technician in this state as defined in section 54-2103, Idaho Code. It is the intent of this subsection that the board's jurisdiction should extend to all licensed or unlicensed or certified or uncertified individuals and that licensees and certification holders cannot divest the board of jurisdiction by changing, surrendering or relinquishing licensure or certification status.

(l) Establish a certified euthanasia task force for the purposes of training, examining, licensing and certifying euthanasia agencies and euthanasia technicians and assess application, training workshop and certification fees. The fees so assessed are continuously appropriated to the board to support the activities of the task force.

(m) Adopt, amend or repeal all sections of this chapter and rules necessary for its government and all rules necessary to carry into effect the provisions of this chapter pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

(n) Conduct probationary or other practice and facility inspections necessary for enforcement of this chapter or the rules duly promulgated hereunder or any order, negotiated settlement or probationary agreement of the board and issue administrative citations to alleged violators.

SECTION 27. That Section 54-2205, Idaho Code, be, and the same is hereby amended to read as follows:

54-2205. PHYSICAL THERAPY LICENSURE BOARD. (1) There is hereby established in the department of self-governing agencies a physical therapy licensure board. The board shall consist of five (5) members appointed by the governor and who shall serve at the pleasure of the governor, three (3) of whom shall be licensed physical therapists, one (1) of whom may be a licensed physical therapist assistant or a licensed physical therapist, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of health services. All members of the board shall be residents of Idaho at the time of their appointment and for their term of service. The persons appointed to the board who are required to be licensed under this chapter shall have been engaged in rendering physical therapy or physical therapy assistant care services, respectively, to the public, in teaching, or in research in physical therapy or physical therapy assistant care services, respectively, for at least three (3) years immediately preceding their appointments. These members, excepting the public member, shall at all times be holders of valid licenses and be in good standing without restriction upon such license for the practice of physical therapy or physical therapy assistant, respectively, in Idaho.

(2) ~~The governor, within sixty (60) days after the effective date of this act, shall appoint two (2) board members for a term of one (1) year; two (2) members for a term of two (2) years; and one (1) member for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.~~

(3) ~~The members of the board shall be selected by the governor after considering a list of three (3) qualified applicants for each such vacancy submitted by~~ may consider recommendations for appointment to the board from the Idaho physical therapy association and from any individual residing in this state.

(4) ~~The board, within sixty (60) days after the effective date of this act, and annually thereafter, shall hold a meeting annually and elect a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum. Other meetings may be convened at the call of the chairman or upon the written request of any two (2) board members.~~

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

(6) Members of the board shall disqualify themselves and, upon the motion of any interested party may, upon proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias that interferes with their fair and impartial service.

~~(7) The governor may remove any member of the board from the membership of the board who is guilty of malfeasance, misfeasance or nonfeasance.~~

SECTION 28. That Section 54-2304, Idaho Code, be, and the same is hereby amended to read as follows:

54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is hereby created in the department of self-governing agencies, an Idaho state board of psychologist examiners as follows:

(1) Said board shall consist of four (4) licensed psychologist members and one (1) public member who is not a practitioner or spouse of a practitioner in any health care field and who is not a convicted felon and who has not been an applicant for licensure as a psychologist, who are citizens of the United States, residents of the state of Idaho, and appointed by the governor for four (4) year terms. The psychologist members' terms shall be staggered such that only one (1) term expires June 30 of each year.

(2) Each psychologist board member shall be licensed under this chapter.

(3) When the term of each psychologist member of the board ends, the governor shall appoint his successor for a term of four (4) years ~~from a list of eligible candidates for board membership submitted to. The governor by the president of may consider recommendations for appointment to the board from the Idaho psychological association and from any individual residing in this state.~~ Any vacancy occurring on the board shall be filled by the governor, ~~from a list of all eligible candidates for board membership,~~ by appointment for the unexpired term. ~~The governor may give consideration to recommendations from any source in making appointments of the public member to a full or unexpired term. The governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the bBoard members a written statement of the charges and an opportunity to be heard thereon shall serve at the pleasure of the governor.~~

(4) At all times, the board shall have at least one (1) member who is engaged primarily in rendering services in psychology and at least one (1) member who is engaged primarily in teaching, training, or research in psychology.

(5) No board member shall serve more than two (2) consecutive terms.

(6) Each board member shall be compensated as provided by section 59-509(n), Idaho Code.

(7) The board shall annually in the month of July, hold a meeting, and elect a chairman and vice chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Reasonable notice of all meetings shall be given as required by law. A majority of the board shall constitute a quorum at any meeting or hearing.

SECTION 29. That Section 54-2404, Idaho Code, be, and the same is hereby amended to read as follows:

54-2404. STATE BOARD ESTABLISHED -- MANNER OF APPOINTMENT -- QUALIFICATIONS -- TERMS OF OFFICE -- REMOVAL FROM OFFICE. (1) In order to safeguard the environment and protect the public health and establish the minimum competency requirements of persons whose duties are identified in this chapter, there is hereby established in the department of self-governing agencies a board of drinking water and wastewater professionals for drinking water and wastewater operators and backflow assembly testers, hereinafter called the board.

(2) ~~The governor shall, within thirty (30) days after the effective date of this chapter, appoint board shall consist of seven (7) members to the board, two (2) of whom shall be drinking water system operators, two (2) of whom shall be wastewater system operators, and one (1) who shall be a backflow assembly tester, all of whom shall be citizens of the United States, residents of the state of Idaho and licensed under the provisions of this chapter, and one (1) who shall be lawfully entitled to reside in the United States and be a resident of the state of Idaho and not be licensed under the provisions of this chapter or otherwise affiliated with water or wastewater operations within five (5) years of the time of appointment a member of the public with an interest in the rights of consumers of water and wastewater~~

services, and one (1) who shall be the director of the Idaho department of environmental quality or the director's designated agent.

~~(3) The members of the first board shall serve for the following terms: one (1) drinking water member and one (1) wastewater member shall serve for one (1) year; one (1) drinking water member and one (1) wastewater member shall serve for two (2) years; and the backflow assembly tester and the public member shall serve for three (3) years from the effective date of appointment or until a successor is duly appointed and qualified. Upon the expiration of the term of any member of the board, the governor shall appoint each member to the board for a term of three (3) years. Each member shall hold office until the expiration of the term for which said member is appointed. Each member serve at the pleasure of the governor and shall serve until a successor is appointed. No member shall be appointed for more than two (2) successive terms or a total of two (2) terms during the life of the board or member.~~

~~(4) The governor may remove any member of the board for misconduct, incompetence, neglect of duty, or for any other cause.~~

SECTION 30. That Section 54-2605, Idaho Code, be, and the same is hereby amended to read as follows:

54-2605. IDAHO PLUMBING BOARD. (1) The Idaho plumbing board, referred to as the board, is hereby created and made a part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this act; and the board shall make, promulgate and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of five (5) members. The members shall be appointed at large by the governor, with power of removal for cause and shall serve at the pleasure of the governor. Members shall be appointed for a term of three (3) years. Whenever a vacancy occurs the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified by knowledge, integrity and experience to properly execute the functions of the board. Two (2) members shall be qualified persons representing members of the public at large with an interest in the rights of consumers of plumbing services; one (1) member shall be an active plumbing contractor with not less than five (5) years experience in the plumbing contracting business; one (1) member shall be an active plumbing contractor with not less than five (5) years in the plumbing contracting business with an additional background of experience in gas piping installations in buildings; and one (1) member shall be a journeyman plumber. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time prescribed by chapter 4, title 59, Idaho Code.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, the members shall elect one (1) of their number to be chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem

proper, and to report findings to it; and may delegate to its chairman and employees the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code.

SECTION 31. That Section 54-2803, Idaho Code, be, and the same is hereby amended to read as follows:

54-2803. STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS -- CREATION -- TERMS OF MEMBERS -- OATH. A state board of registration for professional geologists is hereby created in the department of self-governing agencies whose duty it shall be to administer the provisions of this chapter. The board shall consist of five (5) members, who shall be appointed by and shall serve at the pleasure of the governor and, four (4) of whom shall have the qualifications required by section 54-2804, Idaho Code, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of geologist services.

The board shall be comprised of members representing at least three (3) of the following categories: academic geologists, government geologists, salaried company geologists and independent or consultant geologists.

Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of his office. On the expiration of the term of any member his successor shall be appointed in like manner by the governor for a term of five (5) years.

Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified.

SECTION 32. That Section 54-2804, Idaho Code, be, and the same is hereby amended to read as follows:

54-2804. QUALIFICATIONS FOR BOARD MEMBERSHIP. All members of the board shall be citizens of the United States and residents of this state, and they. Members who are licensed under the provisions of this chapter shall have been engaged in the practice of geology for at least seven (7) years and shall never have been the subject of a disciplinary action under the provisions of this chapter.

SECTION 33. That Section 54-2806, Idaho Code, be, and the same is hereby amended to read as follows:

54-2806. ~~REMOVAL BY GOVERNOR FOR CAUSE VACANCIES. The governor may remove any member of the board for misconduct, incompetence, neglect of duty, or any other sufficient cause.~~ Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section 54-2803, Idaho Code.

SECTION 34. That Section 54-3003, Idaho Code, be, and the same is hereby amended to read as follows:

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture, shall be required to submit evidence of qualifications to practice and shall be issued a license under the provisions of this chapter.

(2) Qualifications. For licensure as a landscape architect, evidence must be submitted to the board that the applicant:

- (a) Is eighteen (18) years of age or older;
- (b) Has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least eight (8) years of actual, practical experience in landscape architecture of a grade and character satisfactory to the board, as established by rule, that the applicant is competent to practice landscape architecture; and
- (c) Has successfully passed an examination approved by the board.

(3) Examinations. The board shall adopt rules covering the subjects and scope of the examinations. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify and supervise the installation and construction of landscape architectural projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(4) The board.

(a) There is hereby created in the department of self-governing agencies an Idaho state board of landscape architects. The board shall consist of ~~three~~ two (32) landscape architects and one (1) member of the public with an interest in the rights of the consumers of landscape architect services. Members of the board shall be appointed by and shall serve at the pleasure of the governor and must be residents of this state, ~~have the qualifications of landscape architects required by this chapter, and after the initial board is organized be licensed hereunder.~~ The terms of the members of the board shall be for four (4) years. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term.

(b) The board shall have, in addition to the powers set forth elsewhere in this chapter, the following powers and duties:

- (i) To authorize, by written agreement, the bureau of occupational licenses to act as agent in its interest, and to make such rules as shall be necessary in the performance of its duties;
- (ii) To adopt rules of professional responsibility;
- (iii) To adopt rules requiring the completion of continuing education by each licensee on an annual basis;
- (iv) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding against a licensee under this chapter, to administer oaths, take depositions of witnesses within or outside of the state in the manner provided by law in civil cases, and to apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as the board deems necessary in a disciplinary proceeding against a licensee. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other board expenses. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or refusal of any witness to testify to any matter about which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by conducting proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(c) The board shall elect, at its first meeting of every calendar year, a chairman from its members. In carrying out the provisions of this chapter, all members of the board shall be compensated as provided by section 59-509(m), Idaho Code. Payment of travel and other expenses shall be made from the occupational licenses fund.

(5) Renewal and reinstatement -- Revenue.

(a) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(b) Amounts. The amount of fees shall be as determined by the board within the following stated limits:

(i) The application fee not to exceed one hundred dollars (\$100).

(ii) The fee for examination to be established by board rule not to exceed that charged by the council of landscape architectural registration boards plus a fifty dollar (\$50.00) processing fee. The board may recover the actual costs associated with an applicant's review of a failed examination.

(iii) The fee for an original license and the annual license fee not to exceed two hundred dollars (\$200).

(c) Refund. Fees shall be nonrefundable.

(d) Deposit. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims that in aggregate with claims already paid exceed the income to the occupational licenses fund which has been derived by the application of this chapter.

(e) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

(6) Endorsement provisions. The board may approve for licensure:

(a) An individual with a current council of landscape architecture architectural registration boards (CLARB) certification; or

(b) With limited examination an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

(7) Exemptions.

(a) None of the provisions of this chapter shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(b) None of the provisions of this chapter shall apply to the business conducted in this state by any land use planner, horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that they are a licensed landscape architect unless they are registered as provided in this chapter.

(c) This chapter shall not apply to architects, professional engineers, geologists, and land surveyors, licensed to practice their respective professions.

(8) This chapter applies to individuals only.

(a) All licenses shall be issued to individuals only but nothing contained in this chapter shall prevent a duly licensed landscape architect from rendering professional services for a corporation, firm, partnership or association.

(b) Partners. Each partner in a partnership of landscape architects shall be licensed to practice landscape architecture or to provide allied professional services as defined in section 30-21-901, Idaho Code. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(i) The names of two (2) or more landscape architects.

(ii) The names of one (1) or more landscape architects and one (1) or more professional engineers or architects.

(c) Any person applying to the official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such official satisfactory evidence that such applicant possesses a current Idaho license. The business license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(9) Qualifications for practice -- Seal:

(a) No person shall use the designation "landscape architect" or "landscape architecture" or advertise any title or description tending to convey the impression that the person is a landscape architect, or practicing landscape architecture, unless such person is a licensed landscape architect. Every holder of a license shall display it in the principal office, place of business or place of employment.

(b) Every landscape architect shall have a seal approved by the board, which shall contain the name of the landscape architect and the words "Licensed Landscape Architect, State of Idaho," and such other words or figures as the board may deem necessary and prescribe.

(i) The seal may be a rubber stamp or an electronically applied seal. Whenever the seal is applied, the licensee's written signature and the date shall be adjacent to or across the seal. The seal, signature and date shall be placed on all final reports, drawings and title pages of specifications, design information and calculations. Whenever presented to a client or to the public, such documents that are not final and do not contain a seal, signature and date, shall be clearly marked as "preliminary," "draft," "not for construction" or similar words to distinguish the documents from a finished product.

(ii) The application of the licensee's seal, signature and the date shall constitute certification that the work thereon was prepared by such landscape architect or under the supervision of such landscape architect. Each plan or drawing sheet shall be sealed and signed by the licensee or the licensee's agent responsible for each sheet. The principal landscape architect in charge shall sign and seal the title or first sheet. Copies of electronically produced documents listed in paragraph (b) (i) of this subsection that are distributed for informational use, such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and date. The words "original signed by:" and "date signed:" shall be placed adjacent to or across the seal of the electronic original. The storage location of the original documents shall also be provided. Only the title page of reports,

specifications and like documents need bear the seal and signature of the licensee and the date.

(iii) Nothing contained herein shall be construed to permit a landscape architect to practice as a licensed architect, a licensed professional engineer or a licensed land surveyor as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent a landscape architect from practicing landscape architecture.

SECTION 35. That Section 54-3105, Idaho Code, be, and the same is hereby amended to read as follows:

54-3105. CERTIFIED SHORTHAND REPORTERS BOARD -- MEMBERS -- TERM -- APPOINTMENT. (1) There is hereby created a state certified shorthand reporters board of the state of Idaho which shall consist of five (5) members. ~~Three Two (32)~~ members of the board shall be persons who have been nominated by the Idaho court reporters association. ~~Nominees must possess a current license as a certified shorthand reporters and who have had at least five (5) years continuous experience immediately prior to their nomination as a freelance shorthand reporter or official court reporter. One (1) other member of the board shall be an Idaho district judge nominated by the Idaho supreme court. The One (1) other member of the board shall be a member of the Idaho state bar and nominated by the Idaho state bar association. At least two (2) nominees for each position must be nominated by the nominating body One (1) other member shall be a member of the public with an interest in the rights of consumers of shorthand reporter services.~~

(2) The members of the board shall hold office for terms of three (3) years each. Appointments to fill vacancies shall be for the unexpired term of such vacancies.

(3) ~~Appointments to the bBoard members shall be made appointed by and serve at the pleasure of the governor from the nominees set forth in this section and. The governor may consider recommendations for appointment to the board from the Idaho court reporters association and from any individual residing in this state. Each member of the board shall hold office for the specified term and until a successor is duly appointed by the governor.~~

SECTION 36. That Section 54-3203, Idaho Code, be, and the same is hereby amended to read as follows:

54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- APPOINTMENTS -- TERMS. (1) A state board of social work examiners is hereby created and made a part of the department of self-governing agencies. It shall be the duty of the board to administer the provisions of this chapter pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code. The board shall consist of six (6) members, three (3) of which shall be masters social workers, and two (2) of which shall be social workers, and one (1) of which shall be a lay member and all of whom shall be appointed by and serve at the pleasure of the governor. ~~Board members shall be appointed by the governor after reviewing and considering nominations for each position to be filled that have been submitted to him. All terms shall be for a period of five (5) years. Whenever a board member's term expires or a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy may consider recommendations for the appointment to the board for a new term or for an unexpired term after reviewing and considering nominations that have been submitted to him from any Idaho organization and from any individual residing in this state.~~

(2) Each social work member of the board shall:

(a) Be a resident of this state;

(b) Be currently licensed and in good standing to engage in the practice of social work in this state;

(c) At the time of appointment, have been actively engaged in the practice of social work for at least one (1) out of the last five (5) years; and

(d) Have at least three (3) years of experience in the practice of social work.

(3) Each fiscal year, the chairmanship will rotate to the person who is in the fourth year of their five (5) year term. The chairman shall preside at all meetings of the board. If this person is unable to serve, an election by a majority vote of the board shall determine the person who will serve as chair for that fiscal year. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(4) Each member of the board shall be compensated as provided by section 59-509(b), Idaho Code.

SECTION 37. That Section 54-3307, Idaho Code, be, and the same is hereby amended to read as follows:

54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created a state board of dentistry of the state of Idaho, which shall consist of five (5) members. Three (3) members of the board shall be persons who have been nominated by the association of Idaho denturists, inc. and by any individual residing in this state, who have had at least five (5) years continuous experience immediately prior to their nomination in the practice of dentistry. Two (2) other members of the board shall be lay persons nominated by the director of the Idaho department of health and welfare or by any individual residing in this state. ~~At least two (2) nominees for each position must be nominated by the nominating body.~~

(b) ~~The members of the board shall hold office for terms of three (3) years each; provided, of the initial board, the three (3) members to be appointed from nomination of the association of Idaho denturists shall serve for terms of one (1) year, two (2) years, and three (3) years, respectively, as designated in their appointment, and of the initial board the two (2) lay members shall serve for terms of two (2) and three (3) years, respectively, as designated in their appointment. Thereafter members shall be appointed to the board for terms of three (3) years each, except that and shall serve at the pleasure of the governor. Appointments to fill vacancies shall be for the unexpired term of such vacancies.~~

(c) Appointments to the board shall be made by the governor ~~from the nominees set forth in this section~~, and each member of the board shall hold office for his term and until his successor is duly appointed by the governor.

SECTION 38. That Section 54-3403, Idaho Code, be, and the same is hereby amended to read as follows:

54-3403. BOARD -- ORGANIZATION AND MEETINGS. There is hereby created in the department of self-governing agencies an Idaho state licensing board of professional counselors and marriage and family therapists as follows:

(1) The board shall consist of six (6) members, residents of the state of Idaho, who shall be appointed by and serve at the pleasure of the governor. In making appointments, the governor shall give consideration to recommendations submitted by the Idaho counseling association in consultation with other state counselor organizations, ~~and the Idaho association for marriage and family therapy in consultation with other state marriage and family therapy organizations, and any individual residing in this state.~~ If

~~recommendations are not made within sixty (60) days of notification and request, the governor may make appointments of any qualified individual.~~

~~(2) Initial appointments to the board shall be for the following terms: one (1) member for a term ending in one (1) year; one (1) member for a term ending in two (2) years; one (1) member for a term ending in three (3) years; and one (1) member for a term ending in four (4) years. Upon the effective date of this act, the governor shall also initially appoint to the board one (1) person eligible for licensure as a marriage and family therapist for a term of four (4) years, and one (1) person eligible for licensure as both a professional counselor and a marriage and family therapist for a term of four (4) years.~~

~~(3) When the term of each member ends, the governor shall appoint the successor for a term of four (4) years from qualified candidates. Any vacancy occurring on the board shall be filled by the governor by appointment for the unexpired term. The governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the board member written notice of the charges and an opportunity to be heard thereon.~~

~~(43) At all times, the board shall have two (2) members who are licensed as clinical professional counselors or professional counselors and who are engaged primarily in rendering counseling service; one (1) member who is engaged or has been engaged primarily in teaching, training or research in higher education in counseling or marriage and family therapy; one (1) member who is licensed or is eligible for licensure as both a professional counselor and a marriage and family therapist and who is engaged primarily in rendering marriage and family therapy or marriage and family counseling; one (1) member who is licensed as a marriage and family therapist and who is engaged primarily in rendering marriage and family therapy; and one (1) member from the general public with an interest in the rights of consumers of counseling and therapy services. Except for the initial appointment, all members of the board except the member from the general public shall be licensed under this chapter.~~

~~(54) No board member shall serve more than two (2) full consecutive terms.~~

~~(65) The members of the board shall be compensated as provided in section 59-509(m), Idaho Code.~~

~~(76) The board shall annually hold a meeting and elect a chairman and vice chairman from among its members. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by law. A majority of the board shall constitute a quorum at any meeting or hearing.~~

SECTION 39. That Section 54-3714, Idaho Code, be, and the same is hereby amended to read as follows:

54-3714. LICENSURE BOARD. (1) The occupational therapy licensure board of Idaho shall consist of five (5) members who shall be appointed by and serve at the pleasure of the governor, three (3) of whom shall be appointed from recommendations of licensees submitted by the association, except the first licensure board appointments whose members shall be registered occupational therapists (OTR's) or, one (1) of whom shall be a certified occupational therapy assistants (COTA's) eligible to become licensed under this chapter, and one (1) of whom shall be a member of the public with an interest in the rights of consumers of occupational therapy services. All of whom members of the board shall be residents of Idaho at the time of their appointment. If recommendations are not made within sixty (60) days of notification and request, tThe governor may make consider recommendations for appointments of any qualified to the board from the association and from any individual residing in this state. The persons appointed to the licensure

board who are required to be licensed under this chapter shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five (5) years immediately preceding their appointments and shall at all times be holders of a valid license and be in good standing without restriction upon such license. At least three (3) licensure board members shall be occupational therapists and one (1) of those members may be an occupational therapy assistant. ~~These members shall at all times be holders of valid licenses for the practice of occupational therapy in Idaho, except for the members of the first board, all of whom shall fulfill the requirements for licensure of this chapter. The remaining members shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.~~

~~(2) The governor, within sixty (60) days following the effective date of this chapter, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.~~

~~(3) Within thirty (30) days after the effective date of this chapter, and annually thereafter, the association may submit at least three (3) and not more than five (5) names for each of the five (5) board positions. In the event of a vacancy in one (1) of the positions the association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The governor shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If the association does not provide a recommendation, the governor shall appoint a person to the unexpired term. The governor may remove any licensure board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.~~

~~(4) The licensure board shall within sixty (60) days after the effective date of this chapter, and annually thereafter, hold a meeting and elect a chairman who shall preside at meetings of the licensure board. In the event the chairman is not present at any licensure board meeting, the licensure board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the licensure board shall constitute a quorum. Other meetings may be convened at the call of the chairman or the written request of any two (2) licensure board members.~~

~~(5) Each member of the licensure board shall be compensated as provided in section 59-509(n), Idaho Code.~~

SECTION 40. That Section 54-4106, Idaho Code, be, and the same is hereby amended to read as follows:

54-4106. REAL ESTATE APPRAISERS -- REAL ESTATE APPRAISER BOARD -- POWERS AND DUTIES -- COMPENSATION. (1) There is hereby created in the department of self-governing agencies, a real estate appraiser board, hereinafter referred to as the "board," which shall administer the provisions of this chapter. The board shall consist of five (5) members to be appointed by and to serve at the pleasure of the governor as follows:

(a) One (1) real estate appraiser from the northern district consisting of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai and Bonner; one (1) real estate appraiser from the southeastern district consisting of the counties of Lemhi, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Power and Bannock; one (1) real

estate appraiser from the southwestern district consisting of the counties of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams and Valley; one (1) real estate appraiser from the south central district consisting of the counties of Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls; and one (1) public member from the state at large;

(b) ~~On July 1, 1990, the~~ governor shall appoint the members of the board, each four (4) of whom shall be a real estate appraisers with not less than five (5) years' experience in the real estate appraisal business in Idaho and one (1) of whom shall be a member of the public with an interest in the rights of consumers of real estate appraisal services. ~~As of July 1, 1999, the board appointment from the state at large is extended for a period of two (2) years and the board appointment from the south central district is extended for a period of one (1) year.~~ Each regular appointment thereafter, other than an appointment to fill an unexpired term, shall be for a term of four (4) years and each board member shall hold office until a successor is appointed and qualified. Upon the death, resignation or removal of any member of the board, the governor shall appoint a state licensed or state certified real estate appraiser qualified person to fill the unexpired term. Appointments to fill any vacancy other than that resulting from the expiration of a term shall be made for the unexpired term. ~~After July 1, 1991, new board members shall be required to be state licensed or certified real estate appraisers with not less than five (5) years' experience in the real estate appraisal business in Idaho;~~

(c) ~~Within fifteen (15) days after the appointment of the members of the board, the~~ board shall call a meeting and not less than one (1) time annually to organize ~~by the election of~~ and elect a chairman. Thereafter, the chairman may call meetings of the board whenever he deems it advisable but if he refuses to call a meeting upon written demand of the other four (4) members of the board, then such members may call such meeting. Reasonable notice shall be given in writing by mail of such meeting.

(2) The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers and duties:

- (a) To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest;
- (b) To adopt, pursuant to the administrative procedure act, such rules as the board, in its discretion, deems necessary for the administration and enforcement of this chapter, and any such rules deemed necessary by the board to keep the Idaho real estate appraisers act in compliance with federal law, rule, regulation or policy;
- (c) To conduct investigations into violations of the provisions of this chapter;
- (d) To receive applications for and issue licenses or certificates to real estate appraisers pursuant to this chapter;
- (e) To hold meetings, hearings and examinations at such places and at such times as it shall designate;
- (f) To collect, deposit and disburse application and other fees, as required by this chapter or federal law;
- (g) To maintain a register of all state licensed or certified residential and state certified general real estate appraisers;
- (h) To censure a state licensed or certified appraiser or suspend or revoke appraisal licenses or certificates as provided in this chapter, subject to the provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code;
- (i) To adopt rules governing the registration and limitations of real estate appraiser trainees; and
- (j) To require new applicants to submit to a satisfactory fingerprint-based criminal history check of the Idaho central criminal

database and the federal bureau of investigation criminal history database and to collect fees from applicants for the costs of such background check.

(3) Each member of the board of real estate appraisers shall be compensated as provided in section 59-509(m), Idaho Code.

SECTION 41. That Section 54-4204, Idaho Code, be, and the same is hereby amended to read as follows:

54-4204. BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS. (1) There is hereby created in the department of self-governing agencies a board of examiners of residential care facility administrators that shall consist of five (5) members and be composed of two (2) residential care facility administrators, duly licensed and registered under this chapter, one (1) member shall be selected from any other profession or agency or institution concerned with the care of persons requiring assistance with the daily activities of living, one (1) licensed nurse from the nursing profession and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) The term of office for each member of the board shall be three (3) years, and all board members shall serve at the pleasure of the governor.

(3) (a) ~~Appointments to the board shall be made by the governor after consultation with the executive board of who may consider recommendations for appointment to the board from any organized and generally recognized group concerned with residential care facility administration and from any individual residing in this state.~~ Each member of the board shall hold office until his successor is duly appointed and qualified. Dismissals shall be by the governor, for reasonable cause.

(b) ~~The two (2) residential care facility administrators must be appointed from a list of three (3) submitted by any organized and generally recognized group concerned with residential care facility administration.~~

~~(e) Members of the board shall be compensated as provided in section 59-509(1), Idaho Code.~~

(4) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this chapter.

(6) The board may, by written agreement, authorize the bureau of occupational licenses, or other appropriate body as provided by law, as agent to act in its interest.

SECTION 42. That Section 54-4704, Idaho Code, be, and the same is hereby amended to read as follows:

54-4704. BOARD OF ACUPUNCTURE CREATED -- APPOINTMENT -- TERMS. (1) There is hereby established in the department of self-governing agencies a state board of acupuncture and the members thereof shall be appointed by the governor within sixty (60) days following the effective date of this chapter.

(2) The board shall consist of five (5) members, three (3) of whom shall be licensed pursuant to this chapter, one (1) of whom shall be certified pursuant to this chapter, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of acupuncture services.

(3) In making appointments to the board of acupuncture, consideration shall be given to recommendations made by the Idaho acupuncture association, other similar professional organizations and any individual acupuncturists and physicians residing in this state.

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

~~(5) The initial three (3) licensed acupuncturist members of the board shall be persons who are eligible to become licensed pursuant to this chapter, and who shall, within thirty (30) days of their appointment, become licensed pursuant to this chapter. The certified acupuncturist member shall be a person with sufficient qualification to be eligible for certification pursuant to this chapter and shall, within thirty (30) days of appointment, become certified.~~

~~(6) The initial board shall be appointed for staggered terms, the longer of which shall not exceed four (4) years. After the initial appointments, all terms shall be four (4) years, and a member may be reappointed. In the event of death, resignation, or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~(7) Board members shall serve at the pleasure of the governor. The governor may remove any member of the board for cause, prior to the expiration of the member's term.~~

(8) The board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chairman or at the written request of any two (2) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the board shall constitute a quorum.

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

SECTION 43. That Section 54-5004, Idaho Code, be, and the same is hereby amended to read as follows:

54-5004. IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD. (1) The Idaho heating, ventilation and air conditioning board, referred to as the board, is hereby created and made part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this chapter, and the board shall make, promulgate and publish such rules as may be necessary to carry out the provisions of this chapter. Except as may be limited or prohibited by law, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of seven (7) members appointed by the governor, with power of removal for cause who shall serve at the pleasure of the governor. ~~Members appointed to fill positions that expire in 2011 and members appointed to fill the two (2) HVAC contractor positions that expire in 2012 shall be appointed for a term of two (2) years. All other members appointed to fill positions that expire in 2012 shall be appointed for a term of three (3) years. Thereafter, all board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term. All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified by knowledge, integrity and experience to properly perform the functions of the board. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time as prescribed by chapter 4, title 59, Idaho Code.~~

(3) Of the seven (7) board members, ~~three~~ two (3~~2~~) members shall be active HVAC contractors with not less than five (5) years' experience in the HVAC contracting business; one (1) member shall be a city official; one (1) member shall be a county official; one (1) member shall be a private sector mechanical engineer with experience in mechanical system design; and one (1) member shall be an HVAC specialty contractor; and one (1) member shall be a member of the general public with an interest in the rights of consumers of HVAC services.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to be vice chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and may delegate to its chairman and employees the performance of ministerial functions.

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

SECTION 44. That Section 54-5206, Idaho Code, be, and the same is hereby amended to read as follows:

54-5206. IDAHO CONTRACTORS BOARD. (1) The Idaho contractors board is hereby created and made a part of the bureau of occupational licenses. It shall be the responsibility and duty of the bureau chief to administer this chapter, and the bureau chief shall exercise such powers and duties as are reasonably necessary to enforce the provisions of this chapter. The board may promulgate such rules as may be necessary to carry out the provisions of this chapter in order to effectuate the purposes herein and for the orderly and efficient administration thereof, except as may be limited or prohibited by law and the provisions of this chapter.

(2) The board shall consist of four (4) members who are contractors, and one (1) member of the public at large, all of whom shall be appointed by the governor as follows: one (1) contractor from the northern district consisting of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai and Bonner counties; one (1) contractor from the southeastern district consisting of Lemhi, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Power and Bannock counties; one (1) contractor from the southwestern district consisting of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams and Valley counties; one (1) contractor from the south central district consisting of Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties; ~~and. The~~ one (1) member of the public at large who shall reside in the state of Idaho and is be a person of integrity and good reputation who has lived in this state for at least five (5) years immediately preceding appointment, who has never been registered as a contractor in this or another state, and who has never had a substantial personal, business, professional or pecuniary connection with a contractor except as a purchaser or owner of real property.

(3) Each member of the board who is a contractor shall serve a term of four (4) years ~~and such terms shall be staggered. The initial board shall have one (1) member whose term expires July 1, 2007; one (1) member whose term expires July 1, 2008; one (1) member whose term expires July 1, 2009; and one (1) member whose term shall expire July 1, 2010. The member of the board who is a member of the public at large shall serve a four (4) year term, which initial term shall expire on July 1, 2008.~~ No member of the board may be ap-

pointed to more than two (2) consecutive terms, and all board members shall serve at the pleasure of the governor.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties, but not less than once during each calendar quarter. At the board's first meeting, the members shall elect one (1) of their number to be chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms. A majority of the board shall constitute a quorum for the transaction of business.

(5) The board may delegate to the bureau chief:

(a) The power to perform ministerial functions, investigate and discipline, hold hearings, appoint hearing officers, summon witnesses to appear, administer oaths and take affirmations of witnesses at any formal proceeding or before a duly appointed hearing officer;

(b) The power to appoint competent persons to issue subpoenas, administer oaths and take testimony; and

(c) The power to enforce orders of the board.

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

(7) On and after January 1, 2006, each member of the board who is a contractor shall be registered in accordance with this chapter and shall be in good standing.

SECTION 45. That Section 54-5309, Idaho Code, be, and the same is hereby amended to read as follows:

54-5309. IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD. (1) There is hereby established in the department of self-governing agencies the Idaho liquefied petroleum gas safety board and the members thereof shall be appointed by the governor. In making appointments, the governor shall give consideration to recommendations submitted by the rocky mountain propane association and ~~other such nominations as may be received. If recommendations are not made within sixty (60) days of notification and request, the governor may make appointments of any qualified individual from any individual residing in this state.~~

(2) The board shall consist of five (5) members, two (2) of whom shall be licensed dealers pursuant to the provisions of this chapter; and one (1) of whom shall be a volunteer firefighter in a rural area of the state; and one (1) of whom shall be a firefighter employed by a city fire department in the state; and one (1) of whom shall be a representative of the general public not employed or otherwise connected with the practices or operations regulated pursuant to this chapter.

(3) The members of the first board shall serve for the following terms: one (1) dealer member shall serve for one (1) year; one (1) firefighter member shall serve for two (2) years; one (1) dealer member shall serve for three (3) years; and one (1) firefighter member and the public member shall each serve for four (4) years. Each member shall serve from the effective date of appointment or until a successor is duly appointed and qualified. Upon the expiration of the term of any member of the board, the governor shall appoint the subsequent member for a term of four (4) years. No member shall be appointed for more than two (2) successive terms.

(4) Board members shall serve at the pleasure of t~~The governor may remove any member of the board for misconduct, incompetence, neglect of duty, or for any other cause.~~

(5) Three (3) members of the board shall constitute a quorum, and may exercise all the power and authority conferred on the board.

(6) ~~Within thirty (30) days of the appointment of the first board and annually thereafter, t~~The members shall meet annually and elect from among

the members by majority vote of those present a chairman who shall serve for one (1) year.

(7) The board shall meet ~~thereafter~~ no less than annually at such times and at such places as may be specified by the chairman or by the written request of at least two (2) members.

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

SECTION 46. That Section 54-5606, Idaho Code, be, and the same is hereby amended to read as follows:

54-5606. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the genetic counselors licensing board.

(2) The board shall consist of ~~three~~ four (34) members, two (2) of whom shall be fully licensed genetic counselors and one (1) of whom shall be a licensed physician and one (1) of whom shall be a member of the public with an interest in the rights of consumers of genetic counseling services. All board members shall be residents of this state.

(3) Initial appointments to the board shall be for the following terms: one (1) genetic counselor member shall serve a term of one (1) year; one (1) genetic counselor member shall serve a term of two (2) years; and the physician member shall serve a term of three (3) years. Thereafter, the term of office for each member of the board shall be three (3) years.

(4) Board members shall be appointed by the governor and shall serve at the pleasure of the governor.

(5) Each genetic counselor member of the board shall:

(a) Except for the initial appointments, be currently licensed and in good standing to engage in the practice of genetic counseling in this state. The initial genetic counselor members of the board must meet the qualifications for licensure under this act;

(b) At the time of appointment have been actively engaged in the practice of genetic counseling for at least one (1) year of the last five (5) years; and

(c) Be certified by the ABGC, ABMG or NSGC.

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

(7) The board shall meet annually and at such times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by rule. A majority of the board shall constitute a quorum at any meeting or hearing.

(8) Members of the board shall be reimbursed for expenses as provided in section 59-509(b), Idaho Code.

SECTION 47. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 5, 2016

CHAPTER 341
(H.B. No. 480)

AN ACT

RELATING TO LICENSURE BOARDS; AMENDING SECTION 54-1207, IDAHO CODE, TO AUTHORIZE THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS TO HIRE CERTAIN PERSONS AS AN ASSISTANT OR EXECUTIVE DIRECTOR; AMENDING SECTION 54-1404, IDAHO CODE, TO REVISE A PROVISION REGARDING THE QUALIFICATIONS OF THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING AND TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 54-1713, IDAHO CODE, TO REVISE A PROVISION REGARDING THE QUALIFICATIONS OF THE EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 54-1207, Idaho Code, be, and the same is hereby amended to read as follows:

54-1207. BOARD -- ORGANIZATION AND MEETINGS. The board shall hold at least one (1) regular meeting each year. The rules of the board may provide for additional regular meetings and for special meetings. Notice of all meetings shall be given as may be provided in the rules. The board shall annually elect a chairman, a vice-chairman and a secretary, who shall be members of the board, and they may provide for an assistant or executive director who need not be a member of the board or a licensee. Four (4) members shall constitute a quorum.

SECTION 2. That Section 54-1404, Idaho Code, be, and the same is hereby amended to read as follows:

54-1404. BOARD OF NURSING -- POWERS AND DUTIES. The board shall have all powers and duties necessary and incident to regulation of nursing and to enforcement of this chapter including, but not limited to, the power and duty:

- (1) To regulate individuals designated as certified medication assistants;
- (2) To license qualified persons for practice of nursing in Idaho; to renew licenses; to limit, restrict, amend, deny, suspend or revoke licenses; and to accept the voluntary surrender of a license;
- (3) To establish alternatives to formal disciplinary action including a practice remediation program to educate and remediate nurses as a result of nursing practice deficiencies;
- (4) To establish standards, criteria, conditions and requirements for licensure and to investigate and determine eligibility and qualifications for licensure, and to administer examinations for licensure;
- (5) To establish standards of conduct and practice and to regulate the use of titles, abbreviations and designations for the practice of nursing;
- (6) To establish standards, criteria, and requirements for curricula for nursing education programs and to evaluate, survey, review and approve nursing education programs subject to the provisions of section 54-1406, Idaho Code;
- (7) To evaluate continuing competency of persons licensed pursuant to this chapter and to develop standards which will advance the competency of licensees in accordance with developing scientific understanding and methods relating to the practice of nursing;
- (8) To receive and collect license and renewal fees assessed pursuant to this chapter and to assess, receive and collect additional reasonable

fees for the administration of examinations, investigations and evaluations of applicants, issuance of temporary licenses, duplication and verification of records, surveying and evaluating nursing education programs, and administrative fines not to exceed one hundred dollars (\$100) for each count or separate offense of practicing nursing without current licensure, to be deposited in the state board of nursing account in the manner provided by this chapter;

(9) To employ personnel necessary to administer this chapter and rules promulgated pursuant to this chapter and perform such other duties as the board may require. Such personnel shall include an executive director, ~~who shall be currently licensed to practice professional nursing in Idaho and~~ who shall not be a member of the board;

(10) To maintain a record of board proceedings, annually report to the governor and maintain a public register of names and addresses of licensed nurses;

(11) To enter into interstate compacts, contracts or agreements to facilitate the practice and regulation of nursing in this state;

~~(1112)~~ To evaluate and develop, or to enter into contracts or agreements with others to evaluate and develop, the education, distribution and availability of the nursing workforce for the purpose of improving the delivery of quality health care;

~~(1213)~~ To make, adopt and publish rules pursuant to chapter 52, title 67, Idaho Code, as may be necessary or appropriate to carry out the provisions and purposes of this chapter.

SECTION 3. That Section 54-1713, Idaho Code, be, and the same is hereby amended to read as follows:

54-1713. ORGANIZATION OF THE BOARD. (1) The board of pharmacy shall elect from its members a chairman and such other officers as it deems appropriate and necessary to the conduct of its business. The chairman of the board of pharmacy shall preside at all meetings of the board and shall be responsible for the performance of all of the duties and functions of the board required or permitted by this act chapter. Each additional officer elected by the board shall perform those duties normally associated with his position and such other duties assigned to him from time to time by the board.

(2) Officers elected by the board shall serve terms of one (1) year commencing with the day of their election, and ending upon election of their successors and shall serve no more than one (1) consecutive full term in each office to which they are elected.

(3) The board shall employ a licensed pharmacist person who shall be an ex officio member of the board without vote to serve as a full-time employee of the board in the position of executive director. The executive director shall be responsible for the performance of the regular administrative functions of the board and such other duties as the board may direct.

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

Approved April 5, 2016

CHAPTER 342

(H.B. No. 371, As Amended in the Senate)

AN ACT

RELATING TO FACTORY BUILT STRUCTURES; AMENDING SECTION 39-4001, IDAHO CODE, TO PROVIDE THAT THE FACTORY BUILT STRUCTURES ADVISORY BOARD SHALL ASSIST IN THE ENFORCEMENT OF CERTAIN LAWS; AMENDING SECTION 39-4003, IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR TO SEEK ASSISTANCE FROM THE FACTORY BUILT STRUCTURES ADVISORY BOARD IN THE ENFORCEMENT OF CERTAIN STANDARDS; AMENDING SECTION 39-4011, IDAHO CODE, TO PROVIDE THAT CERTAIN VIOLATIONS REGARDING MANUFACTURED HOMES MAY BE TRIED IN A COURT OF COMPETENT JURISDICTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4301, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4302, IDAHO CODE, TO REDESIGNATE THE MODULAR BUILDING ADVISORY BOARD AS THE FACTORY BUILT STRUCTURES ADVISORY BOARD, TO PROVIDE CERTAIN AUTHORITY TO THE BOARD, TO SPECIFY THAT THE BOARD SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND TO PROVIDE FOR COMPOSITION AND TERMS OF THE BOARD; AMENDING SECTION 39-4303, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE PAID INTO THE FACTORY BUILT STRUCTURES ACCOUNT; AMENDING SECTION 39-4306, IDAHO CODE, TO PROVIDE THAT A VIOLATION OF A RULE OF THE FACTORY BUILT STRUCTURES ADVISORY BOARD SHALL BE A MISDEMEANOR; AMENDING SECTION 44-2101A, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 44-2103, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE PAID INTO THE FACTORY BUILT STRUCTURES ACCOUNT; AMENDING SECTION 44-2104, IDAHO CODE, TO PROVIDE THAT THE FACTORY BUILT STRUCTURES ADVISORY BOARD SHALL HAVE CERTAIN AUTHORITY; AMENDING SECTION 44-2107, IDAHO CODE, TO PROVIDE THAT PROCEEDINGS REGARDING CIVIL PENALTIES SHALL BE GOVERNED BY CERTAIN PROVISIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO REMOVE REFERENCE TO THE MANUFACTURED HOUSING BOARD, TO REDESIGNATE THE MODULAR BUILDING ADVISORY BOARD AS THE FACTORY BUILT STRUCTURES ADVISORY BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A CODIFIER'S CORRECTION; AND AMENDING SECTION 63-201, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 39-4001, Idaho Code, be, and the same is hereby amended to read as follows:

39-4001. ENFORCEMENT OF LAW. The administrator of the division of building safety shall enforce the provisions of this chapter. It shall be the responsibility and duty of the ~~state building code~~ factory built structures advisory board to assist the administrator in the administration and enforcement of the provisions of this chapter as hereinafter provided.

SECTION 2. That Section 39-4003, Idaho Code, be, and the same is hereby amended to read as follows:

39-4003. ADMINISTRATOR -- DUTIES. The administrator shall by rule define the term "manufactured home" to be consistent with 24 CFR 3280 (housing and urban development manufactured home construction and safety standards) and may ~~delegate~~ seek assistance from the factory built structures advisory board in the enforcement and administration of those standards ~~to the Idaho building code board~~.

SECTION 3. That Section 39-4011, Idaho Code, be, and the same is hereby amended to read as follows:

39-4011. VIOLATIONS. (1) Any person who violates any of the following provisions relating to manufactured homes, or any rule promulgated by the administrator of the division of building safety to administer the provisions of this chapter, shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any manufactured home which that is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard which does not comply with such standard;

(b) Failure or refusal to permit entry or inspection as required by section 39-4003A, Idaho Code;

(c) Failure of manufacturer to give notification of any defects in any manufactured home, in the manner required by 42 U.S.C. 5414;

(d) Failure to furnish to distributor or dealer at the time of delivery of each manufactured home produced by such manufacturer, certification that said manufactured home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Failure of any manufacturer, distributor or dealer of manufactured homes to establish and maintain such records, make such reports, and provide such information as the administrator of the division of building safety may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal manufactured home construction and safety standards; or failure to permit, upon request of a person duly designated by the administrator, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal manufactured home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who ~~wilfully~~ willfully or knowingly violates the provisions enumerated in subsection (1) (a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(3) Violations of this chapter shall ~~may~~ be tried in any court of competent jurisdiction within the state of Idaho.

SECTION 4. That Section 39-4301, Idaho Code, be, and the same is hereby amended to read as follows:

39-4301. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the modular building factory built structures advisory board, as created in section 39-4302, Idaho Code.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured ~~building or~~ building, structure or component which thereof that may enclose factory installed

structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety.

(7) "Factory built structure" means any building or building component, including a manufactured home, a mobile home or a modular building, that is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site.

(8) "Manufactured home" means a structure as defined in section 39-4105, Idaho Code.

(9) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(10) "Modular building" means any building or building component, other than a manufactured or mobile home, ~~which that~~ is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

SECTION 5. That Section 39-4302, Idaho Code, be, and the same is hereby amended to read as follows:

39-4302. ~~MODULAR BUILDING~~ FACTORY BUILT STRUCTURES ADVISORY BOARD. (1) ~~A modular building~~ The factory built structures advisory board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter and chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code. The board shall consist of ~~five~~ eight (58) members, appointed by the governor, ~~two~~ (2) ~~of whom~~. One (1) member shall represent a manufacturers of commercial modular buildings, one (1) member shall be a consumer who lives in a manufactured home, two (2) members shall be licensed as a retailer or installer of manufactured or mobile homes, one (1) member shall represent a manufacturer of manufactured homes, two (2) ~~of whom~~ members shall be either a dealers or installer of modular buildings, and one (1) ~~of whom~~ member shall be a consumer who uses or has used a modular buildings. The board shall serve at the pleasure of the governor and shall serve the following terms commencing July 1, 200716: two (2) members shall be appointed for a term of one (1) year, two ~~three~~ (23) members shall be appointed for a term of two (2) years, and one ~~three~~ (13) members shall be appointed for a term of three (3) years. ~~The consumer member shall be a member appointed to a term beginning on July 1, 2007, or as soon thereafter as there is a vacancy on the board. Thereafter board members shall be appointed for a term of three (3) years and shall serve at the pleasure of the governor. Not more than three (3) members shall at any time belong to the same political party. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in section 59-509(n), Idaho Code, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.~~

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman, vice-chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of

building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice-chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before the board.

(3) The board shall have the authority to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter and chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code.

SECTION 6. That Section 39-4303, Idaho Code, be, and the same is hereby amended to read as follows:

39-4303. FEES. (1) The following fees, as provided by board rule, shall be paid by the manufacturer of a modular building:

(a) Per building, one (1) building permit, plan review and inspection fee for structural, plumbing, electrical and HVAC, based upon the 1997 Uniform Building Code Table 1-A, plus ninety dollars (\$90.00) and two and one-half percent (2.5%) of the plumbing, electrical and HVAC installation costs.

(b) The division may charge a one hundred dollar (\$100) insignia fee in instances where building permit fees are not charged for modular buildings.

(2) All fees collected by the division under the provisions of this chapter shall be paid into the modular building factory built structures account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account. The fees set forth in subsection (1) of this section shall be the exclusive fee requirements applicable to modular buildings governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which sets fee requirements for the same inspections or services.

SECTION 7. That Section 39-4306, Idaho Code, be, and the same is hereby amended to read as follows:

39-4306. VIOLATIONS MISDEMEANORS -- CIVIL PENALTIES. Any person, partnership, company, firm, association or corporation who shall willfully violate any of the provisions of this chapter, or the rules of the modular building factory built structures advisory board or of the administrator herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor. In addition to any criminal proceedings, the administrator is authorized to bring either an administrative action or a civil proceeding in the courts against the violator and impose and recover a civil penalty against the violator as established by administrative rule, but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the previous violation.

SECTION 8. That Section 44-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

44-2101A. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety of the state of Idaho.

(2) "Board" means the manufactured housing factory built structures advisory board established in section ~~44-2104~~ 39-4302, Idaho Code.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in section 39-4105, Idaho Code.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Resale broker" means any person engaged in the business of selling broker-owned, used, third-party owned, or other resale of manufactured or mobile homes.

(11) "Responsible managing employee" or "RME" means the person designated by the retailer, installer, manufacturer or resale broker to supervise other employees, either personally or through others.

(12) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale or brokered manufactured or mobile homes.

(13) "Salesman" means any person employed by a retailer or resale broker for a salary, commission or compensation of any kind to sell, list, purchase or exchange or to negotiate for the sale, listing, purchase or exchange of new, used, brokered or third-party owned units, except as otherwise provided in this chapter.

SECTION 9. That Section 44-2103, Idaho Code, be, and the same is hereby amended to read as follows:

44-2103. FEES -- DEPOSIT OF FEES. (1) Fees for licensing of retailers, resale brokers, installers, manufacturers, salesmen and RMEs shall not exceed:

(a) Retailer or resale broker license	\$500.00
(b) Manufacturer license	\$500.00
(c) Installer license	\$300.00
(d) Salesman license	\$50.00
(e) RME license	\$50.00

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the manufactured housing factory built structures account, ~~which is hereby created~~ established in the dedicated fund section 39-4303, Idaho Code. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

(a) Manufacturer	\$20,000 bond
(b) Retailer	\$40,000 bond
(c) Resale broker	\$30,000 bond
(d) Installer	\$5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of section 44-2102, Idaho Code, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, resale brokers, installers, manufacturers and salesmen governed by the provisions of this chapter, and shall

supersede any program of any political subdivision of the state which sets fee or bond requirements for the same services.

(6) A retailer or resale broker must obtain a separate installer license, pay the license fee set forth in subsection (1) (c) of this section and meet the bonding requirements of subsection (3) (d) of this section in order to provide the services covered by an installer license.

SECTION 10. That Section 44-2104, Idaho Code, be, and the same is hereby amended to read as follows:

44-2104. ~~MANUFACTURED HOUSING~~ FACTORY BUILT STRUCTURES ADVISORY BOARD. (1) ~~A manufactured housing~~ The factory built structures advisory board is, established in the division of building safety in accordance with the provisions of section 39-4302, Idaho Code, ~~to~~ shall advise the administrator in the administration and enforcement of the provisions of this chapter. ~~The board shall consist of five (5) members, appointed by the governor, four (4) of whom shall be licensed retailers and one (1) of whom shall be a consumer who lives in a manufactured home. Board members shall serve for a term of three (3) years. Not more than three (3) members shall at any time belong to the same political party. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in section 59-509(n), Idaho Code, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.~~

(2) ~~The board shall, on the first day of each January or as soon thereafter as practicable, elect a chairman, vice chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before it.~~

(3) ~~The board shall have the authority to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.~~

SECTION 11. That Section 44-2107, Idaho Code, be, and the same is hereby amended to read as follows:

44-2107. PENALTY PROVISIONS. (1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of

any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(c) Proceedings related to the imposition of civil penalties shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer, resale broker, installer or RME, without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada county.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

SECTION 12. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code; and the Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of ~~certified public~~ accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; ~~office of the state athletic director~~ commission, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor state licensing board of professional counselors and marriage and family therapists, as provided by

chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; Idaho board of licensure of professional engineers and professional land surveyors, as provided by chapter 12, title 54, Idaho Code; state board ~~for~~ of registration ~~of~~ for professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses nursing, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides licensing board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; the certified shorthand reporters board, as provided by chapter 31, title 54, Idaho Code; the driving businesses licensure board, as provided by chapter 54, title 54, Idaho Code; the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code; and the board of midwifery, as provided by chapter 55, title 54, Idaho Code.

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

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; ~~manufactured housing board, chapter 21, title 44, Idaho Code;~~ electrical board, chapter 10, title 54, Idaho Code; public works contractors license board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and ~~modular building factory built structures~~ advisory board, chapter 43, title 39, Idaho Code.

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

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

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

(h) The state public defense commission, pursuant to section 19-849, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 13. That Section 67-2601A, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The administrator shall administer the following provisions and shall perform such additional duties as are imposed on him by law: chapter 431, title 39, Idaho Code, relating to the building code board; chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39, Idaho Code, relating to modular buildings factory built structures; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and installer licensing; chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to licensing of public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter 45, title 54, Idaho Code, relating to public works construction management licensing; chapter 50, title 54, Idaho Code, relating to heating, ventilation and air conditioning systems; chapter 80, title 39, Idaho Code, relating to school building safety; and chapter 86, title 39, Idaho Code, relating to elevator safety.

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

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

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

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

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

(4) In addition to safety inspections of state-owned public buildings conducted under chapter 23, title 67, Idaho Code, the administrator may conduct safety inspections of buildings owned or maintained by political subdivisions of the state upon receipt of a written request from the governing body of that political subdivision, subject to the availability of division resources and the requesting entity's agreement to pay the division's current fees for such an inspection.

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

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

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

(5) In administering the laws regulating professions, trades and occupations that are devolved for administration upon the division, and in addi-

tion to the authority granted to the administrator by the laws and rules of the agencies and entities within the division, the administrator may:

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

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

(c) Conduct hearings on proceedings to discipline, renew or reinstate licenses, certificates or authorities of persons exercising the respective professions, trades or occupations; appoint hearing officers, administer oaths, issue subpoenas, and compel the attendance of witnesses; revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications or authorities; and prescribe rules to recover costs and fees incurred in the investigation and prosecution of any certificate holder, licensee or registrant of the division, its boards, bureaus and programs, in accordance with the contested case provisions of chapter 52, title 67, Idaho Code, and the laws and rules of the boards, bureaus and programs the division administers;

(d) Assess civil penalties as authorized;

(e) Promulgate rules establishing: a coordinated system for the issuance, renewal, cancellation and reinstatement of licenses, certificates, registrations and permits; assessment of all related fees; the terms by which fees may be prorated, if any; and procedures for the replacement of lost or destroyed licenses, certificates or registrations; and

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

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

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

SECTION 14. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. DEFINITIONS. As used for property tax purposes in chapters 1 through 23, title 63, Idaho Code, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Appraisal" means an estimate of property value for property tax purposes.

(a) For the purpose of estimated property value to place the value on any assessment roll, the value estimation must be made by the assessor or a certified property tax appraiser.

(b) For the purpose of estimating property value to present for an appeal filed pursuant to sections 63-501A, 63-407 and 63-409, Idaho Code, the value estimation may be made by the assessor, a certified property

tax appraiser, a licensed appraiser, or a certified appraiser or any party as specified by law.

(2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other equipment and property used in conjunction with waterways for bulk transportation of freight or ship assist.

(3) "Cogenerators" means facilities which produce electric energy, and steam or forms of useful energy which are used for industrial, commercial, heating or cooling purposes.

(4) "Collection costs" are amounts authorized by law to be added after the date of delinquency and collected in the same manner as property tax.

(5) "Credit card" means a card or device, whether known as a credit card or by any other name, issued under an arrangement pursuant to which a card issuer gives to a cardholder the privilege of obtaining credit from the card issuer or other person in purchasing or leasing property or services, obtaining loans, or otherwise.

(6) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(7) "Delinquency" means any property tax, special assessment, fee, collection cost, or charge collected in the same manner as property tax, that has not been paid in the manner and within the time limits provided by law.

(8) "Electronic funds transfer" means any transfer of funds that is initiated by electronic means, such as an electronic terminal, telephone, computer, ATM or magnetic tape.

(9) "Fixtures" means those articles that, although once movable chattels, have become accessory to and a part of improvements to real property by having been physically incorporated therein or annexed or affixed thereto in such a manner that removing them would cause material injury or damage to the real property, the use or purpose of such articles is integral to the use of the real property to which it is affixed, and a person would reasonably be considered to intend to make the articles permanent additions to the real property. "Fixtures" includes systems for the heating, air conditioning, ventilation, sanitation, lighting and plumbing of such building.

(10) "Floating home" means a floating structure that is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling.

(11) "Improvements" means all buildings, structures, manufactured homes, as defined in section 39-4105(8), Idaho Code, mobile homes as defined in section 39-4105(9), Idaho Code, and modular buildings, as defined in section 39-4301(710), Idaho Code, erected upon or affixed to land, fences, water ditches constructed for mining, manufacturing or irrigation purposes, fixtures, and floating homes, whether or not such improvements are owned separately from the ownership of the land upon or to which the same may be erected, affixed or attached. The term "improvements" also includes all fruit, nut-bearing and ornamental trees or vines not of natural growth, growing upon the land, except nursery stock.

(12) "Late charge" means a charge of two percent (2%) of the delinquency.

(13) "Lawful money of the United States" means currency and coin of the United States at par value and checks and drafts which are payable in dollars of the United States at par value, payable upon demand or presentment.

(14) "Legal tender" means lawful money as defined in subsection (13) of this section.

(15) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

(16) "Operating property" means real and personal property operated in connection with any public utility, railroad or private railcar fleet, wholly or partly within this state, and which property is necessary to the maintenance and operation of the public utility, railroad or private railcar fleet, and the roads or lines thereof, and includes all rights-of-way accompanied by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock; equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines, distribution lines and substations; and all title and interest in such property, as owner, lessee or otherwise. The term includes electrical generation plants under construction, whether or not owned by or operated in connection with any public utility. For the purpose of the appraisal, assessment and taxation of operating property, pursuant to chapter 4, title 63, Idaho Code, the value of intangible personal property shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602L, Idaho Code, and the value of personal property, other than intangible personal property, shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602KK, Idaho Code.

(17) "Party in interest" means a person who holds a properly recorded mortgage, deed of trust or security interest.

(18) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entities as recognized by the state of Idaho.

(19) "Personal property" means everything that is the subject of ownership and that is not included within the term "real property."

(20) "Private railcar fleet" means railroad cars or locomotives owned by, leased to, occupied by or franchised to any person other than a railroad company operating a line of railroad in Idaho or any company classified as a railroad by the interstate commerce commission and entitled to possess such railroad cars and locomotives except those possessed solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or railroad cars.

(21) "Public utility" means electrical companies, pipeline companies, natural gas distribution companies, or power producers included within federal law, bargelines, and water companies which are under the jurisdiction of the Idaho public utilities commission. The term also includes telephone corporations, as that term is defined in section 62-603, Idaho Code, except as hereinafter provided, whether or not such telephone corporation has been issued a certificate of convenience and necessity by the Idaho public utilities commission.

This term does not include cogenerators, mobile telephone service or companies, nor does it include pager service or companies, except when such services are an integral part of services provided by a certificated utility company, nor does the term "public utility" include companies or persons engaged in the business of providing solely on a resale basis, any telephone or telecommunication service which is purchased from a telephone corporation or company.

(22) "Railroad" means every kind of railway, whether its line of rails or tracks be at, above or below the surface of the earth, and without regard to the kind of power used in moving its rolling stock, and shall be considered to include every kind of street railway, suburban railway or interurban railway excepting facilities established solely for maintenance and rebuilding of railroad cars or locomotives.

(23) "Real property" means land and all rights and privileges thereto belonging or any way appertaining, all quarries and fossils in and under the land, and all other property which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, improvements and all standing timber thereon, including standing timber owned separately from the ownership of the land upon

which the same may stand, except as modified in chapter 17, title 63, Idaho Code. Timber, forest, forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

(24) "Record owner" means the person or persons in whose name or names the property stands upon the records of the county recorder's office. Where the record owners are husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be deemed and imputed as notice to the other spouse.

(25) "Special assessment" means a charge imposed upon property for a specific purpose, collected and enforced in the same manner as property taxes.

(26) "System value" means the market value for assessment purposes of the operating property when considered as a unit.

(27) "Tax code area" means a geographical area made up of one (1) or more taxing districts with one (1) total levy within the geographic area, except as otherwise provided by law.

(28) "Taxing district" means any entity or unit with the statutory authority to levy a property tax.

(29) "Taxable value" means market value for assessment purposes, less applicable exemptions or other statutory provisions.

(30) "Transient personal property" is personal property, specifically such construction, logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled into or remaining for periods of not less than thirty (30) days, in more than one (1) county in the state during the same year.

(31) "Warrant of distraint" means a warrant ordering the seizure of personal property to enforce payment of property tax, special assessment, expense, fee, collection cost or charge collected in the same manner as personal property tax.

Approved April 5, 2016

CHAPTER 343

(H.B. No. 382, As Amended in the Senate)

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2118, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALTERNATIVES TO FORMAL DISCIPLINE, TO REVISE PROVISIONS REGARDING WHO MAY NOT BE OFFERED AN ALTERNATIVE TO FORMAL DISCIPLINE AND TO PROVIDE THAT A PERSON WHO RECEIVES AN ALTERNATIVE TO FORMAL DISCIPLINE MAY BE SUBJECT TO CERTAIN CONDITIONS; AND AMENDING SECTION 74-106, IDAHO CODE, TO REMOVE REFERENCE TO CONTINUING EDUCATION AND RECORDKEEPING AND TO PROVIDE FOR ALTERNATIVES TO DISCIPLINE.

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

SECTION 1. That Section 54-2118, Idaho Code, be, and the same is hereby amended to read as follows:

54-2118. VIOLATIONS OF CHAPTER -- REMEDIES AND PENALTIES. In addition to the disciplinary actions set forth in section 54-2115, Idaho Code:

(1) Administrative actions.

(a) Any person violating the provisions of this chapter, or violating a rule promulgated by the board to implement the provisions of this chapter may be fined by the board or its duly authorized agent not more than five thousand dollars (\$5,000) for each offense and shall be liable for investigatory expenses and reasonable paralegal and attorney's fees, and provided that each act on each day of violation

shall constitute a separate offense. Imposition of a fine may be made in conjunction with any other board administrative action. No fine may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act. If a person fined fails to fully pay the fine, investigatory expenses or reasonable paralegal and attorney's fees, the board may recover such amount by action in the appropriate district court.

(b) ~~Notwithstanding the provisions of subsection (1)(a) of this section, any person who has violated the recordkeeping or continuing education requirements imposed by this chapter or the rules of the board may, in lieu of establish alternatives to formal disciplinary proceedings under action for violations of this chapter or the Idaho administrative procedure act, elect to pay the board a civil penalty to be determined by the board, or its authorized agent, in an amount between five hundred dollars (\$500) and one thousand dollars (\$1,000), under the following terms and conditions~~ rules that may include a practice remediation program to educate and remediate licensees and certificate holders as a result of practice deficiencies. An alternative to formal discipline may be offered by the board's liaison officer to a licensee or certificate holder when the officer has determined, in his sound discretion, after consultation with and approval of the board president or vice president if the president is unavailable, that animal and public safety will not be compromised and the violation can most appropriately be resolved without formal discipline. To further the purposes of an alternative to discipline, it will be offered only by or through the liaison officer and, unless the person violates its terms, the full board will not be informed of the alternative to discipline or have to expressly approve its terms. An alternative to formal discipline shall not be available and may not be offered by the liaison officer in any of the following circumstances:

- (i) Within the preceding five (5) years, the person must not have has been formally disciplined by the board for any reason within the past five (5) years or been the subject of an alternative to discipline under this subsection;
- (ii) The person must not have previously elected to pay a penalty under this section;
- ~~(iii) The person is not currently on probation by the board;~~
- ~~(iviii) The person is not currently under investigation by the board for an any other offense other than the recordkeeping or continuing education violation; and~~
- ~~(vii) The Felony charges are pending against the person must fully comply with the board's instructions on remedying the recordkeeping or continuing education violation, or the person is the subject of a current criminal investigation involving allegations that, if verified, may reasonably be expected to affect the person's qualifications or eligibility to remain licensed or certified under this chapter; or~~
- (v) The act or omission committed by the person:
 1. Caused significant harm to an animal;
 2. Created a substantial risk likely to cause significant harm to an animal; or
 3. Involved fraud or deception.

Among other terms and conditions, an alternative to formal discipline may require the licensee or certificate holder to comply with the instructions of the board's liaison officer on remedying the violation, pay a monetary civil penalty to the board of up to one thousand dollars (\$1,000) and pay all board investigative expenses and costs associated with the file.

Upon successful completion of the above terms and conditions and ~~payment of the civil penalty alternative to discipline~~, the violation shall not be considered "discipline," shall not be reported to any national disciplinary database, and documents and records related to the violation shall be exempt from disclosure under chapter 1, title 74, Idaho Code.

(2) Civil court proceedings. The board, the attorney general's office, a county prosecuting attorney or any citizen of this state may bring an action in the district court of either Ada county or any county where a violation is occurring, to enjoin any person from practicing veterinary medicine or practicing as a certified veterinary technician, certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification. If the court finds that the person is violating the provisions of this chapter, it shall enter an injunction restraining that person from such unlawful acts.

(3) Criminal actions. Any person who practices veterinary medicine, any person practicing as a certified veterinary technician, a certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification shall be guilty of a misdemeanor and upon conviction or withheld judgment shall be fined not less than one hundred dollars (\$100), nor more than ten thousand dollars (\$10,000), or incarcerated for no more than one hundred eighty (180) days, or both fined and incarcerated, and provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(4) The remedies set forth in this section are not mutually exclusive and a successful action on any one (1) remedy does not preclude action on some or all of the other remedies.

SECTION 2. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff,

funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records; and

(f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height,

weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency which has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

(a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;

(b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration card on file in the county clerk's office; however, a redacted copy of said card shall be made available consistent with the requirements of this section. Information from the voter registration card maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to ~~continuing education and record-keeping violations~~ alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;

(b) If requested by a law enforcement agency, to the law enforcement agency;

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

Approved April 5, 2016

CHAPTER 344

(H.B. No. 494, As Amended in the Senate)

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 18-1502, IDAHO CODE, TO PROVIDE THAT CERTAIN ALCOHOL AGE VIOLATIONS SHALL BE AN INFRACTION AND TO REVISE THE PENALTIES FOR A VIOLATION; AMENDING SECTION 20-505, IDAHO CODE, TO PROVIDE FOR CERTAIN JUVENILES TAKEN INTO CUSTODY; AMENDING SECTION 20-516, IDAHO CODE, TO PROVIDE FOR ALCOHOL AGE VIOLATIONS AND TO AUTHORIZE A PEACE OFFICER TO NOTIFY CERTAIN PERSONS; AMENDING SECTION 23-604, IDAHO

CODE, TO PROVIDE THAT CERTAIN ALCOHOL VIOLATIONS BY A PERSON UNDER THE AGE OF TWENTY-ONE SHALL BE AN INFRACTION; AMENDING SECTION 23-949, IDAHO CODE, TO PROVIDE THAT CERTAIN VIOLATIONS BY A PERSON UNDER THE AGE OF TWENTY-ONE WHO SERVES OR DISPENSES ALCOHOL SHALL BE AN INFRACTION, TO REVISE A PROVISION REGARDING POSSESSION OF ALCOHOL, TO REVISE A PROVISION REGARDING PUNISHMENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3201, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3201H, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3204, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-1105, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS.

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

SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby amended to read as follows:

18-1502. BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS -- FINES. (a) Except as provided in subsection (e) of this section, wWhenever a person is in violation, on the basis of his age, of any federal, state, or municipal law or ordinance pertaining to the use, possession, procurement, or attempted procurement, or dispensing of any beer, wine or other alcoholic beverage product, the violation shall constitute a misdemeanor.

(b) (1) Every person convicted of a misdemeanor an infraction under this section shall be punished by a fine of not more than one thousand three hundred dollars (\$1,0300).

(2) The second conviction Every person convicted of a misdemeanor under this section shall be punished by a fine of not more than two thousand dollars (\$2,000), or up to thirty (30) days in jail or both. The third and subsequent conviction under this section shall be punished by a fine of not more than three thousand dollars (\$3,000), or up to sixty (60) days in jail or both.

(c) A conviction under this section shall not be used or considered in any manner for purposes of motor vehicle insurance.

(d) Whenever a person pleads guilty or is found guilty of violating any law pertaining to the possession, use, procurement, attempted procurement or dispensing of any beer, wine, or other alcoholic beverage, and such person was under twenty-one (21) years of age at the time of such violation, then in addition to the penalty penalties provided in subsection (b) of this section:

(1) Upon a misdemeanor conviction, tThe court shall suspend the person's driving privileges for a period of not more than one (1) year. The person may request restricted driving privileges during the period of suspension, which the court may allow, if the person shows by a preponderance of the evidence that driving privileges are necessary as deemed appropriate by the court.

(2) If the person's driving privileges have been previously suspended under this section, the court shall suspend the person's driving privileges for a period of not more than two (2) years. The person may request restricted driving privileges during the period of suspension, which the court may allow, if the person shows by a preponderance of the evidence that driving privileges are necessary as deemed appropriate by the court.

(3) The person shall surrender his license or permit to the court.

(4) The court shall notify the motor vehicle division of the Idaho transportation department of all orders of suspension it issues pursuant to this section.

(5) The court, in its discretion, may also order the person to undergo and complete an alcohol evaluation and to complete an alcohol treatment or education program in the same manner that persons sentenced pursuant to section 18-8005, Idaho Code, are required to undergo and complete.

(e) (1) For the purposes of alcohol age violations under this section, the following violations shall constitute infractions:

(i) A first violation of section 23-604, Idaho Code;

(ii) A first violation of section 23-949, Idaho Code; and

(iii) A first violation of section 23-505(1) and (2), Idaho Code, when an individual is not in actual physical control of the vehicle.

(2) Violations under this subsection that occur following the effective date of this act that constitute misdemeanors under subsection (b) (2) of this section, shall begin as a first misdemeanor.

SECTION 2. That Section 20-505, Idaho Code, be, and the same is hereby amended to read as follows:

20-505. JURISDICTION. Subject to the prior jurisdiction of the United States, the court shall have exclusive, original jurisdiction over any juvenile and over any adult who was a juvenile at the time of any act, omission or status, in the county in which the juvenile resides, or in the county in which the act, omission or status allegedly took place, in the following cases:

(1) Where the act, omission or status occurs in the state of Idaho and is prohibited by federal, state, local or municipal law or ordinance by reason of minority only;

(2) Where the act or omission occurs in the state of Idaho and is a violation of any federal, state, local or municipal law or ordinance which would be a crime if committed by an adult;

(3) Concerning any juvenile where the juvenile comes under the purview of the interstate compact for juveniles as set forth in chapter 19, title 16, Idaho Code;

(4) This chapter shall not apply to juvenile violators of beer, wine or other alcohol and tobacco laws; except that a juvenile violator under the age of eighteen (18) years at the time of the violation may, at the discretion of the court, be treated under the provisions of this chapter, provided that a juvenile taken into custody pursuant to section 20-516(1) (c), Idaho Code, for an alcohol age infraction under section 18-1502(e), Idaho Code, shall be treated within the provisions of this chapter;

(5) This chapter shall not apply to the juvenile offenders who are transferred for criminal prosecution as an adult, as provided in this chapter;

(6) This chapter shall not apply to juvenile violators of traffic, watercraft, fish and game, failure to obey a misdemeanor citation and criminal contempt laws; except that a juvenile violator under the age of eighteen (18) years at the time of such violation may, at the discretion of the court, be treated under the provisions of this chapter;

(7) This chapter shall not apply to juvenile sex offenders who violate the provisions of section 18-8414, Idaho Code.

SECTION 3. That Section 20-516, Idaho Code, be, and the same is hereby amended to read as follows:

20-516. APPREHENSION AND RELEASE OF JUVENILES -- DETENTION. (1) A peace officer may take a juvenile into custody, or a private citizen may

detain a juvenile until the juvenile can be delivered forthwith into the custody of a peace officer, without order of the court:

(a) When he has reasonable cause to believe that the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult; or

(b) When in the presence of a peace officer or private citizen the juvenile has violated any local, state or federal law or municipal ordinance; or

(c) When there are reasonable grounds to believe the juvenile has committed a status offense. Status offenses are truancy, running away from or being beyond the control of parents, guardian, or legal custodian, alcohol age violations under section 18-1502(e), Idaho Code, and curfew violations. Status offenders shall not be placed in any jail facility but instead may be placed in juvenile shelter care facilities, except in the case of runaways, when there is a specific detention request from a foreign jurisdiction to hold the juvenile pending transportation arrangements, and a peace officer may, in his discretion, notify the parent, guardian or legal custodian. In the event of an alcohol age infraction under section 18-1502(e), Idaho Code, the status offense under this section shall be in addition to the infraction.

(2) A peace officer may take a juvenile into custody upon a written order or warrant signed by a judge. The judge may issue the order or warrant after finding that there is reasonable cause to believe that the juvenile comes within the purview of this chapter. Such taking into custody shall not be deemed an arrest. Jurisdiction of the court shall attach from the time the juvenile is taken into custody. When an officer takes a juvenile into custody, he shall notify the parent, guardian or custodian of the juvenile as soon as possible. Unless otherwise ordered by the court, or unless it appears to the officer taking the juvenile into custody that it is contrary to the welfare of society or the juvenile, such juvenile shall be released to the custody of his parent or other responsible adult upon written promise, signed by such person, to bring the juvenile to the court at a stated time. Such written promise shall be submitted to the court as soon as possible. If such person shall fail to produce the juvenile as agreed, or upon notice from the court, a summons for such person may be issued by the court and a warrant may be issued for apprehension of the juvenile.

(3) A juvenile taken into custody may be fingerprinted and photographed. Any fingerprints and photographs taken shall be forwarded as provided in subsection (8) of this section. If the court finds good cause it may order any fingerprints and photographs expunged.

(4) When a juvenile is not released he shall be taken forthwith to the court or place of detention specified by the court and then not later than twenty-four (24) hours, excluding Saturdays, Sundays and holidays, shall be brought before the court for a detention hearing to determine where the juvenile will be placed until the next hearing. Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities.

Placements may include, but are not limited to, the following:

- (a) Parents of the juvenile;
- (b) Relatives of the juvenile;
- (c) Foster care;
- (d) Group care;
- (e) A juvenile detention center; or
- (f) Community-based diversion programs.

(5) The person in charge of a detention center shall give immediate notice to the court that the juvenile is in his custody.

(6) No juvenile shall be held in detention longer than twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, unless a petition has been filed and the court has signed the detention order.

(7) As soon as a juvenile is detained by court order, his parents, guardian or legal custodian shall be informed by notice in writing on forms prescribed by the court that they may have a prompt hearing regarding release or detention.

(8) A juvenile taken into detention for an offense shall be fingerprinted and photographed. Fingerprints and photographs taken of juveniles shall be forwarded to the appropriate law enforcement agency and filed with the bureau of criminal identification of the Idaho state police which shall create a juvenile offender fingerprint file and enter the fingerprint data into the automated fingerprint identification system. If the court finds good cause it may order the fingerprints and photographs of the juvenile offender expunged.

(9) Peace officers' records of juveniles shall be kept separate from records of adults and shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

SECTION 4. That Section 23-604, Idaho Code, be, and the same is hereby amended to read as follows:

23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED. Any person under twenty-one (21) years of age who shall purchase, attempt to purchase, or otherwise consume or possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of an infraction upon a first violation and shall be guilty of a misdemeanor upon a subsequent conviction and shall be punished according to the schedule set out in section 18-1502, Idaho Code.

SECTION 5. That Section 23-949, Idaho Code, be, and the same is hereby amended to read as follows:

23-949. PERSONS NOT ALLOWED TO PURCHASE, ~~POSSESS~~ SELL, ~~SERVE, OR DISPENSE, OR CONSUME~~ BEER, WINE OR OTHER ALCOHOLIC LIQUOR. It is unlawful for any person under the age of twenty-one (21) years to ~~purchase, attempt to purchase, possess~~ sell, serve, or dispense, or consume beer, wine or other alcoholic liquor; provided, however, that any person who is nineteen (19) years of age or older may sell, serve, ~~possess~~ and dispense liquor, beer or wine in the course of his employment in any place as defined in section 23-942, Idaho Code, or other place where liquor, beer or wine are is lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age.

For purposes of this section, a person who sells, serves or dispenses liquor, beer or wine in compliance with the provisions of this section shall also not be deemed to "possess" alcohol that has been consumed by the person, without regard to the place of consumption in violation of section 23-604, Idaho Code.

Any person violating the provisions of this section shall be guilty of ~~a misdemeanor punishable and punished~~ in accordance with the schedule set forth in section 18-1502, Idaho Code.

SECTION 6. That Section 31-3201, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

- For filing and docketing abstract or transcript of judgment from another court \$2.00
- For issuing execution upon an abstract or transcript of judgment and filing same on return \$2.00

For recording execution issued upon abstract or transcript of judgment,
per page \$2.00
For taking affidavits, including jurat \$1.00
For taking acknowledgments, including seal \$1.00
For filing and indexing designation of agent of foreign corporation ...
..... \$2.00
For filing and indexing notarial statement \$2.00
For making copy of any file or record, by the clerk, the clerk shall
charge and receive, per page \$1.00
For comparing and conforming a prepared copy of any file or record, the
clerk shall charge and receive, per page \$.50
For certifying the same an additional fee for certificate and seal
..... \$1.00
For all services not herein enumerated, and of him lawfully required,
the clerk of the district court shall demand and receive such fees as are
herein allowed for similar services.

(2) All fees collected under the provisions of this section shall be paid over to the county treasurer, at the same time and in the same manner as other fees.

(3) In addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as an administrative surcharge fee on each criminal case, including a first-time infraction under section 23-604 or 23-949, Idaho Code, and five dollars (\$5.00) on each other infractions to be paid over to the county treasurer at the same time and in the same manner as other fees, for the support of the county justice fund, or the current expense fund if no county justice fund has been established, and shall collect ten dollars (\$10.00) as an administrative surcharge fee on each civil case, including each appeal, to be paid over to the county treasurer for the support of the county court facilities fund, or to the district court fund if no county court facilities fund has been established.

(4) Provided further, an additional handling fee of two dollars (\$2.00) shall be imposed on each monthly installment of criminal or infraction fines, forfeitures, and other costs paid on a monthly basis.

(5) Provided further, in addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as a court technology fee on each criminal and infraction offense to be paid over to the county treasurer who shall, within five (5) days after the end of the month, pay such fee to the state treasurer for deposit into the court technology fund.

SECTION 7. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and by section 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

(1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for filing a civil case of any type in the district court, except for those cases to be assigned to the magistrate's division of the district court for which the fee shall be one hundred twenty dollars (\$120), with the following exceptions:

(a) The fee for small claims shall be as provided in section 1-2303, Idaho Code;

(b) No filing fee shall be charged in the following types of cases:

(i) Cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;

- (ii) Cases brought under the juvenile corrections act;
- (iii) Cases brought under the child protective act;
- (iv) Demands for bond before a personal representative is appointed in probate;
- (v) Petitions for sterilization;
- (vi) Petitions for judicial consent to abortion;
- (vii) Registration of trusts and renunciations;
- (viii) Petitions for leave to compromise the disputed claim of a minor;
- (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to chapter 63, title 39, Idaho Code;
- (x) Objections to the appointment of a guardian filed by a minor or an incapacitated person;
- (xi) Proceedings to suspend a license for nonpayment of child support pursuant to section 7-1405, Idaho Code;
- (xii) Proceedings under the uniform post-conviction procedure act as provided in chapter 49, title 19, Idaho Code;
- (xiii) Filings of a custody decree from another state;
- (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: seventeen dollars (\$17.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; seventeen dollars (\$17.00) of such filing fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. If the magistrate court facilities are provided by the county, five dollars (\$5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section. If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and ten dollars (\$10.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation, and a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found to have committed a first-time infraction under section 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of this section; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses

into one (1) offense for purposes of assessing such fee. If the magistrate court facilities are provided by the county, five dollars (\$5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and eleven dollars and fifty cents (\$11.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section. If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and nine dollars (\$9.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(4) Initial appearance other than plaintiff. A fee of one hundred dollars (\$100) shall be paid for any filing constituting the initial appearance by a party, except the plaintiff, in any civil action in the district court or in the magistrate's division of the district court, except small claims. If two (2) or more parties are making their initial appearance in the same filing, then only one (1) filing fee shall be collected. Of such fee, four dollars (\$4.00) shall be paid to the county treasurer for deposit in the district court fund of the county; eighty dollars (\$80.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the person or persons required to make an account pursuant to title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(6) Distribution of estate. A fee of twenty-five dollars (\$25.00) shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, six dollars (\$6.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; thirteen dollars (\$13.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(7) Third party claim. A fee of fourteen dollars (\$14.00) shall be paid by a party filing a third party claim as defined in the Idaho rules of civil procedure. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be paid by a party initiating a change of venue. Such fee shall be paid to the

clerk of the court of the county to which venue is changed. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(10) Reopening a case.

(a) A fee of eighty-five dollars (\$85.00) shall be paid by any party appearing after judgment or applying to reopen a case. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(b) A fee of one hundred eight dollars (\$108) shall be paid by a party applying to reopen a divorce action or modify a divorce decree, with seventeen dollars (\$17.00) of the fee to be paid to the county treasurer for deposit in the district court fund of the county; fifteen dollars (\$15.00) of such fee to be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; six dollars (\$6.00) of such fee to be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(c) When the application to reopen a case consists only of a motion or other pleading to revive or renew a judgment, a fee of twenty-nine dollars (\$29.00) shall be paid by the party filing the motion or pleading. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(11) Appeal to district court. A fee of thirty-five dollars (\$35.00) shall be paid by a party taking an appeal from the magistrate's division of the district court to the district court; nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund. No additional fee shall be required if a new trial is granted.

(12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00) shall be paid by the party taking an appeal from the district court to the supreme court for comparing and certifying the transcript on appeal, if such certificate is required. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,

within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(13) Fees not covered by this section, including fees to defray the costs of electronic access to court records other than the register of actions, shall be set by rule or administrative order of the supreme court.

(14) All fees required to be paid by this section or by rule or administrative order of the supreme court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the supreme court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(15) That portion of the filing fees required to be remitted to the state treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and (10) of this section shall be apportioned eighty-six percent (86%) to the state general fund and fourteen percent (14%) to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, within five (5) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer.

(16) Of the fees derived from the filing of any divorce action required to be transmitted to the state treasurer, the county treasurer shall retain five dollars (\$5.00), which shall be separately identified and deposited in the district court fund of the county. Such moneys shall be used exclusively for the purpose of establishing a uniform system of qualifying and approving persons, agencies or organizations to conduct evaluations of persons convicted of domestic assault or battery as provided in section 18-918, Idaho Code, and the administration of section 18-918(7), Idaho Code, relating to the evaluation and counseling or other treatment of such persons, including the payment of the costs of evaluating and counseling or other treatment of an indigent defendant. No provision of chapter 52, title 39, Idaho Code, shall apply to the moneys provided for in this subsection.

(17) In consideration of the aforesaid fees, the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action except printed transcript on appeal, without additional compensation as provided by law.

SECTION 8. That Section 31-3201H, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to be paid by each defendant for each criminal offense or infraction committed on or after April 15, 2010, for which the defendant is found or pleads guilty. Such fee shall be in addition to all other fines and fees levied.

(2) The amount of the surcharge fee shall be as follows:

(a) For each felony, the fee shall be one hundred dollars (\$100);

(b) For each misdemeanor, and for each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars (\$50.00); and

(c) For each infraction, except each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

(3) The fee shall be collected by the clerk of the district court and shall be paid to the county treasurer, who shall, within five (5) days after the end of the month, pay such fees to the state treasurer, who shall deposit eighty percent (80%) of such fees in the drug court, mental health court and family court services fund created by section 1-1625, Idaho Code, and twenty percent (20%) of such fees in the court technology fund created by section 1-1623, Idaho Code.

SECTION 9. That Section 31-3204, Idaho Code, be, and the same is hereby amended to read as follows:

31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for victim notification purposes to be paid by each person found guilty of each felony ~~or~~, misdemeanor or first-time infraction under section 23-604 or 23-949, Idaho Code, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Such fee shall be in addition to all other fines and fees levied. Such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state victim notification fund established in section 67-2912, Idaho Code.

SECTION 10. That Section 72-1025, Idaho Code, be, and the same is hereby amended to read as follows:

72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- DISPOSITION. (1) In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court:

(a) For each conviction or finding of guilt of each felony count, a fine or reimbursement of not less than seventy-five dollars (\$75.00) per felony count;

(b) For each conviction or finding of guilt of each misdemeanor count, a fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor count;

(c) For each first-time conviction or finding of guilt of an infraction under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of thirty-seven dollars (\$37.00) per count;

(d) In addition to any fine or reimbursement ordered under subsection (a) or (b) above of this section, the court shall impose a fine or reimbursement of not less than three hundred dollars (\$300) per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605 and 18-6608, Idaho Code.

(2) The fine or reimbursement imposed under the provisions of this section shall have priority over all other judgments of the court, except an order to pay court costs.

(3) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines or reimbursements imposed under the provisions of this section shall be paid into the crime victims compensation account.

SECTION 11. That Section 72-1105, Idaho Code, be, and the same is hereby amended to read as follows:

72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The peace officer and detention officer temporary disability fund is hereby created in the state treasury and shall be administered by the industrial com-

mission for the purpose of providing a full rate of salary for any peace officer or detention officer who is injured while engaged in those activities as provided in section 72-1104, Idaho Code, and is thereby temporarily incapacitated from performing his or her duties. Moneys shall be paid into the fund as provided by law and shall consist of fines collected pursuant to subsection (2) of this section, appropriations, gifts, grants, donations and income from any other source. Moneys in the fund may be appropriated only for the purposes of this chapter, which shall include administrative expenses. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

(2) In addition to any other fine that may be imposed upon each person found guilty of criminal activity, the court shall impose a fine in the amount of three dollars (\$3.00) for each conviction or finding of guilt of each felony or misdemeanor count, or for each conviction or finding of guilt of a first-time infraction under section 23-604 or 23-949, Idaho Code, unless the court orders that such fine be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court.

(3) Except as otherwise provided in section 72-1025, Idaho Code, the fine imposed under this section shall have priority over all other judgments of the court, except an order to pay court costs.

(4) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this section shall be paid into the peace officer and detention officer temporary disability fund.

Approved April 5, 2016

CHAPTER 345

(H.B. No. 497, As Amended in the Senate)

AN ACT

RELATING TO LOBBYISTS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6619A, IDAHO CODE, TO PROVIDE FOR REPORTS BY CERTAIN STATE ENTITIES WITH EXCEPTIONS.

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

SECTION 1. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6619A, Idaho Code, and to read as follows:

67-6619A. REPORTS BY STATE ENTITIES. Any office or agency of state government or a state funded educational institution that offers gifts of any kind through interaction with the legislative or executive department of state government shall file the same reports lobbyists are required to file pursuant to section 67-6619, Idaho Code, with the exception of reporting under section 67-6619(2)(d), Idaho Code, unless the office, agency or state funded educational institution is otherwise represented by a lobbyist who files all necessary reports and documentation as provided by law.

Approved April 5, 2016

CHAPTER 346

(H.B. No. 521, As Amended in the Senate)

AN ACT

RELATING TO ALCOHOL; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-604A, IDAHO CODE, TO PROVIDE LIMITED USE IMMUNITY TO A MINOR WHO ACTS IN GOOD FAITH AND FOR A MEDICAL EMERGENCY, TO PROVIDE REQUIREMENTS AND TO ALLOW PROSECUTION FOR OTHER CHARGES; AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Chapter 6, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-604A, Idaho Code, and to read as follows:

23-604A. MINORS -- LIMITED USE IMMUNITY. (1) Any person under twenty-one (21) years of age who, acting in good faith and for a medical emergency:

- (a) Is a person seeking or needs emergency medical assistance for himself or others;
- (b) Remains on the scene until emergency medical assistance or law enforcement officers arrive; and
- (c) Cooperates with emergency medical assistance and law enforcement personnel at the scene;

shall have limited use immunity such that evidence obtained solely as a result of the person having sought, received or rendered emergency medical services as set forth in this section may not be used against the person for any violation of section 23-604 or 23-949, Idaho Code, for consuming or possessing an alcoholic beverage.

(2) The provisions of this section shall have no applicability to the prosecution of any criminal charges other than the consumption or possession of an alcoholic beverage by a person under twenty-one (21) years of age under section 23-604 or 23-949, Idaho Code, and shall not prevent a prosecution based on evidence not obtained as described in subsection (1) of this section.

SECTION 2. The provisions of Section 1 of this act shall be null, void and of no force and effect on and after June 30, 2019.

Approved April 5, 2016

CHAPTER 347

(H.B. No. 556, As Amended in the Senate)

AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING SECTION 16-1506, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS REGARDING PROCEEDINGS ON ADOPTION; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE FOR JUDICIAL APPROVAL; AMENDING SECTION 16-1620, IDAHO CODE, TO PROVIDE THAT THE PERMANENCY PLAN SHALL INCLUDE CERTAIN INFORMATION; AMENDING SECTION 16-1621, IDAHO CODE, TO PROVIDE THAT THE CONCURRENT PLAN SHALL INCLUDE CERTAIN INFORMATION; AMENDING SECTION 16-1622, IDAHO CODE, TO PROVIDE THAT THE PERMANENCY PLAN SHALL INCLUDE CERTAIN INFORMATION; AMENDING SECTION 16-1629, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR JUDICIAL APPROVAL, TO ESTABLISH ADDITIONAL PROVISIONS REGARDING THE PLACEMENT PRIORITY OF CERTAIN CHILDREN, TO PROVIDE FOR A REVIEW PROCESS WHEN A CHANGE IN FOSTER HOME PLACEMENT IS RECOMMENDED AND TO PROVIDE NOTICE REQUIREMENTS; AND AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1644, IDAHO CODE, TO PROVIDE AN EXEMPTION.

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

SECTION 1. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. (1) Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. The petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the county in which said person or persons reside. If the adoption arises from a child protective act case, the petition shall be filed in the court having jurisdiction over the child protective act case unless that court relinquishes jurisdiction over the adoption proceeding. The petitioners shall have resided and maintained a dwelling within the state of Idaho for at least six (6) consecutive months prior to the filing of a petition. The petition shall set forth the name and address of the petitioner or petitioners, the name of the child proposed to be adopted and the name by which the person to be adopted shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition the person adopting a child, and the child adopted, and the spouse of the petitioner if a natural parent of the child, must appear before the court of the county wherein the petition was filed. The petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated.

(2) If the adoption arises from a child protective act case, then, in addition to the petition filed pursuant to subsection (1) of this section, the department of health and welfare shall file the permanency plan prepared pursuant to section 16-1620 or 16-1622, Idaho Code, associated with the child protective act case. If the court determines that the person proposing to adopt the child is not the proposed adoptive parent named in the permanency plan, then the judge shall stay the proceeding pending the department preparing and filing an amended permanency plan pursuant to section 16-1620 or 16-1622, Idaho Code, and the approval of the amended permanency plan by the judge presiding over the child protective act proceeding.

(3) Any person or persons whose consent is required shall execute such consent in writing, in a form consistent with the provisions of section 16-2005(4), Idaho Code, which consent being filed in the court where the

application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing, his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

(34) Prior to the placement for adoption of any child in the home of prospective adoptive parents, it shall be required that a thorough social investigation of the prospective adoptive family and all of its members, consistent with the rules regarding such investigations promulgated by the department of health and welfare, shall be completed and that a positive recommendation for adoptive placement shall have been made. The social investigation may be performed by any individual who meets the requirements of the law. A copy of the study must be submitted to the department and the department may impose a reasonable fee, not to exceed fifty dollars (\$50.00), for oversight of such privately conducted studies. If the prospective adoptive parent has a disability as defined in this chapter, the prospective adoptive parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the prospective adoptive parent of such right and shall consider all such information in any findings or recommendations. The social investigation of any prospective adoptive parent with a disability shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this chapter shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. In those instances where the prospective adoptive parent is married to the birth parent or is the grandparent of the child to be adopted, such social investigation shall be completed with regard to the prospective adoptive parent only upon order of the court. In exigent circumstances where the prospective adoptive parents are determined by the court to have been unable to complete a social investigation of the family with a positive recommendation prior to the time the child is placed in the home, the child shall remain in the home unless the court determines the best interests of the child are served by other placement. If exigent circumstances exist, a social investigation shall be initiated within five (5) days of placement. Once initiated, all studies shall be completed within sixty (60) days. Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent addresses of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the director of the department of health and welfare by registered mail or personal service. If no private investigation is conducted, it shall then be the duty of the said director, through the personnel of the department or through such qualified child-placing children's adoption agency incorporated under chapter 3, title 30, Idaho Code, as the director may designate, to verify the allegations of the petition, and as soon as possible not exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter to include in all cases information as to the alleged date and place of birth and as to parentage of the child to be adopted as well as the source of all such information and report his findings in writing to the court. The investigative report shall include reasonably known or available medical and genetic information regarding both natural parents and sources of such information as well as reasonably known or available providers of medical care and services to the natural parents. A copy of all

medical and genetic information compiled in the investigation shall be made available to the adopting family by the department or other investigating children's adoption agency prior to entry of the final order of adoption. The petition, statement and all other papers, records or files relating to the adoption, including the preplacement investigation and recommendation, shall be returned to the court with the investigative report. The department of health and welfare or other children's adoption agency may require the petitioner to pay all or any part of the costs of the investigation. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

(45) Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with. Nothing in either chapter shall be construed as limiting the initiation of any petition for approval of a verified financial plan for adoption expenses pursuant to section 18-1511, Idaho Code, prior to the birth of the child which is the subject of any adoption proceeding. In all disputed matters under this chapter or chapter 20, title 16, Idaho Code, the paramount criterion for consideration and determination by the court shall be the best interests of the child.

(56) Proceedings for the adoption of an adult shall be as provided in subsection (1) of this section and any consents required shall be executed as provided in subsection (23) of this section. Upon a finding by the court that the consent of all persons for whom consent is required has been given and that the requirements of section 16-1501, Idaho Code, have been proven to the satisfaction of the court, the court shall enter an order granting the adoption. In cases where the adult proposed to be adopted is incapacitated or disabled, the court may require that an investigation be performed. The form and extent of the investigation to be undertaken may be as provided in subsection (34) of this section, or as otherwise ordered by the court. If an investigation is performed, the court must review and approve the findings of the investigation before issuing an order approving the adoption.

SECTION 2. That Section 16-1619, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDATION. (1) When a petition has been filed, the court shall set an adjudicatory hearing to be held no later than thirty (30) days after the filing of the petition.

(2) A pretrial conference shall be held outside the presence of the court within three (3) to five (5) days before the adjudicatory hearing. Investigative reports required under section 16-1616, Idaho Code, shall be delivered to the court with copies to each of the parents and other legal custodians, guardian ad litem and attorney for the child prior to the pretrial conference.

(3) At the adjudicatory hearing, parents or guardians with disabilities shall have the right to introduce admissible evidence regarding how use of adaptive equipment or supportive services may enable the parent or guardian to carry out the responsibilities of parenting the child by addressing the reason for the removal of the child.

(4) If a preponderance of the evidence at the adjudicatory hearing shows that the child comes within the court's jurisdiction under this chapter upon the grounds set forth in section 16-1603, Idaho Code, the court shall so decree and in its decree shall make a finding on the record of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(5) Upon entering its decree the court shall consider any information relevant to the disposition of the child but in any event shall:

(a) Place the child under the protective supervision of the department for an indeterminate period not to exceed the child's eighteenth birthday; or

(b) Vest legal custody in the department or other authorized agency subject to residual parental rights and subject to full judicial review by the court and, when contested by any party, judicial approval of all matters relating to the custody of the child by the department or other authorized agency.

(6) If the court vests legal custody in the department or other authorized agency, the court shall make detailed written findings based on facts in the record, that, in addition to the findings required in subsection (4) of this section, continuation of residence in the home would be contrary to the welfare of the child and that vesting legal custody with the department or other authorized agency would be in the best interests of the child. In addition the court shall make detailed written findings based on facts in the record as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that:

(a) Reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child;

(b) The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;

(c) Reasonable efforts to temporarily place the child with related persons were made but were not successful; or

(d) Reasonable efforts to reunify the child with one (1) or both parents were not required because aggravated circumstances were present. If aggravated circumstances are found, a permanency hearing for the child shall be held within thirty (30) days of the determination of aggravated circumstances.

(7) A decree vesting legal custody in the department shall be binding upon the department and may continue until the child's eighteenth birthday.

(8) A decree vesting legal custody in an authorized agency other than the department shall be for a period of time not to exceed the child's eighteenth birthday, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(9) In order to preserve the unity of the family system and to ensure the best interests of the child whether issuing an order of protective supervision or an order of legal custody, the court may consider extending or initiating a protective order as part of the decree. The protective order shall be determined as in the best interests of the child and upon a showing of continuing danger to the child. The conditions and terms of the protective order shall be clearly stated in the decree.

(10) If the court does not find that the child comes within the jurisdiction of this chapter pursuant to subsection (4) of this section it shall dismiss the petition.

SECTION 3. That Section 16-1620, Idaho Code, be, and the same is hereby amended to read as follows:

16-1620. FINDING OF AGGRAVATED CIRCUMSTANCES -- PERMANENCY PLAN -- HEARING. (1) After a judicial determination that reasonable efforts to return the child to his home are not required because aggravated circumstances were found to be present, the court shall hold a permanency hearing within thirty (30) days after the finding. The department shall prepare a permanency plan and file the permanency plan with the court at least five (5) days prior to the permanency hearing. If the permanency plan has a goal of

termination of parental rights and adoption, the department shall file the petition to terminate as required in section 16-1624(2), Idaho Code. Copies of the permanency plan shall be delivered to the parents and other legal guardians, prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(2) The permanency plan shall have a permanency goal of termination of parental rights and adoption, guardianship or another planned permanent living arrangement and shall set forth the reasonable efforts necessary to finalize the permanency goal.

(3) The permanency plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any special educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement;

(b) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(c) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(d) Specifically identify the actions necessary to implement the recommended option;

(e) Specifically set forth a schedule for accomplishing the actions necessary to implement the permanency goal;

(f) Consider the options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection; and

(g) In the case of a child who has attained the age of sixteen (16) years, identify the services needed to assist the child to make the transition from foster care to independent living; and

(h) Identify the prospective adoptive parents, if known; if the prospective adoptive parents are not known, the department shall amend the plan to name the proposed adoptive parents as soon as such persons become known.

(4) The court shall hold a permanency hearing to determine whether the best interest of the child is served by adopting, rejecting or modifying the permanency plan proposed by the department.

(5) Notice of the permanency hearing shall be provided to the parents and other legal guardians, prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents; provided however, that foster parents are not thereby made parties to the child protective act action.

(6) The permanency plan as approved by the court shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the permanency plan and finalizing the permanency goal.

(7) If the permanency goal is not termination of parental rights and adoption or guardianship, the court may approve a permanency plan with a permanency goal of another planned permanent living arrangement only upon written case-specific findings that specify why a more permanent plan is not in the best interest of the child.

(8) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a petition or other motion is filed in a child protection proceeding seeking a determination of the court that aggravated circumstances were present.

SECTION 4. That Section 16-1621, Idaho Code, be, and the same is hereby amended to read as follows:

16-1621. CASE PLAN HEARING -- NO FINDING OF AGGRAVATED CIRCUMSTANCES. (1) In every case in which the child is determined to be within the jurisdiction of the court, and there is no judicial determination that aggravated circumstances were present, the department shall prepare a written case plan, including cases in which the parent(s) is incarcerated. The court shall schedule a case plan hearing to be held within thirty (30) days after the adjudicatory hearing. The case plan shall be filed with the court no later than five (5) days prior to the case plan hearing. Copies of the case plan shall be delivered to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child. The court shall hold a case plan hearing to determine whether the best interest of the child is served by adopting, rejecting or modifying the case plan proposed by the department.

(2) Notice of the case plan hearing shall be provided to the parents, and other legal guardians, the prosecuting attorney or deputing attorney general, guardian ad litem, attorney for the child, the department and foster parents. Although foster parents are provided notice of this hearing, they are not parties to the child protective act action.

(3) If the child is placed in the legal custody of the department, the case plan filed by the department shall set forth reasonable efforts that will be made to make it possible for the child to return home. The case plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any special educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement.

(b) Address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection.

(c) Include a goal of reunification and a plan for achieving that goal. The reunification plan shall identify all issues that need to be addressed before the child can safely be returned home without department supervision. The court may specifically identify issues to be addressed by the plan. The reunification plan shall specifically identify the tasks to be completed by the department, each parent or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The case plan shall state with specificity the role of the department toward each parent. When appropriate, the reunification plan should identify terms for visitation, supervision of visitation and child support.

(d) Include a concurrent permanency goal and a plan for achieving that goal. The concurrent permanency goal may be one (1) of the following: termination of parental rights and adoption, guardianship or another planned permanent living arrangement. The concurrent plan shall:

(i) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(ii) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(iii) Specifically identify the actions necessary to implement the recommended option;

(iv) Specifically set forth a schedule for accomplishing the actions necessary to implement the concurrent permanency goal;

(v) Address options for maintaining the child's connection to the community, including individuals with a significant relationship

to the child, and organizations or community activities with which the child has a significant connection;

(vi) Identify the names of the proposed adoptive parents when known if the permanency goal is termination of parental rights and adoption;

(vii) In the case of a child who has attained the age of sixteen (16) years, include the services needed to assist the child to make the transition from foster care to independent living; and

(viii) Identify further investigation necessary to identify or assess other options for permanent placement, to identify actions necessary to implement the recommended placement or to identify options for maintaining the child's significant connections.

(4) If the child has been placed under protective supervision of the department, the case plan, filed by the department, shall:

(a) Identify the services to be provided to the child, including services to identify and meet any special educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement. The plan shall also address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection.

(b) Identify all issues that need to be addressed to allow the child to remain at home without department supervision. The court may specifically identify issues to be addressed by the plan. The case plan shall specifically identify the tasks to be completed by the department, the parents or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The plan shall state with specificity the role of the department toward each parent.

(5) The case plan, as approved by the court, shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the case plan and finalizing the permanency goal. The court's order shall provide that reasonable efforts shall be made to reunify the family in a timely manner in accordance with the case plan. Unless the child has been placed under the protective supervision of the department, the court's order shall also require the department to simultaneously take steps to accomplish the goal of reunification and the concurrent permanency goal.

SECTION 5. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. REVIEW HEARINGS -- ANNUAL PERMANENCY HEARINGS. (1) Review hearing.

(a) A hearing for review of the child's case and permanency plan shall be held no later than six (6) months after entry of the court's order taking jurisdiction under this act and every six (6) months thereafter. The purpose of the review hearing is to determine:

(i) The safety of the child;

(ii) The continuing necessity for and appropriateness of the placement;

(iii) The extent of compliance with the case plan;

(iv) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care; and

(v) When reasonable, to project a likely date by which the child may be safely returned to and maintained in the home or placed in another permanent placement.

(b) A motion for revocation or modification of an order issued under section 16-1619, Idaho Code, may be filed by the department or any party; provided that no motion may be filed by the respondents under this section within three (3) months of a prior hearing on care and placement of the child. Notice of a motion for review of a child's case shall be provided to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents.

(c) If the motion filed under paragraph (b) of this subsection alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1619, Idaho Code, or that the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the motion.

(d) The department or authorized agency may move the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(2) Permanency plan and hearing.

(a) The permanency plan shall include a permanency goal. The permanency goal may be one (1) of the following: continued efforts at reunification, in the absence of a judicial determination of aggravated circumstances; or termination of parental rights and adoption, guardianship or another planned permanent living arrangement. Every permanency plan shall include the information set forth in section 16-1621(3)(a), Idaho Code. If the permanency plan has reunification as a permanency goal, the plan shall include information set forth in section 16-1621(3)(c), Idaho Code. If the permanency plan has a permanency goal other than reunification, the plan shall include the information set forth in section 16-1621(3)(d), Idaho Code, and, if the permanency goal is termination of parental rights and adoption, then in addition to the information set forth in section 16-1620(3), Idaho Code, the permanency plan shall also name the proposed adoptive parents when known. If the adoptive parents are not known at the time the permanency plan is prepared, then the department shall amend the plan to name the proposed adoptive parents as soon as such person or persons become known. The court may approve a permanency plan which includes a primary goal and a concurrent goal.

(b) A permanency hearing shall be held no later than twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first, and at least every twelve (12) months thereafter, so long as the court has jurisdiction over the child. The court shall approve, reject or modify the permanency plan of the department and review progress in accomplishing the permanency goal. A permanency hearing may be held at any time and may be combined with the review hearing required under subsection (1) of this section.

(c) The court shall make written case-specific findings whether the department made reasonable efforts to finalize the primary permanency goal in effect for the child. Lack of reasonable efforts to reunify may be a basis for an order approving a permanency plan with a permanency goal of reunification.

(d) Where the permanency goal is not reunification, the hearing shall include a review of the department's consideration of options for in-state and out-of-state placement of the child. In the case of a child in an out-of-state placement, the court shall determine whether the out-of-state placement continues to be appropriate and in the best interest of the child.

(e) In the case of a child who has attained the age of sixteen (16) years, the hearing shall include a determination of the services needed to assist the child to make the transition from foster care to independent living.

(f) The court may approve a primary permanency goal of another planned permanent living arrangement only upon written, case-specific findings that there are compelling reasons why a more permanent goal is not in the best interests of the child.

(g) If the child has been in the temporary or legal custody of the department for fifteen (15) of the most recent twenty-two (22) months, the department shall file, prior to the last day of the fifteenth month, a petition to terminate parental rights, unless the court finds that:

(i) The child is placed permanently with a relative;

(ii) There are compelling reasons why termination of parental rights is not in the best interests of the child; or

(iii) The department has failed to provide reasonable efforts to reunify the child with his family.

(h) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a permanency plan is approved by the court and the permanency plan does not include a permanency goal of reunification.

SECTION 6. That Section 16-1629, Idaho Code, be, and the same is hereby amended to read as follows:

16-1629. POWERS AND DUTIES OF THE DEPARTMENT. The department, working in conjunction with the court and other public and private agencies and persons, shall have the primary responsibility to implement the purpose of this chapter. To this end, the department is empowered and shall have the duty to do all things reasonably necessary to carry out the purpose of this chapter, including, but not limited to, the following:

(1) The department shall administer treatment programs for the protection and care of neglected, abused and abandoned children, and in so doing may place in foster care, shelter care, or other diagnostic, treatment, or care centers or facilities, children of whom it has been given custody. The department is to be governed by the standards found in chapter 12, title 39, Idaho Code.

(2) On December 1, the department shall make an annual statistical report to the governor covering the preceding fiscal year showing the number and status of persons in its custody and including such other data as will provide sufficient facts for sound planning in the conservation of children and youth. All officials and employees of the state and of every county and city shall furnish the department, upon request, such information within their knowledge and control as the department deems necessary. Local agencies shall report in such uniform format as may be required by the department.

(3) The department shall be required to maintain a central registry for the reporting of child neglect, abuse and abandonment information. Provided however, that the department shall not retain any information for this purpose relating to a child, or parent of a child, abandoned pursuant to chapter 82, title 39, Idaho Code.

(4) The department shall make periodic evaluation of all persons in its custody or under its protective supervision for the purpose of determining whether existing orders and dispositions in individual cases shall be modified or continued in force. Evaluations may be made as frequently as the department considers desirable and shall be made with respect to every person at intervals not exceeding six (6) months. Reports of evaluation made pursuant to this section shall be filed with the court that has jurisdiction. Reports of evaluation shall be provided to persons having full or partial le-

gal or physical custody of a child. Failure of the department to evaluate a person or to reevaluate him within six (6) months of a previous examination shall not of itself entitle the person to a change in disposition but shall entitle him, his parent, guardian or custodian or his counsel to petition the court pursuant to section 16-1622, Idaho Code.

(5) In a consultive capacity, the department shall assist communities in the development of constructive programs for the protection, prevention and care of children and youth.

(6) The department shall keep written records of investigations, evaluations, prognoses and all orders concerning disposition or treatment of every person over whom it has legal custody or under its protective supervision. Department records shall be subject to disclosure according to chapter 1, title 74, Idaho Code, unless otherwise ordered by the court, the person consents to the disclosure, or disclosure is necessary for the delivery of services to the person. Notwithstanding the provisions restricting disclosure or the exemptions from disclosure provided in chapter 1, title 74, Idaho Code, all records pertaining to investigations, the rehabilitation of youth, the protection of children, evaluation, treatment and/or disposition records pertaining to the statutory responsibilities of the department shall be disclosed to any duly elected state official carrying out his official functions.

(7) The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse and abandonment received and for the implementation of the protection, treatment and care of children formally or informally placed in the custody of the department or under its protective supervision under this chapter including, but not limited to:

(a) Department employees whose job duties are related to the child protective services system under this chapter shall first be trained as to their obligations under this chapter regarding the protection of children whose health and safety may be endangered. The curriculum shall include information regarding their legal duties, how to conduct their work in conformity with the requirements of this chapter, information regarding applicable federal and state laws with regard to the rights of the child, parent and others who may be under investigation under the child protective services system, and the applicable legal and constitutional parameters within which they are to conduct their work.

(b) Department employees whose job duties are related to the child protective services system shall advise the individual of the complaints or allegations made against the individual at the time of the initial contact, consistent with protecting the identity of the referent.

(8) ~~The department having been granted legal custody of a child, subject to the judicial review provisions of this subsection,~~ shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed outside the state without the court's consent. ~~Provided however, that t~~The court shall retain jurisdiction over the child, which jurisdiction shall be entered on any order or petition granting legal custody to the department, and the court shall have jurisdiction over all matters relating to the child. The department shall not place the child in the home from which the court ordered the child removed without first obtaining the approval of the court. Notwithstanding the provisions of this subsection, all other determinations relating to where and with whom the child shall live shall be subject to judicial review by the court and, when contested by any party, judicial approval.

(9) The department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody or under its protective supervision at intervals of not to exceed six (6) months. The department shall file with the court at least five (5) days prior to the permanency hearing ei-

ther under section 16-1622, Idaho Code, or, in the case of a finding of aggravated circumstances, section 16-1620, Idaho Code, the permanency plan and recommendations of the department.

(10) The department shall establish appropriate administrative procedures for the conduct of administrative reviews and hearings as required by federal statute for all children committed to the department and placed in out of the home care.

(11) At any time the department is considering a placement pursuant to this chapter, the department shall make a reasonable effort to place the child in the least restrictive environment to the child and in so doing shall consider, consistent with the best interest and special needs of the child, placement priority of the child in the following order:

(a) A fit and willing relative.

(b) A fit and willing nonrelative with a significant relationship with the child.

(c) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code, with a significant relationship with the child.

(d) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code.

(12) If the caseworker assigned to a foster care case recommends removing the child from a foster home in which the child has been placed for sixty (60) or more days, for placement in another foster home, then the case worker's supervisor shall conduct a review of the foster care case and must approve such recommendation before a change in foster home placement occurs. The supervisor shall consider the best interests and special needs of the child, including:

(a) The clearly stated reasons for the recommended change in placement;

(b) The number of times the child's placement has been changed since removal from their home and the reasons for each change;

(c) Whether the child will change schools as a result of the change in placement; and

(d) Whether the change in placement will separate or reunite siblings or affect sibling visitation.

(13) If the supervisor determines that the recommended change in foster care placement is in the best interests of the child, then the department may change the placement of the child; provided that, the department shall give the foster parents written notice of the planned change at least seven (7) days before the change in placement.

(14) If the caseworker determines that there is abuse or neglect or a substantial risk of abuse or neglect in the foster home, then the department may change the placement of the child without a supervisor's review; provided that, the department shall give the foster parents written notice of the unplanned change within seven (7) days after the change in placement.

(15) In its written notice of a planned or unplanned change required under this section, the department shall clearly state the reasons for the change in placement of the child.

SECTION 7. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1644, Idaho Code, and to read as follows:

16-1644. EXEMPTION. Notwithstanding any other provision of law, nothing in this chapter modifies or supersedes the requirements of the Indian child welfare act of 1978, 25 U.S.C. 1901, et seq.

CHAPTER 348
(H.B. No. 603)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS REGARDING THE DETERMINATION OF STAFF ALLOWANCE; REPEALING SECTION 33-1004, IDAHO CODE, RELATING TO STAFF ALLOWANCE; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004, IDAHO CODE, TO PROVIDE FOR STAFF ALLOWANCE AND RELATED PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1004, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, calculate the total support units for the district in the manner provided in section 33-1002(6)(a), Idaho Code. If the support units used to calculate discretionary funding pursuant to sections 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater, seventy-five percent (75%) of the difference shall be added to the support units used for the February 15 apportionment of state funds;

(2) Determine the instructional staff allowance by multiplying the support units by 1.021. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (6)(f) and (g) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (6)(f) and (g) of this section;

(3) Determine the pupil service staff allowance by multiplying the support units by 0.079;

(4) Determine the administrative staff allowance by multiplying the support units by .075;

(5) Determine the classified staff allowance by multiplying the support units by .375;

(6) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3), (4) and (5) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2), (3) and (4) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff

allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in subparagraphs (i) and (ii) of this paragraph, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, pupil service and administrative staff and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to fifteen percent (15%) of the moneys associated with positions funded pursuant to subsection (2) of this section to pay another school district or public charter school for instructional services or to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) A district may employ nine and one-half percent (9.5%) fewer positions than funded pursuant to subsections (2) and (3) of this section, without a reduction in the number of funded positions being imposed. Beginning in fiscal year 2016, this figure shall be reduced by one percent (1%) each year for each school district in which the average class size, as determined from prior fiscal year data reported to the state department of education, was at least one (1) student greater than the statewide average class size. The state department of education shall report to the legislature every February, beginning in 2015, on the reductions scheduled to take place in this figure, by school district, in the ensuing fiscal year.

(7) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

(8) A district may utilize a portion of the instructional staff allowance provided for in this section for kindergarten teachers to visit the parents or guardians of students during the first week of the kindergarten school year. Such visits may take place at school, at the student's home or at another location agreed to by the teacher and parents or guardians. The purpose of such visits is to help strengthen the working relationship between the teacher, the parents or guardians, and the student. The visits should be used as an opportunity to help establish the teacher's expecta-

tions of the student. The visit should also provide an opportunity for the parents or guardians to explain their expectations. The amount of moneys to be expended for such visits by the district may not exceed the amount equal to one (1) week of instructional staff allowance computed for kindergarten instructors in the district.

SECTION 2. That Section 33-1004, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004, Idaho Code, and to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, calculate the total support units for the district in the manner provided in section 33-1002 (6) (a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.021. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (6) (f) and (g) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (6) (f) and (g) of this section;

(3) Determine the pupil service staff allowance by multiplying the support units by 0.079;

(4) Determine the administrative staff allowance by multiplying the support units by .075;

(5) Determine the classified staff allowance by multiplying the support units by .375;

(6) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3), (4) and (5) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2), (3) and (4) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calcu-

lated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in subparagraphs (i) and (ii) of this paragraph, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, pupil service and administrative staff and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to fifteen percent (15%) of the moneys associated with positions funded pursuant to subsection (2) of this section to pay another school district or public charter school for instructional services or to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) A district may employ nine and one-half percent (9.5%) fewer positions than funded pursuant to subsections (2) and (3) of this section, without a reduction in the number of funded positions being imposed. Beginning in fiscal year 2016, this figure shall be reduced by one percent (1%) each year for each school district in which the average class size, as determined from prior fiscal year data reported to the state department of education, was at least one (1) student greater than the statewide average class size. The state department of education shall report to the legislature every February, beginning in 2015, on the reductions scheduled to take place in this figure, by school district, in the ensuing fiscal year.

(7) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

(8) A district may utilize a portion of the instructional staff allowance provided for in this section for kindergarten teachers to visit the parents or guardians of students during the first week of the kindergarten school year. Such visits may take place at school, at the student's home or at another location agreed to by the teacher and parents or guardians. The purpose of such visits is to help strengthen the working relationship between the teacher, the parents or guardians, and the student. The visits should be used as an opportunity to help establish the teacher's expectations of the student. The visit should also provide an opportunity for the parents or guardians to explain their expectations. The amount of moneys to be expended for such visits by the district may not exceed the amount equal to one (1) week of instructional staff allowance computed for kindergarten instructors in the district.

SECTION 4. The provisions of Sections 2 and 3 of this act shall be in full force and effect on and after July 1, 2019.

Approved April 5, 2016

CHAPTER 349

(H.B. No. 606, As Amended, As Amended in
the Senate, As Amended in the Senate)

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2006, IDAHO CODE, TO REVISE PROVISIONS FOR THE MAKEUP OF THE BOARD OF COMMISSIONERS OF AN URBAN RENEWAL AGENCY, TO ALLOW FOR THE ELECTION OF COMMISSIONERS, TO REVISE PROVISIONS REGARDING THE FILLING OF VACANCIES, TO PROVIDE RESIDENCY REQUIREMENTS FOR COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2033, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AMENDMENTS; AMENDING SECTION 50-2903, IDAHO CODE, TO REVISE THE DEFINITIONS OF "BASE ASSESSMENT ROLL," "PLAN" OR "URBAN RENEWAL PLAN" AND "PROJECT COSTS"; AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2903A, IDAHO CODE, TO PROVIDE THE EFFECT OF AN ORDINANCE TO MODIFY AN URBAN RENEWAL PLAN AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 50-2905, IDAHO CODE, TO PROVIDE THAT ANY CHANGES TO AN URBAN RENEWAL PLAN SHALL BE NOTICED AND COMPLETED IN AN OPEN PUBLIC MEETING; AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2905A, IDAHO CODE, TO PROVIDE FOR AN ELECTION ON CERTAIN PROJECTS AND TO DEFINE TERMS; AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2913, IDAHO CODE, TO PROVIDE THAT URBAN RENEWAL PLANS BE SUBMITTED TO THE STATE TAX COMMISSION AND TO PROVIDE PENALTIES FOR FAILURE TO REPORT; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE FOR INCLUSION ON THE NEW CONSTRUCTION ROLL WHEN A MODIFICATION OF AN URBAN RENEWAL PLAN OR DE-ANNEXATION OCCURS AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless: (1) the local governing body has made the findings prescribed in section 50-2005, Idaho Code; and provided further, that such agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until (2) a majority of qualified electors, voting in a citywide or countywide election depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in subsection (a) (1) of this section then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of subsection (a) (2) of this section.

(b) Upon satisfaction of the requirements under subsection (a) of this section, the urban renewal agency is authorized to transact the business and

exercise the powers hereunder by a board of commissioners to be established as follows:

(1) Unless provided otherwise in this section, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency, which shall consist of not less than three (3) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term.

(2) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by a majority vote of the board or by the local governing body only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel. Any commission position which that becomes vacant at a time other than the expiration of a term shall be filled by a majority vote of the board. The board may elect any person to fill such vacant position where such person meets the requirements of a commissioner provided for in this chapter the mayor or chair of the board of county commissioners, if that is the local governing body, by and with the advice and consent of the local governing body, including the mayor, if applicable, and shall be filled for the unexpired term.

(3) By enactment of an ordinance, the local governing body may appoint and designate itself from among its members to be members of the board of commissioners of the urban renewal agency, provided that such representation shall be less than a majority of the board of commissioners of the urban renewal agency of the members of the local governing body on and after July 1, 2017, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(4) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency for not more than one (1) calendar year.

(5) By enactment of an ordinance, the local governing body may provide that the board of commissioners of the urban renewal agency shall be elected at an election held for such purpose on one (1) of the November dates provided in section 34-106, Idaho Code, and the ordinance may provide term limits for the commissioners. In this case, all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the elected board of commissioners of the urban renewal agency, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended. The provisions of section 50-420, Idaho Code, shall apply to elected commissioners if the sponsoring entity is a city or the provisions of county election law if the sponsoring entity is a county and the county election law shall apply to the person running for commissioner as if they were running for county commissioner. In the

event of a vacancy in an elected commissioner position, the replacement shall be appointed by the mayor or chair of the board of county commissioners, if that is the local governing body by and with the advice and consent of the local governing body, and shall be filled for the unexpired term.

(6) In all instances, a member of the board of commissioners of the urban renewal agency must be a resident of the county where the urban renewal agency is located or is doing business.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number.

The commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

(d) An urban renewal agency shall have the same fiscal year as a municipality and shall be subject to the same audit requirements as a municipality. An urban renewal agency shall be required to prepare and file with its local governing body an annual financial report and shall prepare, approve and adopt an annual budget for filing with the local governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

(e) An urban renewal agency shall comply with the public records law pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to chapter 2, title 74, Idaho Code, the ethics in government law pursuant to chapter 4, title 74, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

SECTION 2. That Section 50-2033, Idaho Code, be, and the same is hereby amended to read as follows:

50-2033. PROHIBITED AMENDMENTS. Except for consolidation of revenue allocation areas, a revenue allocation area may not only be amended to extend its boundaries as set forth herein. An amendment to an urban renewal plan ~~created under this chapter~~ that does not seek to increase the geographic area of the plan, or does not seek to extend the years of the plan beyond the

maximum term allowed under chapter 29, title 50, Idaho Code, is not a prohibited amendment, but may be subject to the limitations set forth in section 50-2903A, Idaho Code. ~~No plan amendment to an existing revenue allocation area shall be interpreted to or shall cause an extension of the limitations established for the existing revenue allocation area as set forth in section 50-2904, Idaho Code. Notwithstanding these~~ Subject to the limitations in this section and section 50-2903A, Idaho Code, an urban renewal plan that includes a revenue allocation area may be extended only one (1) time to extend the boundary of the revenue allocation so long as the total area to be added is not greater than ten percent (10%) of the existing revenue allocation area and the area to be added is contiguous to the existing revenue allocation area but such contiguity cannot be established solely by a shoestring or strip of land which comprises a railroad or public right-of-way.

SECTION 3. That Section 50-2903, Idaho Code, be, and the same is hereby amended to read as follows:

50-2903. DEFINITIONS. The following terms used in this chapter shall have the following meanings, unless the context otherwise requires:

- (1) "Act" or "this act" means this revenue allocation act.
- (2) "Agency" or "urban renewal agency" means a public body created pursuant to section 50-2006, Idaho Code.
- (3) "Authorized municipality" or "municipality" means any county or incorporated city which has established an urban renewal agency, or by ordinance has identified and created a competitively disadvantaged border community.

(4) Except as provided in section 50-2903A, Idaho Code, "Base assessment roll" means the equalized assessment rolls, for all classes of taxable property, on January 1 of the year in which the local governing body of an authorized municipality passes an ordinance adopting or modifying an urban renewal plan containing a revenue allocation financing provision, except that the base assessment roll shall be adjusted as follows: the equalized assessment valuation of the taxable property in a revenue allocation area as shown upon the base assessment roll shall be reduced by the amount by which the equalized assessed valuation as shown on the base assessment roll exceeds the current equalized assessed valuation of any taxable property located in the revenue allocation area, and by the equalized assessed valuation of taxable property in such revenue allocation area that becomes exempt from taxation subsequent to the date of the base assessment roll. The equalized assessed valuation of the taxable property in a revenue allocation area as shown on the base assessment roll shall be increased by the equalized assessed valuation, as of the date of the base assessment roll, of taxable property in such revenue allocation area that becomes taxable after the date of the base assessment roll, provided any increase in valuation caused by the removal of the agricultural tax exemption from undeveloped agricultural land in a revenue allocation area shall be added to the base assessment roll. An urban renewal plan containing a revenue allocation financing provision adopted or modified prior to July 1, 2016, is not subject to section 50-2903A, Idaho Code. For plans adopted or modified prior to July 1, 2016, and for subsequent modifications of those urban renewal plans, the value of the base assessment roll of property within the revenue allocation area shall be determined as if the modification had not occurred.

(5) "Budget" means an annual estimate of revenues and expenses for the following fiscal year of the agency. An agency shall, by September 1 of each calendar year, adopt and publish, as described in section 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend its adopted budget using the same procedures as used for adoption of the budget. For the fiscal year that immediately predates the termination date for an urban renewal plan involving a revenue allocation area or will include the termi-

nation date, the agency shall adopt and publish a budget specifically for the projected revenues and expenses of the plan and make a determination as to whether the revenue allocation area can be terminated before the January 1 of the termination year pursuant to the terms of section 50-2909(4), Idaho Code. In the event that the agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1 the agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist. The agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho state tax commission as provided in section 63-215, Idaho Code. Upon notification of revenues sufficient to cover expenses as provided herein, the increment value of that revenue allocation area shall be included in the net taxable value of the appropriate taxing districts when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code.

(6) "Clerk" means the clerk of the municipality.

(7) "Competitively disadvantaged border community area" means a parcel of land consisting of at least forty (40) acres which is situated within the jurisdiction of a county or an incorporated city and within twenty-five (25) miles of a state or international border, which the governing body of such county or incorporated city has determined by ordinance is disadvantaged in its ability to attract business, private investment, or commercial development, as a result of a competitive advantage in the adjacent state or nation resulting from inequities or disparities in comparative sales taxes, income taxes, property taxes, population or unique geographic features.

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipi-

pality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Facilities" means land, rights in land, buildings, structures, machinery, landscaping, extension of utility services, approaches, roadways and parking, handling and storage areas, and similar auxiliary and related facilities.

(10) "Increment value" means the total value calculated by summing the differences between the current equalized value of each taxable property in the revenue allocation area and that property's current base value on the base assessment roll, provided such difference is a positive value.

(11) "Local governing body" means the city council or board of county commissioners of a municipality.

(12) "Plan" or "urban renewal plan" means a plan, as it exists or may from time to time be amended, prepared and approved pursuant to sections 50-2008 and 50-2905, Idaho Code, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Project" or "urban renewal project" or "competitively disadvantaged border areas" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;

(b) Demolition and removal of buildings and improvement;

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, open space, off-street parking facilities, public facilities, public recreation and entertainment facilities or buildings and other improvements necessary for carrying out, in the urban renewal area or competitively disadvantaged border community area, the urban renewal objectives of this act in accordance with the urban renewal plan or the competitively disadvantaged border community area ordinance.

(d) Disposition of any property acquired in the urban renewal area or the competitively disadvantaged border community area (including sale, initial leasing or retention by the agency itself) or the municipality creating the competitively disadvantaged border community area at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(f) Acquisition of real property in the urban renewal area or the competitively disadvantaged border community area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) Acquisition of any other real property in the urban renewal area or competitively disadvantaged border community area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities or where necessary to accomplish the purposes for which a competitively disadvantaged border community area was created by ordinance;

(h) Lending or investing federal funds; and

(i) Construction of foundations, platforms and other like structural forms.

(14) "Project costs" includes, but is not limited to:

(a) Capital costs, including the actual costs of the construction of public works or improvements, facilities, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; and the clearing and grading of land;

(b) Financing costs, including interest during construction and capitalized debt service or repair and replacement or other appropriate reserves;

(c) Real property assembly costs, meaning any deficit incurred from the sale or lease by a municipality of real or personal property within a revenue allocation district;

(d) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(e) Direct administrative costs, including reasonable charges for the time spent by municipal city or county employees in connection with the implementation of a project plan;

(f) Relocation costs;

(g) Other costs incidental to any of the foregoing costs.

(15) "Revenue allocation area" means that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at any time ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

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

(17) "Tax" or "taxes" means all property tax levies upon taxable property.

(18) "Taxable property" means taxable real property, personal property, operating property, or any other tangible or intangible property included on the equalized assessment rolls.

(19) "Taxing district" means a taxing district as defined in section 63-201, Idaho Code, as that section now exists or may hereafter be amended.

(20) "Termination date" means a specific date no later than twenty (20) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every ur-

ban renewal plan shall have a termination date that can be modified or extended subject to the twenty (20) year maximum limitation. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

SECTION 4. That Chapter 29, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-2903A, Idaho Code, and to read as follows:

50-2903A. EFFECT OF ORDINANCE TO MODIFY URBAN RENEWAL PLAN -- EXCEPTION.

(1) (a) On and after July 1, 2016, except as provided in subsection (2) of this section, when an urban renewal plan containing a revenue allocation financing provision is modified through an ordinance of the authorized municipality, the base value for the year immediately following the year in which the modification occurred shall include the current year's equalized assessed value of the taxable property in a revenue allocation area. The urban renewal agency shall be required annually to attest to having or not having modified any of its plans. If no modification has occurred, the urban renewal agency shall attest that fact on an affidavit provided by the state tax commission before the first Monday in June of each year. Modification shall not be deemed to have occurred when:

(i) There is a plan amendment to make technical or ministerial changes to a plan that does not involve an increase in the use of revenues allocated to the agency pursuant to section 50-2908, Idaho Code; or

(ii) There is a plan amendment to accommodate an increase in the revenue allocation area boundary as permitted in section 50-2033, Idaho Code; or

(iii) There is a plan amendment to accommodate a de-annexation in the revenue allocation area boundary; or

(iv) There is a plan amendment to support growth of an existing commercial or industrial project in an existing revenue allocation area, subject to the provisions of section 50-2905A, Idaho Code.

(b) Notice of any plan modification shall state the nature of the modification and shall be provided to the state tax commission, the county clerk and the county assessor by the first Monday in June of the years following the modification.

(c) Once a modification is deemed to have occurred, the base assessment value shall be reset pursuant to this subsection.

(2) When the urban renewal agency certifies to the county clerk and state tax commission that there is outstanding indebtedness, the base value for the year immediately following the year in which the modification occurred shall be computed and adjusted irrespective of the modification to the plan, but in compliance with all other requirements for adjustment as provided in section 50-2903(4), Idaho Code. To be allowed this exception no later than the first Monday in June each year, beginning the year immediately following the year in which the modification occurred, the urban renewal agency must certify:

(a) That the indebtedness could not be repaid by the agency prior to the termination of the revenue allocation area without the allocation of property tax revenues as provided in section 50-2908, Idaho Code; and

(b) The estimated total budget to be used for paying indebtedness during each year until termination of the revenue allocation area, the amount of nonproperty tax revenue to be used by the agency to pay indebtedness each year, and the estimated amount of revenue to be allocated to the agency for the modified revenue allocation area pursuant to section

50-2908, Idaho Code, to be used for paying indebtedness. For purposes of this section "indebtedness" shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures or other obligations, together with all expenses necessary to comply with all covenants related to the indebtedness.

(3) To the extent the amount of revenue allocated to the modified revenue allocation area pursuant to section 50-2908, Idaho Code, exceeds the amount necessary to pay indebtedness certified in subsection (2) (b) of this section, the excess shall be distributed by the county clerk to each taxing district or unit in the same manner as property taxes, except that each taxing district or unit shall be notified of the amount of any distribution of excess urban renewal allocations included in any distribution. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received by any taxing district or unit pursuant to this subsection shall be treated as property tax revenue.

(4) Within thirty (30) days from the time the state tax commission receives information that an urban renewal plan for a revenue allocation area has been modified, the state tax commission shall notify the urban renewal agency and the county clerk of such receipt and the determination regarding any limits on the maximum amount of property tax revenue that will be allocated to the urban renewal agency from the current year's property taxes.

SECTION 5. That Section 50-2905, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905. RECOMMENDATION OF URBAN RENEWAL AGENCY. In order to implement the provisions of this chapter, the urban renewal agency of the municipality shall prepare and adopt a plan for each revenue allocation area and submit the plan and recommendation for approval thereof to the local governing body. The plan shall include with specificity:

(1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality;

(2) A statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area;

(3) An economic feasibility study;

(4) A detailed list of estimated project costs;

(5) A fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property on the revenue allocation area;

(6) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

(7) A termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and

(8) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets; and

(9) Any changes to an urban renewal plan as provided in subsections (2) and (6) of this section shall be noticed and shall be completed in an open public meeting.

SECTION 6. That Chapter 29, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-2905A, Idaho Code, and to read as follows:

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

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

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

(b) "Project costs" shall have the same meaning as provided in section 50-2008, Idaho Code.

SECTION 7. That Chapter 29, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-2913, Idaho Code, and to read as follows:

50-2913. URBAN RENEWAL AGENCY PLANS -- REPORTING INFORMATION REQUIRED -- PENALTIES FOR FAILURE TO REPORT. In addition to the provisions applicable to urban renewal agencies in chapters 20 and 29, title 50, Idaho Code, the provisions of this section shall also apply to urban renewal agencies. For purposes of this section, "urban renewal agency" shall have the same meaning as provided in chapters 20 and 29, title 50, Idaho Code.

(1) (a) There is hereby established a central registry with the state tax commission. The registry shall serve as the unified location for the reporting of and access to administrative and financial information of urban renewal plans in this state. To establish a complete list of all urban renewal plans of urban renewal agencies operating in Idaho, on the effective date of this act and so that the registry established will be comprehensive, every urban renewal agency shall register with the state registry. For calendar year 2017, the submission of information required by subsection (2) of this section shall occur prior to March 1, 2017, and shall be in the form and format required by the state tax commission. In addition to the information required by this section for the March 1, 2017, filing deadline, the entity shall report the date of its last adoption or amendment or modification of an urban renewal plan. The registry listing will be available on the state tax commission website by July 1, 2017.

(b) The state tax commission shall notify each urban renewal agency of the requirements of this section.

(c) After March 1, and on or before December 1 of each year, the county clerk of each county shall submit a list to the state tax commission of all urban renewal agencies within the county.

(2) On or before December 1 of each year, every urban renewal agency shall submit to the central registry the following information each urban renewal plan adopted or modified pursuant to sections 50-2008 and 50-2905, Idaho Code, and any modifications or amendments to those plans.

(a) Within five (5) days of submitting to the central registry the information required by this section, the urban renewal agency shall notify the agency's appointing authority, if the entity has an appointing authority, that it has submitted such information.

(b) If any information provided by an entity as required by this section changes during the year, the entity shall update its information on the registry within thirty (30) days of any such change.

(3) Notification and penalties.

(a) If an urban renewal agency fails to submit information required by this section or submits noncompliant information required by this section, the state tax commission shall notify the entity immediately after the due date of the information that either the information was not submitted in a timely manner or the information submitted was noncompliant. The urban renewal agency shall then have thirty (30) days from the date of notice to submit the information or notify the state tax commission that it will comply by a time certain.

(b) No later than September 1 of any year, the state tax commission shall notify the appropriate board of county commissioners and city council of the entity's failure to comply with the provisions of this section. Upon receipt of such notification, the board of county commissioners shall place a public notice in a newspaper of general circulation in the county indicating that the entity is noncompliant with the legal reporting requirements of this section. The county commissioners shall assess to the entity the cost of the public notice. Such costs may be deducted from any distributions of tax increment financing of the urban renewal agency. For any noncomplying urban renewal agency, the state tax commission shall notify the board of county commissioners and city council of the compliance status of such entity by September 1 of each year until the entity is in compliance.

(c) An urban renewal agency that fails to comply with this section shall have any property tax revenue that exceeds the amount received in the immediate prior tax year distributed to the taxing districts located in or overlapping any revenue allocation area within that urban renewal district. Said distribution shall be based on each taxing district's proportionate share of the increment value in the current tax year multiplied by the taxing district's current levy rate, reduced proportionately to match the excess to be so apportioned. Any money so received by any taxing district shall be treated as property tax revenue for the purposes of the limitation provided by section 63-802, Idaho Code.

(d) In addition to any other penalty provided in this section, in any failure to comply with this section, the state tax commission shall withhold the annual distribution of sales tax distribution pursuant to section 63-3638(13), Idaho Code, for any noncomplying urban renewal agency. The state tax commission shall withhold and retain such money in a reserve account until an urban renewal agency has complied with the provisions of this section, at which point the state tax commission shall pay any money owed to an urban renewal agency that was previously in violation of this section to the urban renewal agency.

(e) For any urban renewal agency, upon notification to the board of county commissioners from the state tax commission of noncompliance by such entity, the board of county commissioners shall convene to determine appropriate compliance measures including, but not limited to, the following:

(i) Require a meeting of the board of county commissioners and the urban renewal agency's governing body wherein the board of county commissioners shall require compliance of this section by the entity; and

(ii) Assess a noncompliance fee on the noncomplying urban renewal agency. Such fee shall not exceed five thousand dollars (\$5,000). Such fees and costs may be deducted from any distributions of the tax increment financing. Any fee collected shall be deposited into the county's current expense fund.

(5) The provisions of this section shall have no impact or effect upon reporting requirements for local governing entities relating to the state tax commission. The state tax commission may allow compliance with this section by the posting of links to an urban renewal agency's website for the posting of plans.

SECTION 8. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (a) The name of the taxpayer;
- (b) The description of the new construction, suitably detailed to meet the requirements of the individual county;
- (c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;
- (d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction or a change in use of the land or both;
- (e) The amount of taxable market value added as provided in subsection (3) (g) of this section as a result of dissolution of any revenue allocation area;
- (f) The amount of taxable market value to be deducted to reflect the adjustments required in paragraphs (f) (i), (f) (ii), (f) (iii) and (f) (iv) of this subsection:

- (i) Any board of tax appeals or court ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;
- (ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;
- (iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;
- (iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year.

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

(3) The value shown on the new construction roll shall include the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist; or

(b) Additions or alterations to existing nonresidential structures; or
(c) Installation of new or used manufactured housing that did not previously exist within the county; or

(d) Change of land use classification; or

(e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or

(f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality, as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility, as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or

(g) Provided such increases do not include increases already reported on the new construction roll, as permitted in paragraphs (j) and (k) of this subsection, iIncreases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this subsection ~~(3) (g) paragraph~~; or

(h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.

(i) Formerly exempt improvements on state college or state university owned land for student dining, housing, or other education related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.

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

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

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to new con-

struction or a change in use of the land or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3) (g) of this section.

SECTION 9. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 10. Section 7 of this act shall be in full force and effect on and after January 1, 2017. The remaining provisions of this act shall be in full force and effect on and after July 1, 2016.

Approved April 5, 2016

CHAPTER 350
(H.B. No. 627)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004J, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEADERSHIP PREMIUMS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-1004J, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004J. LEADERSHIP PREMIUMS. (1) Of the moneys available to the educational support program, eight hundred fifty dollars (\$850) shall be distributed per full-time equivalent instructional and pupil service staff position employed by each school district. Such moneys shall be paid to instructional and pupil service staff employees for leadership activities as provided in paragraphs (a) through (g) of this subsection. Such premiums shall be valid only for the fiscal year for which the premiums are made and shall be made for one (1) or more of the following reasons as identified as leadership priorities by a committee consisting of teachers, administrators and other school district stakeholders and shall be approved by the board of trustees:

- (a) Teaching a course in which students earn both high school and college credit;
- (b) Teaching a course to middle school students in which the students earn both middle school and high school credit;
- (c) Holding and providing service in multiple nonadministrative certificate or subject endorsement areas;
- (d) Serving or being hired to serve in an instructional or pupil service position designated as hard to fill by the board of trustees;
- (e) Serving or being hired to serve in a hard to fill instructional position in a career technical education program;
- (f) Providing mentoring, peer assistance or professional development pursuant to section 33-512(17), Idaho Code;
- (g) Having received professional development in career and academic counseling, and then providing career or academic counseling for students, with such services incorporated within or provided in addition

to the teacher's regular classroom instructional or pupil service duties;

(gh) Other leadership duties designated by the board of trustees, exclusive of duties related to student activities or athletics. Such duties shall require that the employee work additional time as a condition of the receipt of a leadership premium.

(2) Local school district boards of trustees ~~may~~ shall provide leadership premiums to instructional or pupil service staff employees consistent with the provisions of this section and may not distribute moneys provided pursuant to this section unless employees meet one (1) of the criteria specified in subsection (1) of this section. The decision as to whom and how many receive leadership premiums, and in what amounts, shall not be subject to collective bargaining, any other provision of law notwithstanding. A board may provide multiple leadership premiums to an instructional or pupil service staff employee. However, no such employee shall receive cumulative leadership premiums in excess of twenty-five percent (25%) of the ~~base salary amount designated in minimum salary as designated on the career ladder pursuant to section 33-1004EB, Idaho Code, nor less than eight~~ nine hundred fifty dollars (\$85900), regardless of such employees full- or part-time status.

(3) The state department of education may require reports of information as needed to implement the provisions of this section. ~~Also, At a minimum, school districts shall report the information necessary for the department to fulfill the provisions of this section. T~~he department shall report, on or before January 15, 2016, and on or before January 15 of each subsequent year, to the governor, the senate education committee and the house of representatives education committee relevant information regarding leadership premiums, including the following:

(a) The number of instructional and pupil service staff employees in the district;

(b) The number of instructional and pupil service staff employees that received a leadership premium;

(c) The number of leadership premiums issued, by district;

(~~b~~d) The average dollar amount of leadership premiums issued, by district;

(~~e~~e) The highest and lowest leadership premium issued, by district;

(~~d~~f) The percent of instructional and pupil service staff positions receiving leadership premiums and the cumulative amount of such premiums, by district; and

(~~e~~g) The reasons identified as leadership priorities approved by the board of trustees as listed in subsection (1) of this section, including a description of the other leadership duties designated by the board of trustees as provided in subsection (1) (h) of this section and the number of the premiums awarded per leadership activity as identified in subsection (1) (a) through (h) of this section.

(4) For the purposes of this section, the term "school district" also means "public charter school," and the term "board of trustees" also means "board of directors."

(5) The state board of education is hereby authorized to promulgate rules to implement the provisions of this section.

Approved April 5, 2016

CHAPTER 351
(H.B. No. 629)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CALCULATION FOR THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 229, LAWS OF 2015, TO REVISE PROVISIONS REGARDING THE CALCULATION FOR THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(m) For an online course portal as provided for in section 33-1024, Idaho Code;

(n) For advanced opportunities as provided for in section 33-4602, Idaho Code;

(o) For the "8 in 6 program" as provided for in section 33-4603, Idaho Code;

(p) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(q) For leadership premiums as provided in section 33-1004J, Idaho Code;

(r) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

(s) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed, ~~in full or pro-rata, based on one hundred twenty dollars (\$120) per first reporting period support unit for grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;~~ and as follows:

(i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;

(ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;

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

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

to secure the total educational support distribution funds.

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

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
(Computation of alternative school support units shall include
grades 6 through 12)

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

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

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

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

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

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

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

the approved exceptional child program, subparagraph (ii) of this paragraph.

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

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

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

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

SECTION 2. That Section 33-1002, Idaho Code, as amended by Section 2, Chapter 229, Laws of 2015, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

- (j) For employee severance payments as provided in section 33-521, Idaho Code;
- (k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (m) For an online course portal as provided for in section 33-1024, Idaho Code;
- (n) For advanced opportunities as provided for in section 33-4602, Idaho Code;
- (o) For the "8 in 6 program" as provided for in section 33-4603, Idaho Code;
- (p) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (q) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (r) For master teacher premiums as provided in section 33-1004I, Idaho Code;
- (rs) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (st) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed, ~~in full or pro-rata, based on one hundred twenty dollars (\$120) per first reporting period support unit for grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;~~ and as follows:
 - (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro-rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;
 - (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;
- (tu) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation; and
- (tv) For mastery-based education as provided for in section 33-1630, Idaho Code;

to secure the total educational support distribution funds.

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

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. The provisions of Section 2 of this act shall be in full force and effect on and after July 1, 2019.

Approved April 5, 2016

CHAPTER 352
(H.B. No. 630)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004B, IDAHO CODE, TO PROVIDE AN ADDITIONAL ALLOCATION AMOUNT FOR CERTAIN CAREER TECHNICAL EDUCATION INSTRUCTIONAL STAFF AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-1004B, IDAHO CODE, AS AMENDED BY SECTION 6, CHAPTER 229, LAWS OF 2015, TO PROVIDE AN ADDITIONAL ALLOCATION AMOUNT FOR CERTAIN CAREER TECHNICAL EDUCATION INSTRUCTIONAL STAFF; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. (1) Effective July 1, 2015, all existing instructional staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung that corresponds with the next higher allocation amount than is currently received by the district, based on the experience and education index pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2015. For each year between July 1, 2015, and June 30, 2019, those instructional staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the instructional staff would have moved based on the experience and education index as applied in fiscal year 2015, for such instructional staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index.

(a) Instructional staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter, for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(b) Instructional staff new to teaching in Idaho who hold a certificate from a state other than Idaho and who are approved to teach in Idaho will be placed into the cohort of instructional staff on the career ladder table equivalent to their experience and education pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2015.

(c) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(d) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only credits and degrees earned based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or other work

experience approved by the state board of education, shall be credited toward the education allocation. Education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(i) Effective July 1, 2015, through June 30, 2016, the education allocation shall be:

1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, four hundred dollars (\$400) per fiscal year.
2. For instructional staff holding a professional endorsement and a master degree, seven hundred dollars (\$700) per fiscal year.

(ii) Effective July 1, 2016, through June 30, 2017, the education allocation shall be:

1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, eight hundred dollars (\$800) per fiscal year.
2. For instructional staff holding a professional endorsement and a master degree, one thousand four hundred dollars (\$1,400) per fiscal year.

(iii) Effective July 1, 2017, through June 30, 2018, the education allocation shall be:

1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand two hundred dollars (\$1,200) per fiscal year.
2. For instructional staff holding a professional endorsement and a master degree, two thousand one hundred dollars (\$2,100) per fiscal year.

(iv) Effective July 1, 2018, through June 30, 2019, the education allocation shall be:

1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand six hundred dollars (\$1,600) per fiscal year.
2. For instructional staff holding a professional endorsement and a master degree, two thousand eight hundred dollars (\$2,800) per fiscal year.

(v) Effective July 1, 2019, through June 30, 2020, the education allocation shall be:

1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.
2. For instructional staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(de) Effective July 1, 2015, through June 30, 2016, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency/ Professional	\$32,700	\$33,200	\$33,822							
Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

(ef) Effective July 1, 2016, through June 30, 2017, the allocation shall be:

Base										
Allocation	1	2	3	4	5	6	7	8	9	10
Residency/										
Professional	\$33,400	\$34,250	\$35,117							
Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

(fg) Effective July 1, 2017, through June 30, 2018, the allocation shall be:

Base										
Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$34,600	\$35,500	\$36,411							
Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

(2) Effective July 1, 2018, through June 30, 2019, school districts shall receive an allocation for instructional staff based on the instructional staffs' position on the career ladder.

(a) Instructional staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the compensation rung performance criteria for the previous three (3) years. Allocations to districts for instructional staff who have failed to meet the professional compensation rung performance criteria for the previous three (3) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(c) Effective July 1, 2018, through June 30, 2019, the allocation shall be:

Base										
Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$35,800	\$36,750	\$37,706							
Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

(3) Effective July 1, 2019, through June 30, 2020, school districts shall receive an allocation for instructional staff based on the instructional staffs' position on the career ladder as follows:

(a) Instructional staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Allocations to districts for instructional staff who have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(c) Effective July 1, 2019, through June 30, 2020, the allocation shall be:

Base	1	2	3	4	5	6	7	8	9	10
Allocation										
Residency	\$37,000	\$38,000	\$39,000							
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

(4) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation. The state department of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff employee evaluations shall be independently reviewed. The state department of education shall appoint persons to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

SECTION 2. That Section 33-1004B, Idaho Code, as amended by Section 6, Chapter 229, Laws of 2015, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. School districts shall receive an allocation for instructional staff based on their instructional staffs' position on the career ladder as follows:

(1) Instructional staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(5) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(a) For instructional staff holding a professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

Base	1	2	3	4	5
Allocation					
Residency	\$37,000	\$38,000	\$39,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

(56) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation. The state department of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff employee evaluations shall be independently reviewed. The state department of education shall appoint persons to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

SECTION 3. The provisions of Section 2 of this act shall be in full force and effect on and after July 1, 2020.

Approved April 5, 2016

CHAPTER 353
(H.B. No. 637)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2017; PROVIDING NON-GENERAL FUND REAPPROPRIATION; PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS; PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE; PROVIDING LEGISLATIVE INTENT FOR THE CYBERSECURITY LAB; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities, and the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$80,250,000	\$8,320,300	\$4,397,800		\$92,968,100
Unrestricted					
Fund	<u>75,427,800</u>	<u>21,502,200</u>	<u>1,339,600</u>		<u>98,269,600</u>
TOTAL	\$155,677,800	\$29,822,500	\$5,737,400		\$191,237,700
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$74,362,100	\$422,800	\$9,000		\$74,793,900
Economic Recovery Reserve					
Fund			1,160,000		1,160,000
Charitable Institutions Endowment Income					
Fund	1,478,400				1,478,400
Normal School Endowment Income					
Fund	2,131,200				2,131,200
Unrestricted					
Fund	<u>37,164,600</u>	<u>26,348,500</u>	<u>5,033,800</u>		<u>68,546,900</u>
TOTAL	\$115,136,300	\$26,771,300	\$6,202,800		\$148,110,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$79,229,200	\$6,500,000	\$3,928,100		\$89,657,300
Agricultural College Endowment Income					
Fund	933,000	66,000	348,600		1,347,600
Scientific School Endowment Income					
Fund	3,443,900		1,264,900		4,708,800
University Endowment Income					
Fund		3,035,100	1,007,700		4,042,800
Unrestricted					
Fund	<u>44,196,000</u>	<u>31,903,300</u>	<u>430,600</u>		<u>76,529,900</u>
TOTAL	\$127,802,100	\$41,504,400	\$6,979,900		\$176,286,400
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$14,342,500	\$1,435,100	\$1,285,300		\$17,062,900
Normal School Endowment Income					
Fund		2,131,200			2,131,200
Unrestricted					
Fund	<u>13,347,900</u>	<u>2,875,000</u>	<u>20,000</u>		<u>16,242,900</u>
TOTAL	\$27,690,400	\$6,441,300	\$1,305,300		\$35,437,000
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$984,300	\$1,200	\$4,078,800	\$5,064,300
GRAND TOTAL	\$426,306,600	\$105,523,800	\$20,226,600	\$4,078,800	\$556,135,800

SECTION 2. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities any unexpended and unencumbered balances of moneys categorized as dedicated funds appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated in Section 1, Subsection V., of this act, the following amounts may be used as follows: (1) An amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions and promote accountability and information transfer throughout the higher education system; and (2) An amount of approximately \$1,960,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of

Education Policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the president of the State Board of Education shall provide a written report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee on the implementation and effectiveness of the funding appropriated for the Complete College Idaho initiative. Reporting shall address the \$2,759,700 appropriated in fiscal year 2015, the \$2,033,800 appropriated in fiscal year 2016, and the \$2,000,000 included in Section 1 of this act. The board may use the measures of effectiveness submitted by the institutions in their budget requests or develop other measures as necessary. Reporting to the Legislature should occur no later than February 1, 2017.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the cybersecurity lab that will be funded through the appropriation to Boise State University in Section 1 of this act will include collaboration with the Idaho National Laboratory (INL) and that its assets will be available for further collaboration with the University of Idaho and Idaho State University by utilization of the Idaho Regional Optical Network (IRON), thereby taking advantage of computing resources at each institution and the INL.

SECTION 6. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the State Board of Education and the Board of Regents of the University of Idaho for College and Universities is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 5, 2016

CHAPTER 354
(H.B. No. 639)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2017; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2017, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

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

SECTION 1. Except as provided in Sections 2, 3 and 4 of this act, every rule, as that term is defined in Section 67-5201, Idaho Code, that would expire on July 1, 2016, pursuant to the provisions of subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in full force and effect until July 1, 2017, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Sixty-third Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2017, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Sixty-third Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5291, Idaho Code.

SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending or repealing rules which have been continued in full force and effect until July 1, 2017, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of any administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 5, 2016

CHAPTER 355
(H.B. No. 643)

AN ACT

RELATING TO SUBMERSIBLE WELL PUMPS; AMENDING CHAPTER 10, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1001A, IDAHO CODE, TO PROVIDE THAT LISTED SUBMERSIBLE WELL PUMPS ARE APPROVED FOR USE IN LAKES, RIVERS, PONDS AND STREAMS, TO PROVIDE THAT CERTAIN REGULATIONS SHALL NOT APPLY AND TO PROVIDE THAT THE DIVISION OF BUILDING SAFETY SHALL PROMULGATE RULES; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 10, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1001A, Idaho Code, and to read as follows:

54-1001A. SUBMERSIBLE WELL PUMPS. (1) Listed submersible well pumps are approved for use in lakes, rivers, ponds and streams in Idaho. Articles 110.3(A), 110.3(B) and 682 of the national electrical code relating to

specific use of the pumps shall not apply, nor shall this section affect any electric supplier as set forth in section 61-332A, Idaho Code.

(2) The division of building safety is hereby directed to promulgate rules governing the use, inspection and safety of submersible well pumps in Idaho's lakes, rivers, ponds and streams.

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

SECTION 3. The provisions of this act shall be null, void and of no force and effect on and after March 31, 2018.

Approved April 5, 2016

CHAPTER 356
(H.B. No. 646)

AN ACT

RELATING TO APPROPRIATIONS FOR A CONSERVATION EASEMENT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2017; PROVIDING REAPPROPRIATION FOR THE FOREST LEGACY PROGRAM FOR FISCAL YEAR 2016; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2017; EXPRESSING LEGISLATIVE INTENT; AND EXPRESSING ADDITIONAL LEGISLATIVE INTENT.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Lands, for the Forest Resources Management Program, \$5,000,000 from the Federal Grant Fund to be expended from trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 2. REAPPROPRIATION FOR FOREST LEGACY PROGRAM. There is hereby reappropriated to the Department of Lands any unexpended and unencumbered balances of moneys appropriated or reappropriated for the Forest Resources Management Program, from the Federal Grant Fund for trustee and benefit payments, for fiscal year 2016, to be used for the Forest Legacy Program, for the period July 1, 2016, through June 30, 2017.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Fish and Game, for the Wildlife Program, \$2,000,000 from the Fish and Game (Federal) Fund to be expended from capital outlay for the period July 1, 2016, through June 30, 2017.

SECTION 4. LEGISLATIVE INTENT. The Forest Legacy Program (FLP) is a federal program that supports state efforts to protect environmentally sensitive forests through the use of conservation easements. It is the intent of the Legislature that moneys appropriated in this act shall be used by the Department of Lands, and the Department of Fish and Game to purchase the Clagstone Meadows conservation easement, in Bonner County, on behalf of the State of Idaho.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the conservation easement shall stipulate public access to certain properties for hunting, fishing and outdoor activities, provided that the owner

may close access for short periods of time because of safety concerns during timber harvest, treatment and property maintenance activities, and because of fire and other natural disasters, or because of public misuse. Furthermore, it is the intent of the Legislature that the land classification shall not be devalued, and that future property taxes owed by the landowner shall not be diminished because of the conservation easement.

Approved April 5, 2016

CHAPTER 357
(H.B. No. 649)

AN ACT

RELATING TO BREWERIES; AMENDING SECTION 23-902, IDAHO CODE, TO DEFINE "BREWERY" AND "WINERY"; AND AMENDING SECTION 23-944, IDAHO CODE, TO ALLOW PERSONS UNDER TWENTY-ONE YEARS OF AGE TO ENTER OR BE ON THE PREMISES OF A LICENSED BREWERY WHERE BEER IS CONSUMED ON THE PREMISES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

23-902. DEFINITIONS. The following words and phrases used in this chapter shall be given the following interpretation:

(1) "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members and to bona fide guests of members only:

(a) A post, chapter, camp or other local unit composed solely of veterans and their duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state; or

(b) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization, which has as the owner, lessee or occupant, operated an establishment for fraternal purposes in this state and actively operates in not less than thirty-six (36) states or has been in continuous existence for not less than twenty (20) years; and which has not less than fifty (50) bona fide members in each unit, and which owns, maintains or operates club quarters, and is authorized and incorporated to operate as a nonprofit club under the laws of this state, and which has recognized tax exempt status under section 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been continuously incorporated and operating for a period of not less than one (1) year. The club shall have had during that period of one (1) year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club membership shall consist of bona fide dues paying members, recorded by the secretary of the club, paying at least six dollars (\$6.00) per year in dues, payable monthly, quarterly or annually; and the members at the time of application for a club license shall be in good standing, having paid dues for at least one (1) full year.

(2) "Convention" means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry.

(3) "Director" means the director of the Idaho state police.

(4) "Gaming" means any and all gambling or games of chance defined in chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof, whether those games are licensed or unlicensed.

(5) "Interdicted person" means a person to whom the sale of liquor is prohibited under law.

(6) "License" means a license issued by the director to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail, as provided by law.

(7) "Licensee" means the person to whom a license is issued under the provisions of law.

(8) "Liquor" means all kinds of liquor sold by and in a state liquor store of the state of Idaho.

(9) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(10) "Municipal license" means a license issued by a municipality of the state of Idaho under the provisions of law.

(11) "Party" means a social gathering especially for pleasure or amusement and includes, but is not limited to, such social events as weddings, birthdays, and special holiday celebrations to include, but not be limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the Fourth of July and Labor Day.

(12) "Person" means every individual, partnership, corporation, organization, or association holding a retail liquor license, whether conducting the business singularly or collectively.

(13) "Premises" means the building and contiguous property owned, or leased or used under a government permit by a licensee as part of the business establishment in the business of sale of liquor by the drink at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar improved appurtenances in which the sale of liquor by the drink at retail is authorized under the provisions of law.

(14) "Rules" means rules promulgated by the director in accordance with the provisions of law.

(15) "State liquor store" means a liquor store or distributor established under and pursuant to the laws of the state of Idaho for the package sale of liquor at retail.

(16) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(17) "Brewery" means a place, premises or establishment for the manufacture, bottling or canning of beer.

(18) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(179) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and acceptable meanings.

SECTION 2. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) ~~u~~Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcohol beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein;~~i~~

(2) ~~i~~In any building, a part or portion of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section 23-943, Idaho Code, from entering therein;~~i~~

(3) ~~i~~In any baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of liquor by the drink, wine or beer for consumption on the premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment. It is lawful for persons under the age of twenty-one (21) years to enter and remain in a baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds so long as the activity, show, exhibition, performance or event is lawful and the person does not violate section 23-949, Idaho Code;~~i~~

(4) ~~u~~Upon the premises of any licensed brewery or winery notwithstanding that such premises or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that beer or wine is dispensed and served and consumed therein;~~i~~

(5) ~~u~~Upon the licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery;~~i~~

(6) ~~a~~At a location, other than a liquor, beer, or wine licensed premises, authorized to serve alcohol beverages under a valid alcohol beverage catering permit;~~i~~ or

(7) ~~i~~In any movie theater that is allowed to sell beer or wine for consumption on the premises pursuant to a valid license and which movie theater had a license that was valid and not suspended or revoked on January 1, 2006. No films, still pictures, electronic reproductions or other visual reproductions which are in violation of chapter 41, title 18, Idaho Code (indecentcy and obscenity), or are in violation of federal law regarding pornography, indecentcy or obscenity shall be shown or displayed on the premises. As used in this subsection, "movie theater" means a motion picture theater that is being utilized solely for exhibition of a motion picture.

Approved April 5, 2016

CHAPTER 358
(H.B. No. 536)

AN ACT

RELATING TO JUDICIAL REVIEW OF COUNTY ROAD OR HIGHWAY DISTRICT DECISIONS; AMENDING SECTION 40-208, IDAHO CODE, TO PROVIDE THAT EITHER PARTY TO A PROCEEDING MAY REQUEST APPOINTMENT OF A JUDGE WHO IS NOT A RESIDENT OF THE COUNTY WHERE THE ROAD OR PROPERTY IS LOCATED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 40-208, Idaho Code, be, and the same is hereby amended to read as follows:

40-208. JUDICIAL REVIEW. (1) Any resident or property holder within the county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, who is aggrieved by a final decision of a board of county or highway district commissioners in an abandonment and vacation or validation proceeding is entitled to judicial review under the provisions of this section.

(2) Proceedings for review are instituted by filing a petition in the district court of the county in which the commissioners have jurisdiction over the highway or public right-of-way within twenty-eight (28) days after the filing of the final decision of the commissioners or, if a rehearing is requested, within twenty-eight (28) days after the decision thereon.

(3) The filing of the petition does not itself stay enforcement of the commissioners' decision. The reviewing court may order a stay upon appropriate terms.

(4) Within thirty (30) days after the service of the petition, or within further time allowed by the court, the commissioners shall transmit to the reviewing court the original, or a certified copy, of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be ordered by the court to pay for additional costs. The court may require subsequent corrections to the record and may also require or permit additions to the record.

(5) The parties may present additional evidence to the court, upon a showing to the court that such evidence is material to the issues presented to the court. In such case, the court may order that the additional information be presented to the commissioners upon conditions determined by the court. The commissioners may modify their findings and decisions by reason of the additional information and shall file that information and any modifications, new findings, or decisions with the reviewing court.

(6) Either party to a proceeding may request in writing that a judge who resides outside the county where the subject road or property is located be appointed to hear the case, and, upon such written request, such a judge shall be appointed for the case. The review shall be conducted by the court without a jury. The court shall consider the record before the board of county or highway district commissioners and shall defer to the board of county or highway district commissioners on matters in which such board has appropriately exercised its discretion with respect to the evaluation of the public interest. As to the determination of highway or public right-of-way creation, width and abandonment, the court may accept new evidence and testimony supplemental to the record provided by the county or highway district, and the court shall consider those issues anew. In cases of alleged irregularities in procedure before the commissioners, not shown in

the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(7) Any person other than a board of county or highway district commissioners seeking a determination of the legal status or the width of a highway or public right-of-way shall first petition for the initiation of validation or abandonment proceedings, or both, as provided for in sections 40-203(1)(b) and 40-203A(1), Idaho Code. If the commissioners having jurisdiction over the highway system do not initiate a proceeding in response to such a petition within thirty (30) days, the person may seek a determination by quiet title or other available judicial means. When the legal status or width of a highway or public right-of-way is disputed and where a board of county or highway district commissioners wishes to determine the legal status or width of a highway or public right-of-way, the commissioners shall initiate validation or abandonment proceedings, or both, as provided for in sections 40-203 and 40-203A, Idaho Code, rather than initiating an action for quiet title. If proceedings pursuant to the provisions of section 40-203 or 40-203A, Idaho Code, are initiated, those proceedings and any appeal or remand therefrom shall provide the exclusive basis for determining the status and width of the highway, and no court shall have jurisdiction to determine the status or width of said highway except by way of judicial review provided for in this section. Provided that nothing in this subsection shall preclude determination of the legal status or width of a public road in the course of an eminent domain proceeding, as provided for in chapter 7, title 7, Idaho Code.

Approved April 5, 2016

CHAPTER 359

(S.B. No. 1297, As Amended, As Amended, As Amended in the House)

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-409, IDAHO CODE, TO PROVIDE FOR ELECTRONIC REGISTRATION; AMENDING SECTION 49-321, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE IDAHO TRANSPORTATION DEPARTMENT UPON REQUEST OF THE OFFICE OF THE SECRETARY OF STATE; AMENDING SECTION 34-404, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-408, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-408A, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-416, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-419, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-420, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AND AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 34-409, Idaho Code, and to read as follows:

34-409. **ELECTRONIC REGISTRATION.** (1) The office of the secretary of state may create and maintain an electronic system for voter registration that is publicly available on its official website. Any qualified elector who has a current valid driver's license or identification card issued pursuant to title 49, Idaho Code, that reflects the person's current principal place of residence, may register to vote by submitting a completed voter

registration application electronically through such website. Electronic voter registration applications shall be submitted before the close of registration as provided in section 34-408, Idaho Code.

(2) The electronic voter registration application shall be in a form prescribed by the secretary of state and shall:

(a) Require the information under oath or affirmation set forth in section 34-411, Idaho Code;

(b) Include notice of the requirement to provide personal identification before voting at the polls as set forth in sections 34-1113 and 34-1114, Idaho Code; and

(c) Require an electronic signature of the applicant.

(3) The office of the secretary of state shall obtain a digital copy of the applicant's driver's license or identification card signature from the Idaho transportation department. The Idaho transportation department shall, upon request of the office of the secretary of state, provide a digital copy of the applicant's driver's license or identification card signature.

(4) Upon receipt of a completed voter registration application and a digital copy of the applicant's driver's license or identification card signature from the Idaho transportation department, the office of the secretary of state shall send the information to the county clerk for the county in which the applicant resides. The county clerk shall prepare and issue to each elector registering electronically a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides. Such verification of registration may be sent by nonforwardable first-class mail or by electronic mail at the elector's option. If a verification is returned undeliverable, then the county clerk shall remove the elector from the register of electors.

(5) An applicant using the electronic system for voter registration pursuant to this section shall not be required to complete a printed registration card.

(6) The office of the secretary of state shall use such security measures necessary to ensure the accuracy and integrity of an electronically submitted voter registration application.

SECTION 2. That Section 49-321, Idaho Code, be, and the same is hereby amended to read as follows:

49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall file every application for a driver's license received by it and shall maintain suitable indices containing:

(a) All applications denied and on each note the reason for denial;

(b) All applications granted;

(c) The name of every licensee whose driver's license has been suspended, revoked, canceled, denied or disqualified by the department and after each name note the reasons for the action;

(d) The driver's license number for the applicant; and

(e) The social security number of the applicant.

(2) The department shall file the original or copy of the medical examiner's certificates, medical exemption letters and skill performance evaluation certificates of all commercial driver's license or instruction permit holders required to provide documentation of their physical qualification. The department shall maintain the document(s) for a period of three (3) years beyond the date the certificate or document was issued.

(3) The department shall also file all accident reports and abstracts of court records of convictions received by it under the law from any jurisdiction and is authorized to forward records of convictions, suspensions or disqualifications to any jurisdiction. Records may be in either paper or electronic form. The department shall maintain convenient records or make

suitable notations in order that an individual record of each licensee showing the convictions and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for consideration of the department upon any application for renewal of a driver's license and at other suitable times.

(4) The department of health and welfare, on or about the 25th day of each month shall, upon the request of the department, furnish the department a listing showing the name, age, county of residence, and residence address of each Idaho resident who has died during the preceding month. The listing shall be used only for purposes of updating the driver's license files of the department and shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(5) The department, upon request by the office of the secretary of state, shall provide the office of the secretary of state with a digital copy of the driver's license or identification card signature of a person who is an applicant for voter registration pursuant to section 34-409, Idaho Code.

SECTION 3. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF ELECTORS. (1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration card application is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Idaho Code.

(2) Each elector may select on the registration card application an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or may select to be designated as "unaffiliated." The county clerk shall record the party affiliation or "unaffiliated" designation so selected as part of the elector's registration record. If an elector shall fail or refuse to make such a selection, the county clerk shall enter on the registration records that such elector is "unaffiliated."

(3) In order to provide an elector with the appropriate primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

(4) In order to provide electors who are already registered to vote, and who remain registered electors, with an opportunity to select a party affiliation or to select their status as "unaffiliated," the poll book for the 2012 primary election shall include checkoff boxes by which the poll worker or other appropriate election personnel shall record such elector's choice of party affiliation or choice to be designated as "unaffiliated." After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected in the poll book as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not selected party affiliation or who have not selected to be designated as "unaffiliated," shall be designated as "unaffiliated" and the county clerk shall record that designation for each such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

SECTION 4. That Section 34-408, Idaho Code, be, and the same is hereby amended to read as follows:

34-408. CLOSING OF REGISTER -- TIME LIMIT. (1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration eard application received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

(3) Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

SECTION 5. That Section 34-408A, Idaho Code, be, and the same is hereby amended to read as follows:

34-408A. ELECTION DAY REGISTRATION. An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration eard application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or

(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or

(3) Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

SECTION 6. That Section 34-416, Idaho Code, be, and the same is hereby amended to read as follows:

34-416. REGISTRATION CARDS APPLICATIONS. (1) The registration eard application shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed eard application.

(3) The registration eard application completed and signed as provided in this section constitutes the official registration eard application of the elector. The county clerk shall keep and file all such eard applications in a convenient manner in his office. Such eard applications

constitute the register of electors and shall be considered confidential and unavailable for public inspection and copying except as provided by subsection (25) of section 74-106, Idaho Code.

SECTION 7. That Section 34-419, Idaho Code, be, and the same is hereby amended to read as follows:

34-419. SUSPENSION OF REGISTRATION OF ELECTORS WHO APPEAR NOT TO BE CITIZENS OF THE UNITED STATES. The county clerk shall remove from the register of electors the official registration card and application of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the card application. If the elector proves to the county clerk that he is in fact a citizen of the United States, his card application shall be replaced in the register and his registration reinstated.

SECTION 8. That Section 34-420, Idaho Code, be, and the same is hereby amended to read as follows:

34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELLED WHILE HE IS SERVING IN THE ARMED FORCES -- EXCEPTION. (1) Except as provided in section 34-435, Idaho Code, no elector's registration shall be cancelled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card and application from the register of electors, during any period that he is serving in the armed forces of the United States or of any ally of the United States.

(2) In order to facilitate the implementation of the provisions of subsection (1) of this section, the one hundred twenty (120) day limitation in section 34-435, Idaho Code, shall be waived for the year 1987, in order to allow military registrations to be cancelled by the county clerk in calendar year 1987.

SECTION 9. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records; and

(f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that

is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency which has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

- (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
- (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;
- (c) Mortgage portfolio loan documents;
- (d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration card application on file in the county clerk's office; however, a redacted copy of said card application shall be made available consistent with the requirements of this section. Information from the voter registration card application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to continuing education and record-keeping violations that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;

(b) If requested by a law enforcement agency, to the law enforcement agency;

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 5, 2016

CHAPTER 360
(S.B. No. 1253)

AN ACT

RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1602, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1644, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT CAREGIVERS SHALL EXERCISE CERTAIN STANDARDS OF CARE IN DECIDING WHETHER TO ALLOW A FOSTER CHILD TO PARTICIPATE IN ACTIVITIES, TO LIMIT LIABILITY AND TO PROVIDE THAT THIS SECTION DOES NOT AFFECT LIABILITY PROTECTIONS OTHERWISE PROVIDED BY LAW; AND AMENDING SECTION 16-2002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

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

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

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

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

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

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

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

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

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

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

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

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

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in

section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108 or 18-6608, Idaho Code.

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

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

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

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

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

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

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

(910) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

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

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

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

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

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

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

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

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

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

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

(1921) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

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

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

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

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

(246) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

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

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

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

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

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

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

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

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

~~(2830)~~ "Neglected" means a child:

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

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

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

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

(2931) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, and review reasonable efforts in accomplishing the permanency plan.

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

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

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

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

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

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

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

SECTION 2. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1644, Idaho Code, and to read as follows:

16-1644. LIMITATIONS ON CAREGIVER LIABILITY. (1) For purposes of this section:

(a) "Age or developmentally appropriate" means:

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

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

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

(2) A caregiver shall use the reasonable and prudent parent standard in determining whether to permit a child to participate in an activity while in foster care. A caregiver shall also consider whether the activity is age or developmentally appropriate.

(3) A caregiver shall not be liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the caregiver when the caregiver has acted in accordance with subsection (2) of this section.

(4) This section does not remove or limit any existing liability protection otherwise provided by law.

SECTION 3. That Section 16-2002, Idaho Code, be, and the same is hereby amended to read as follows:

16-2002. DEFINITIONS. When used in this chapter, unless the text otherwise requires:

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

(2) "Child" or "minor" means any individual who is under the age of eighteen (18) years.

(3) "Neglected" means:

(a) Conduct as defined in section 16-1602(2830), Idaho Code; or

(b) The parent(s) has failed to comply with the court's orders or the case plan in a child protective act case and:

(i) The department has had temporary or legal custody of the child for fifteen (15) of the most recent twenty-two (22) months; and

(ii) Reunification has not been accomplished by the last day of the fifteenth month in which the child has been in the temporary or legal custody of the department.

(4) "Abused" means conduct as defined in section 16-1602(1), Idaho Code.

(5) "Abandoned" means the parent has willfully failed to maintain a normal parental relationship including, but not limited to, reasonable support or regular personal contact. Failure of the parent to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment under this section; provided however, where termination is sought by a grandparent seeking to adopt the child, the willful failure of the parent to maintain a normal parental relationship as provided herein without just cause for six (6) months shall constitute prima facie evidence of abandonment.

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

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

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

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

(d) To authorize medical, dental, psychiatric, psychological and other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children;

provided that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person.

(7) "Guardianship of the person" means those rights and duties imposed upon a person appointed as guardian of a minor under the laws of Idaho. It includes but is not necessarily limited either in number or kind to:

(a) The authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric and surgical treatment; to represent the minor in legal actions; and to make other decisions concerning the child of substantial legal significance;

(b) The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;

(c) The rights and responsibilities of legal custody except where legal custody has been vested in another individual or in an authorized child placement agency;

(d) When the parent and child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

(8) "Guardian ad litem" means a person appointed by the court pursuant to section 16-1614 or 5-306, Idaho Code.

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

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

(11) "Parent" means:

(a) The birth mother or the adoptive mother;

(b) The adoptive father;

(c) The biological father of a child conceived or born during the father's marriage to the birth mother; and

(d) The unmarried biological father whose consent to an adoption of the child is required pursuant to section 16-1504, Idaho Code.

(12) "Presumptive father" means a man who is or was married to the birth mother and the child is born during the marriage or within three hundred (300) days after the marriage is terminated.

(13) "Parent and child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

(14) "Parties" includes the child and the petitioners.

(15) "Unmarried biological father," as used in this chapter and chapter 15, title 16, Idaho Code, means the biological father of a child who was not married to the child's mother at the time the child was conceived or born.

(16) "Unmarried biological mother," as used in this chapter, means the biological mother of a child who was not married to the child's biological father at the time the child was conceived or born.

(17) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activities of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning, or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania, or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be

determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

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

(19) "Supportive services" means services which assist a parent with a disability to compensate for those aspects of their disability which affect their ability to care for their child and which will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations, or assistance with effective use of adaptive equipment, and accommodations which allow a parent with a disability to benefit from other services, such as Braille texts or sign language interpreters.

Approved April 5, 2016

CHAPTER 361

(S.B. No. 1265, As Amended in the House)

AN ACT

RELATING TO INSURANCE PREMIUM TAX FUNDING FOR THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-406, IDAHO CODE, TO APPROPRIATE ONE-QUARTER OF THE INSURANCE PREMIUM TAX EXCEEDING FORTY-FIVE MILLION DOLLARS TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-406, Idaho Code, be, and the same is hereby amended to read as follows:

41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The director shall transmit all taxes, fines and penalties collected by him to the state treasurer as provided under section 59-1014, Idaho Code. The director shall file with the state controller a statement of each deposit thus made. All such funds received shall be deposited into the department of insurance suspense account.

Such funds shall be distributed as follows:

(a) The director may deposit up to twenty percent (20%) of the funds received in the insurance refund account which is hereby created for the purpose of repaying overpayments of any taxes, fines, and penalties or other erroneous receipts. There is hereby appropriated out of the insurance refund account so much thereof as shall be necessary for the payment of refunds. Any unencumbered balance remaining in the insurance refund account on June 30 of each and every year in excess of forty thousand dollars (\$40,000) shall be transferred to the general fund and the state controller is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

(b) That portion of the premium tax, payable to the public employee retirement fund as provided in section 59-1394, Idaho Code, shall be distributed to that fund.

(c) That portion of the premium tax necessary to cover administrative costs incurred by the department in placing insurance companies or any other insurance entities into receivership or under administrative supervision, and such costs cannot be satisfied from the assets of these companies or entities, shall be distributed to the insurance insolvency administrative fund which is hereby created. There is

hereby appropriated out of the insurance insolvency administrative fund so much thereof as shall be necessary, but not to exceed two hundred thousand dollars (\$200,000) in any one (1) fiscal year, for the payment of the department's administrative expenses incurred in carrying out such receiverships or supervision. A balance of one hundred thousand dollars (\$100,000) shall be maintained in this fund on June 30 of each year.

(d) After all other deductions authorized in this section have been made, if the premium tax remaining exceeds forty-five million dollars (\$45,000,000), one-fourth (1/4) of such excess is hereby appropriated and shall be paid to the Idaho individual high risk reinsurance pool established in chapter 55, title 41, Idaho Code.

(e) The balance of the premium tax, fines and penalties shall be distributed to the general fund of the state of Idaho.

(f) All moneys received for fees, licenses and miscellaneous charges collected shall be distributed to the insurance administrative account.

(2) The director shall make and file with the state controller an itemized statement of the fees, licenses, taxes, fines and penalties collected by him during the preceding month.

SECTION 2. This act shall be in full force and effect on and after July 1, 2017.

Approved April 5, 2016

CHAPTER 362

(S.B. No. 1300, As Amended)

AN ACT

RELATING TO ESTATES; AMENDING SECTION 15-2-802, IDAHO CODE, TO CLARIFY PERSONS WHO DO NOT QUALIFY AS A SURVIVING SPOUSE; AND AMENDING CHAPTER 2, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-2-804, IDAHO CODE, PROVIDING FOR THE REVOCATION OF CERTAIN PROBATE AND NONPROBATE TRANSFERS BY DIVORCE.

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

SECTION 1. That Section 15-2-802, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-802. EFFECT OF DIVORCE, ANNULMENT, AND DECREE OF SEPARATION. (a) ~~A person~~ An individual who is divorced from the decedent or whose marriage to the decedent has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage, he is married to the decedent at the time of death. A decree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this section.

(b) For purposes of parts 1, 2, 3 and 4 of this chapter and of section 15-3-203 of this code, a surviving spouse does not include:

(1) ~~a person~~ An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in this state, unless they subsequently participate in a marriage ceremony purporting to marry each to the other, or ~~subsequently~~ live together as man and wife;

(2) ~~a person~~ An individual who, following an invalid decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third person; or

(3) ~~a person~~ An individual who was a party to a valid proceeding concluded by an order purporting to terminate all marital property rights.

SECTION 2. That Chapter 2, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-804, Idaho Code, and to read as follows:

15-2-804. REVOCATION OF PROBATE AND NONPROBATE TRANSFERS BY DIVORCE -- NO REVOCATION BY OTHER CHANGES OF CIRCUMSTANCES. (a) Definitions. In this section:

(1) "Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(2) "Divorce or annulment" means any divorce or annulment, or any dissolution or declaration of invalidity of a marriage, that would exclude the spouse as a surviving spouse within the meaning of section 15-2-802, Idaho Code. A decree of separation that does not terminate the status of husband and wife is not a divorce for the purposes of this section.

(3) "Divorced individual" includes an individual whose marriage has been annulled.

(4) "Governing instrument" means a governing instrument executed by the divorced individual before the divorce or annulment of his marriage to his former spouse.

(5) "Relative of the divorced individual's former spouse" means an individual who is related to the divorced individual's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced individual by blood, adoption or affinity.

(6) "Revocable," with respect to a disposition, appointment, provision or nomination, means one under which the divorced individual, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of his former spouse or former spouse's relative, whether or not the divorced individual was then empowered to designate himself in place of his former spouse or in place of his former spouse's relative and whether or not the divorced individual then had the capacity to exercise the power.

(b) Revocation Upon Divorce. Except as provided by the express terms of a governing instrument, a court order or a contract relating to the division of the marital estate made between the divorced individuals before or after the marriage, divorce or annulment, a divorce or annulment of a marriage:

(1) Revokes any revocable:

(i) Disposition or appointment of property made by a divorced individual to his or her former spouse in a governing instrument and any disposition or appointment created by law or in a governing instrument to a relative of the divorced individual's former spouse;

(ii) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced individual's former spouse or on a relative of the divorced individual's former spouse; and

(iii) Nomination in a governing instrument, nominating a divorced individual's former spouse or a relative of the divorced individual's former spouse to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(2) Severs the interests of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship transforming the interests of the former spouses into equal tenancies in common.

(c) Effect of Severance. A severance under subsection (b) (2) of this section does not affect any third-party interest in property acquired for

value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property, which records are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

(d) Effect of Revocation. Provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

(e) Revival. Provisions revoked solely by this section are revived by the divorced individual's remarriage to the former spouse or by the divorce or annulment being set aside.

(f) No Revocation for Other Change of Circumstances. No change of circumstances other than as described in this section and in section 15-2-803 effects a revocation.

(g) Protection of Payors and Other Third Parties.

(1) A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by a divorce, annulment or remarriage, or for having taken any other action in good faith reliance on the validity of the governing instrument, before the payor or other third party received written notice of the divorce, annulment or remarriage. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written notice of a claimed forfeiture or revocation under this section.

(2) Written notice of the divorce, annulment or remarriage under paragraph (1) of this subsection must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

(h) Protection of Bona Fide Purchasers -- Personal Liability of Recipient.

(1) A person who purchases property from a former spouse, relative of a former spouse, or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse, or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit, nor is liable under this section for the amount of the payment or the value of the item of property or benefit. But a former spouse, relative of a former spouse, or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit, or is personally liable for the amount of the payment or the

value of the item of property or benefit, to the person who is entitled to it under this section.

(2) If this section or any part of this section is preempted by federal law with respect to a payment, an item of property or any other benefit covered by this section, a former spouse, relative of the former spouse, or any other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who would have been entitled to it were this section or part of this section not preempted.

Approved April 5, 2016

CHAPTER 363
(S.B. No. 1301)

AN ACT

RELATING TO COMMUNITY PROPERTY; AMENDING CHAPTER 6, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-6-114, IDAHO CODE, TO CLARIFY THE CHARACTERIZATION OF PROPERTY AS COMMUNITY PROPERTY OR JOINT PROPERTY.

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

SECTION 1. That Chapter 6, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-6-114, Idaho Code, and to read as follows:

15-6-114. COMMUNITY PROPERTY. A deposit of community property in an account does not alter the community character of the property or community rights in the property, but a right of survivorship between parties married to each other arising from the express terms of the account or of the provisions of this chapter may not be altered by will.

Approved April 5, 2016

CHAPTER 364
(S.B. No. 1315, As Amended, As Amended)

AN ACT

RELATING TO FORECLOSURE; AMENDING SECTION 45-1506, IDAHO CODE, TO PROVIDE THAT A PURCHASER AT A TRUSTEE'S SALE SHALL BE ENTITLED TO DISPOSE OF TITLED OR NONTITLED PERSONAL PROPERTY UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 45-1506, Idaho Code, be, and the same is hereby amended to read as follows:

45-1506. MANNER OF FORECLOSURE -- NOTICE -- SALE. (1) A trust deed may be foreclosed in the manner provided in this section.

(2) Subsequent to recording notice of default as hereinbefore provided, and at least one hundred twenty (120) days before the day fixed by the trustee for the trustee's sale, notice of such sale shall be given by registered or certified mail, return receipt requested, to the last known address of the following persons or their legal representatives, if any:

(a) The grantor in the trust deed and any person requesting notice of record as provided in section 45-1511, Idaho Code.

(b) Any successor in interest of the grantor including, but not limited to, a grantee, transferee or lessee, whose interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such interest.

(c) Any person having a lien or interest subsequent to the interest of the trustee in the trust deed where such lien or interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such lien or interest.

(3) The disability, insanity or death of any person to whom notice of sale is to be given under subsection (2) of this section shall not delay or impair in any way the trustee's right under a trust deed to proceed with a sale under such deed, provided the notice of sale required under subsection (2) of this section has been mailed as provided by law for service of summons upon incompetents or to the administrator or executor of the estate of such person.

(4) The notice of sale shall set forth:

(a) The names of the grantor, trustee and beneficiary in the trust deed.

(b) A description of the property covered by the trust deed.

(c) The book and page of the mortgage records or the recorder's instrument number where the trust deed is recorded.

(d) The default for which the foreclosure is made.

(e) The sum owing on the obligation secured by the trust deed.

(f) The date, time and place of the sale which shall be held at a designated time after 9:00 a.m. and before 4:00 p.m., standard time, and at a designated place in the county or one (1) of the counties where the property is located.

(5) At least three (3) good faith attempts shall be made on different days over a period of not less than seven (7) days, each of which attempts must be made at least thirty (30) days prior to the day of the sale, to serve a copy of the notice of sale upon an adult occupant of the real property in the manner in which a summons is served. At the time of each such attempt, a copy of the notice of sale shall be posted in a conspicuous place on the real property unless the copy of the notice of sale previously posted remains conspicuously posted. Provided, however, that if during such an attempt personal service is made upon an adult occupant and a copy of the notice is posted, then no further attempt at personal service and no further posting shall be required. Provided, further, that if the adult occupant personally served is a person to whom the notice of sale was required to be mailed, and was mailed, pursuant to the foregoing subsections of this section, then no posting of the notice of sale shall be required.

(6) A copy of the notice of sale shall be published in a newspaper of general circulation in each of the counties in which the property is situated once a week for four (4) successive weeks, making four (4) publishings in all, with the last publication to be at least thirty (30) days prior to the day of sale. It shall be unlawful for the trustee for the trustee's sale to have a financial interest in a newspaper publishing such notice or to profit, directly or indirectly, based on the publication of such notice of sale and such conduct shall constitute a misdemeanor, punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed one thousand dollars (\$1,000), or by both such fine and imprisonment.

(7) An affidavit of mailing notice of sale and an affidavit of posting, when required, and publication of notice of sale as required by subsection (6) of this section shall be recorded in the mortgage records in the counties in which the property described in the deed is situated at least twenty (20) days prior to the date of sale.

(8) The sale shall be held on the date and at the time and place designated in the notice of sale or notice of rescheduled sale as provided in

section 45-1506A, Idaho Code, unless the sale is postponed as provided in this subsection or as provided in section 45-1506B, Idaho Code, respecting the effect of an intervening stay or injunctive relief order. The trustee shall sell the property in one (1) parcel or in separate parcels at auction to the highest bidder. Any person, including the beneficiary under the trust deed, may bid at the trustee's sale. The attorney for such trustee may conduct the sale and act in such sale as the auctioneer of trustee. The trustee may postpone the sale of the property upon request of the beneficiary by publicly announcing at the time and place originally fixed for the sale, the postponement to a stated subsequent date and hour. No sale may be postponed to a date more than thirty (30) days subsequent to the date from which the sale is postponed. A postponed sale may itself be postponed in the same manner and within the same time limitations as provided in this subsection. For any loan made by a state or federally regulated beneficiary, which loan is secured by a deed of trust encumbering the borrower's primary residence, as determined pursuant to section 45-1506C(1), Idaho Code, the trustee, prior to conducting any trustee's sale previously postponed pursuant to this section, shall mail notice of such trustee sale at least fourteen (14) days prior to conducting such sale by the same means and to the same persons as provided in subsection (2) of this section. The trustee or beneficiary shall, prior to conducting the trustee's sale, record an affidavit of mailing confirming that such notice has been mailed as required by this section. The filing of such affidavit of mailing is conclusive evidence of compliance with this section as to any party relying on said affidavit of mailing.

(9) The purchaser at the sale shall forthwith pay the price bid and upon receipt of payment the trustee shall execute and deliver the trustee's deed to such purchaser, provided that in the event of any refusal to pay purchase money, the officer making such sale shall have the right to resell or reject any subsequent bid as provided by law in the case of sales under execution.

(10) The trustee's deed shall convey to the purchaser the interest in the property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed together with any interest the grantor or his successors in interest acquired after the execution of such trust deed.

(11) The purchaser at the trustee's sale shall be entitled to possession of the property on the tenth day following the sale, and any persons remaining in possession thereafter under any interest except one prior to the deed of trust shall be deemed to be tenants at sufferance.

(12) Whenever all or a portion of any obligation secured by a deed of trust which has become due by reason of a default of any part of that obligation, including taxes, assessments, premiums for insurance or advances made by a beneficiary in accordance with the terms of the deed of trust, the grantor or his successor in interest in the trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record thereon, at any time within one hundred fifteen (115) days of the recording of the notice of default under such deed of trust, if the power of sale therein is to be exercised, or otherwise at any time prior to the entry of a decree of foreclosure, may pay to the beneficiary or their successors in interest, respectively, the entire amount then due under the terms of the deed of trust and the obligation secured thereby, including costs and expenses actually incurred in enforcing the terms of such obligation and a reasonable trustee's fee subject to the limitations imposed by subsection (6) of section 45-1502, Idaho Code, and attorney's fees as may be provided in the promissory note, other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust shall be reinstated and

shall be and remain in force and effect, the same as if no acceleration had occurred.

(13) Any mailing to persons outside the United States and its territories required by this chapter may be made by ordinary first class mail if certified or registered mail service is unavailable.

(14) Service by mail in accordance with the provisions of this section shall be deemed effective at the time of mailing.

(15) On or after the tenth day, as provided in subsection (11) of this section, if the property is reasonably determined by the purchaser to be unoccupied, the purchaser may:

(a) Dispose of any titled personal property remaining on the premises in the manner described by applicable law; and

(b) Remove any nontitled personal property from the premises and place it in suitable storage. The purchaser may dispose of the nontitled personal property only after providing ninety (90) days' written notice as follows:

(i) First class mail to the last known address of the last known occupant of the property; and

(ii) Posting a notice in a conspicuous place on the premises that such nontitled personal property may be disposed of following such ninety (90) day period, and providing a name, address and phone number to contact regarding further information as to the location and disposition of such nontitled personal property; and

(iii) The notice shall generally describe the nontitled personal property that was left on the premises and that the purchaser intends to dispose of the property and the anticipated method of disposition.

(c) If the owner of the nontitled personal property fails to claim the nontitled personal property within ninety (90) days of the date that written notice was provided under paragraph (b) of this subsection, then any and all of his rights in said property shall extinguish, and the purchaser shall have no further liability regarding said property or to any potential claimants of said property.

Approved April 5, 2016

CHAPTER 365

(S.B. No. 1317, As Amended)

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-115, IDAHO CODE, TO PROVIDE CONDITIONS WHEN ATTORNEY'S FEES AND COSTS MAY ACCRUE AND MAY BE ASSESSED OR COLLECTED.

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

SECTION 1. That Section 55-115, Idaho Code, be, and the same is hereby amended to read as follows:

55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in this section:

(a) "Homeowner's association" shall have the same meaning as in section 45-810(6), Idaho Code.

(b) "Board" means the entity that has the duty of governing the association that may be referred to as the board of directors, executive board or any such similar name.

(c) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or lot within the physical boundaries of an established homeowner's association.

(2) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of the homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions and:

(a) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

(b) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

(c) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed so long as the member continues to address the violation in good faith until fully resolved.

(d) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(e) No part of this section shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees.

(3) Attorney's fees and costs shall not accrue and shall not be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of subsection (2) of this section and the member has failed to address the violation as prescribed in subsection (2) (c) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

Approved April 5, 2016

CHAPTER 366
(S.B. No. 1338)

AN ACT

RELATING TO ABATEMENT OF PUBLIC NUISANCES; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 31-831 THROUGH 31-834, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR DECLARATION OF A CATASTROPHIC PUBLIC NUISANCE AND TO PROVIDE AUTHORITY TO DECLARE AND DEMAND ABATEMENT, TO PROVIDE FOR EMERGENCY ABATEMENT OF A CATASTROPHIC PUBLIC NUISANCE AND TO PROVIDE FOR LIMITATIONS.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 31-831 through 31-834, Idaho Code, and to read as follows:

31-831. ABATEMENT OF CATASTROPHIC PUBLIC NUISANCE -- DEFINITIONS. As used in sections 31-831 through 31-834, Idaho Code:

(1) "Catastrophic public nuisance" means a condition on federal land where natural resources and biota have been managed or neglected to such an extent as to cause:

(a) The threat of a catastrophic wildfire demonstrated by stand density, basal area or ground fuel load greater than one hundred fifty per-

cent (150%) of land health standards or an insect or disease infestation severe enough to threaten the mortality of at least twenty percent (20%) of the trees in the forestation area; or

(b) A condition in the area that threatens the quality or quantity of the public water supply of a county, the health, safety or welfare of the citizens of a county, the air quality of a nonattainment area, or the vegetative resources required to support land health and authorized livestock grazing.

(2) "Chief executive officer" means for a county, the chair of the county commission, if the county is operating under the county commission or expanded county commission form of government; the county executive officer, if the county is operating under the county-executive form of government; or the county manager, if the county is operating under the council-manager form of government.

(3) "County sheriff" means an individual elected to the office of county sheriff and who fulfills the duties described in section 31-2202, Idaho Code.

(4) "Federal agency" means the United States bureau of land management, the United States forest service, the United States fish and wildlife service or the national park service.

(5) "Federally managed land" means land that is managed by a federal agency.

31-832. DECLARATION OF CATASTROPHIC PUBLIC NUISANCE -- AUTHORITY TO DECLARE AND DEMAND ABATEMENT. (1) The chief executive officer of a county or the county sheriff may determine that a catastrophic public nuisance exists on land within the borders of the county.

(2) In evaluating whether a catastrophic public nuisance exists, the chief executive officer of a county or a county sheriff may consider: tree density and overall health of a forested area, including the fire regime condition class; insect and disease infestation, including insect and disease hazard ratings; fuel loads; forest or range type; slope and other natural characteristics of an area; watershed protection criteria; weather and climate; and any other factor that the chief executive officer of a county or a county sheriff considers to be relevant under the circumstances.

(3) The chief executive officer of a county or a county sheriff shall after consultation with the attorney general:

(a) Serve notice of the determination described in subsection (1) of this section, by hand or certified mail, on the federal agency that managed the land upon which the catastrophic nuisance exists; and

(b) Provide a copy of the determination that is served under paragraph (a) of this subsection to the governor, the attorney general, and the state's congressional delegation.

(4) The notice described in subsection (3) (a) of this section shall include: a detailed explanation for determination that a catastrophic public nuisance exists on the land in question; a demand that the federal agency formulate a plan to abate the catastrophic nuisance; and a specific date, no less than thirty (30) days after the day on which the notice is received, by which time the federal agency that managed the land shall abate the public nuisance or produce a plan for mitigating the catastrophic public nuisance that is acceptable to the county or other county.

(5) The chief executive officer of a county or a county sheriff may enter into a plan with the relevant federal agency to abate the catastrophic public nuisance.

(6) If, after receiving the notice described in subsections (3) (a) and (4) of this section, the federal agency does not respond by the date requested in the notice or otherwise indicates that the federal agency is unwilling to take action to abate the catastrophic public nuisance, the

chief executive officer of a county or a county sheriff shall consult with the county prosecuting attorney and attorney general.

31-833. EMERGENCY ABATEMENT OF A CATASTROPHIC PUBLIC NUISANCE. (1) If a chief executive officer of a county or a county sheriff determines that a public nuisance exists on federally managed land, and the chief executive officer of a county or the county sheriff also finds that the catastrophic public nuisance in question adversely affects, or constitutes a threat to, the public health, safety, and welfare of the people of the county, the chief executive officer of the county or the county sheriff may, after consulting with the attorney general, pursue all remedies allowed by law.

(2) In seeking an emergency abatement of a catastrophic public nuisance, a chief executive officer of a county or a county sheriff shall attempt, as much as possible, to coordinate with federal agencies and seek the advice of professionals, including private sector professionals, with expertise in abating a catastrophic public nuisance.

31-834. LIMITATIONS. Nothing in this act shall limit the authority of the state to manage and protect wildlife under title 36, Idaho Code, or the power of a county.

Approved April 5, 2016

CHAPTER 367
(S.B. No. 1360)

AN ACT

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5223, IDAHO CODE, TO PROVIDE A REQUIREMENT REGARDING CERTAIN AMENDMENTS TO ADMINISTRATIVE RULES.

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

SECTION 1. That Section 67-5223, Idaho Code, be, and the same is hereby amended to read as follows:

67-5223. INTERIM LEGISLATIVE REVIEW -- STATEMENT OF ECONOMIC IMPACT. (1) After notice of proposed rulemaking is filed with the coordinator, the coordinator, after making technical corrections as authorized in section 67-5202, Idaho Code, shall provide the notice, accompanied by the full text of the rule under consideration in legislative format, as well as a statement of the substance of the intended action, to the director of legislative services. If the proposed rulemaking is based upon a requirement of federal law or regulation, a copy of that specific federal law or regulation shall accompany the submission to the director of legislative services. The director of legislative services shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code.

(2) An agency shall prepare and deliver to the germane joint subcommittee a statement of economic impact with respect to a proposed rule if the germane joint subcommittee files a written request with the agency for such a statement. The statement shall contain an evaluation of the costs and benefits of the rule, including any health, safety, or welfare costs and benefits.

(3) An agency shall prepare for inclusion with the filing of the proposed rule change a statement of economic impact on all proposed rules in which a fee or charge is imposed or increased. The cost/benefit analysis shall include reasonably estimated costs to the agency to implement the rule

and the reasonably estimated costs borne by citizens, or the private sector or both. The adequacy of the contents of the statement of economic impact in subsections (1) and (2) of this section is not subject to judicial review and the accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

(4) An agency proposing to adopt amendments to materials previously incorporated by reference in a rule shall prepare for inclusion with the filing of the proposed rule change a brief written synopsis that details the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. This synopsis shall accompany the submission to the director of legislative services and shall be provided to the germane joint subcommittee created in section 67-454, Idaho Code.

Approved April 5, 2016

CHAPTER 368
(S.B. No. 1404, As Amended)

AN ACT

RELATING TO THE IDAHO UNBORN INFANTS DIGNITY ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR FINAL DISPOSITION OF CERTAIN REMAINS, TO PROVIDE FOR MISCARRIAGE CERTIFICATES, TO PROVIDE PROHIBITIONS, TO REQUIRE INFORMED CONSENT FOR EXPERIMENTATION UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH CRIMINAL PENALTIES, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS, TO PROVIDE FOR CERTAIN CIVIL AND ADMINISTRATIVE ACTIONS AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 93, Title 39, Idaho Code, and to read as follows:

CHAPTER 93
IDAHO UNBORN INFANTS DIGNITY ACT

39-9301. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Unborn Infants Dignity Act."

39-9302. LEGISLATIVE FINDINGS AND PURPOSE. (1) The legislature of the state of Idaho finds that:

(a) Deceased unborn infants deserve the same respect and dignity as other deceased human beings.

(b) It continues to be the public policy of the state of Idaho to promote live childbirth over abortion. Permitting the sale, transfer, distribution or donation of the bodily remains of aborted infants, particularly for pecuniary gain, and the use of the remains of aborted infants for experimentation undermine that public policy as well as proper ethical standards of medical conduct.

(c) It is contrary to the public policy of the state of Idaho for an individual to become pregnant for the purpose of aborting an unborn infant and thereafter selling, transferring, distributing or donating the unborn infant's bodily remains for experimentation or other use.

(2) Based on the findings in subsection (1) of this section, the purpose of this chapter is to:

- (a) Prohibit the sale, transfer, distribution or other unlawful disposition of an unborn infant or the bodily remains of an aborted infant;
- (b) Prohibit the use of bodily remains of aborted infants for experimentation;
- (c) Ensure that the bodily remains of unborn infants whose death resulted from an occurrence other than abortion are not sold, transferred or distributed for experimentation without the mother's informed, written consent; and
- (d) In accordance with the provisions of this chapter, prohibit all Idaho institutions of higher education that receive public moneys from engaging in medical research using organs or tissue, including human embryonic stem cells, obtained from aborted infants.

39-9303. DEFINITIONS. As used in this chapter:

- (1) "Aborted infant" means a deceased unborn infant whose death was caused by abortion.
- (2) "Abortion" has the same meaning as provided in section 18-604, Idaho Code.
- (3) "Bodily remains" means the physical remains, body parts or tissue of a deceased unborn infant who has been expelled or extracted from the infant's mother.
- (4) "Experiment" or "experimentation" means the use of bodily remains, including embryonic stem cells, or the use of an unborn infant intended to be aborted, in any trial, test, procedure or observation carried out with the goal of verifying, refuting or establishing the validity of a hypothesis, but does not include:
 - (a) Diagnostic or remedial tests, procedures or observations that have the purpose of promoting the life or health of an unborn infant or of the mother of an unborn infant; or
 - (b) Pathological study.
- (5) "Fetal death" means the death of an unborn infant prior to expulsion or extraction from the unborn infant's mother, provided that the unborn infant reached a stage of development such that there are cartilaginous structures or fetal or skeletal parts. The unborn infant's death is indicated by the fact that, after such expulsion or extraction, the unborn infant does not breathe or show any other evidence of life such as a heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.
- (6) "Final disposition" means the burial, cremation or other legal disposition of a deceased unborn infant.
- (7) "Miscarriage" means the spontaneous or accidental death of an unborn infant in utero other than by induced abortion or stillbirth. The infant's death is indicated by the fact that, after the expulsion or extraction of the unborn infant, the infant does not breathe or show any other evidence of life such as a heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.
- (8) "Pathological" means the examination of body tissue for diagnostic or forensic purposes and any related activities necessary to perform such a study. The term "study" includes any study or test, genetic or otherwise, to determine paternity or the cause of death.
- (9) "Stillbirth" has the same meaning as provided in section 39-241, Idaho Code.
- (10) "Unborn infant" has the same meaning as "fetus" and "unborn child" as provided in section 18-604, Idaho Code.

39-9304. RELEASE OF REMAINS FOR FINAL DISPOSITION. In every instance of fetal death involving miscarriage or stillbirth, the individual in charge of the institution where the bodily remains of the deceased unborn infant

were expelled or extracted, or the individual's designee, shall notify the mother or the mother's authorized representative that the mother has a right to direct the receipt and disposition of her deceased unborn infant's bodily remains. Upon request by the mother or her authorized representative, the institution shall make arrangements for the release of the bodily remains to the mother or her authorized representative for final disposition in accordance with applicable law.

39-9305. MISCARRIAGE CERTIFICATES. The state registrar of vital statistics shall establish such forms and procedures as are necessary to file miscarriage certificates for unborn infants whose death occurred as a result of miscarriage. The filing of a miscarriage certificate shall be voluntary at the request of the unborn infant's parent or parents and shall be filed only if the miscarriage is certified by a physician, a physician's assistant or an advanced practice registered nurse.

39-9306. PROHIBITIONS. (1) Except as otherwise provided in this chapter, no person shall knowingly sell, transfer, distribute, donate, accept, use or attempt to use the body or bodily remains of an aborted infant.

(2) Except as otherwise provided in this chapter, no person shall knowingly aid or abet any such sale, transfer, distribution, other unlawful disposition, acceptance, use or attempted use of the body or bodily remains of an aborted infant.

(3) Except as otherwise provided in this chapter, no person or public institution operating in Idaho shall knowingly use an unborn infant or the bodily remains or embryonic stem cells of an aborted infant in animal or human research, experimentation or study, or for transplantation, except:

(a) For diagnostic or remedial procedures that have the purpose of promoting the life or health of the unborn infant or the unborn infant's mother;

(b) For pathological study; or

(c) For the completion of research projects and grants that were undertaken or made before July 1, 2016. Such projects and grants shall not be extended or renewed.

(4) Except as otherwise provided in this chapter, no person shall knowingly experiment upon an unborn infant who is intended to be aborted unless the experimentation is therapeutic to the unborn infant.

(5) The terms "transfer," "accept" and "acceptance" as used in this section do not apply to the transfer or acceptance of the body or bodily remains of an aborted infant for the sole purpose of lawfully disposing of the body or bodily remains of the aborted infant.

39-9307. INFORMED CONSENT REQUIRED FOR CERTAIN EXPERIMENTATION. Bodily remains of an unborn infant whose death occurred as a result of miscarriage or stillbirth may be used for animal or human research, experimentation, study or transplantation only if the mother of the deceased unborn infant makes a signed, written statement declaring that:

(1) The mother donates the specific bodily remains for animal or human research, experimentation, study or transplantation;

(2) The donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of any bodily remains;

(3) The mother has not been informed of the identity of any individuals who may be recipients of transplantations of bodily remains;

(4) The mother understands her right to obtain the bodily remains for final disposition in accordance with the provisions of this act; and

(5) Full disclosure has been provided to the mother with regard to the attending physician's interest, if any, in the research, experimentation, study or transplantation to be conducted with specific bodily remains.

39-9308. CRIMINAL PENALTIES. (1) A person who violates section 39-9306(1) or (2), Idaho Code, shall be guilty of a felony for each violation and shall be subject to a fine not to exceed ten thousand dollars (\$10,000), imprisonment in the state prison for a term not to exceed five (5) years, or both.

(2) A person who violates section 39-9306(3) or (4), Idaho Code, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000), imprisonment in a county jail not to exceed six (6) months, or both. Any person who pleads guilty to or is found guilty of a violation of section 39-9306(3) or (4), Idaho Code, who previously has pled guilty to or been found guilty of a violation of either such subsection, notwithstanding the form of the judgment or withheld judgment, shall be guilty of a felony and shall be subject to a fine not to exceed ten thousand dollars (\$10,000), imprisonment in the state prison not to exceed one (1) year, or both.

39-9309. DUTIES OF THE ATTORNEY GENERAL AND PROSECUTORS. The Idaho attorney general or the appropriate prosecuting attorney may initiate actions or proceedings for a violation of any criminal provisions in this chapter.

39-9310. CIVIL AND ADMINISTRATIVE ACTIONS. (1) In addition to the remedies available under the statutory or common laws of Idaho, failure to comply with the requirements of section 39-9306, Idaho Code, shall provide a basis for recovery of damages for the parent of an unborn infant or, if the mother is a minor, for the parent or guardian of the mother of an unborn infant, for the unlawful disposition of or experimentation on an unborn infant or on bodily remains.

(2) Any conviction of a health care provider for failure to comply with the requirements of section 39-9306, Idaho Code, shall result in the suspension of such provider's license for a period of at least one (1) year, and such license shall be reinstated after that time only under such conditions as the Idaho board of medicine shall require to ensure compliance with this chapter.

39-9311. CONSTRUCTION. Nothing in this chapter shall be construed to create or recognize a right to abortion.

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

Approved April 5, 2016

CHAPTER 369
(S.B. No. 1405)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission for Pardons and Parole, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$2,356,000	\$519,300	\$23,000	\$2,898,300
Miscellaneous Revenue				
Fund	<u>0</u>	<u>70,700</u>	<u>0</u>	<u>70,700</u>
TOTAL	\$2,356,000	\$590,000	\$23,000	\$2,969,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for Pardons and Parole is authorized no more than thirty-three (33) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 5, 2016

CHAPTER 370
(S.B. No. 1410)

AN ACT

RELATING TO APPROPRIATIONS, DISTRIBUTIONS AND TRANSFERS OF IDAHO MILLENNIUM FUNDS; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN LUNG ASSOCIATION OF IDAHO FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO ASSOCIATION OF COUNTIES FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE PEER WELLNESS CENTER FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE CANYON COUNTY COMMUNITY CLINIC FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO RECOVERY IDAHO FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE SOJOURNERS' ALLIANCE FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE IDAHO PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN CANCER SOCIETY CANCER ACTION NETWORK FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO PREVENTION PROJECT FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO YOUTH RANCH FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO JANNUS, INC., FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE SAINT ALPHONSUS REGIONAL MEDICAL CENTER FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE BOYS AND GIRLS CLUB OF IDAHO FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS FOR THE YOUTH PREVENTION AND CESSATION PROGRAMS FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR TOBACCO PERMITTEE COMPLIANCE INSPECTIONS FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF CORRECTION FOR THE COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES PROGRAM FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PROJECT FILTER IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE COMMUNITY COALITIONS OF IDAHO FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO ACADEMY OF FAMILY PHYSICIANS FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR LEWIS-CLARK STATE COLLEGE FOR THE FRESH MOUTH CAMPAIGN FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AN AWARENESS PROGRAM ON ELECTRONIC DEVICES USED TO INGEST NICOTINE AND THC BY YOUTH FOR FISCAL YEAR 2017; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2017; AND TRANSFERRING ANY REMAINING UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS IN THE IDAHO MILLENNIUM INCOME FUND TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AT THE END OF FISCAL YEAR 2017.

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

SECTION 1. There is hereby appropriated \$202,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the American Lung Association in Idaho for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to provide youth tobacco prevention services to Idaho youth through participation in three (3) American Lung Association programs statewide: Teens Against Tobacco Use (TATU), to train teens in grades 8 through 12 to provide tobacco prevention presentations in

grades 4 through 7; Support Teens Against Nicotine Dependency (STAND), which provides mini-grants, training and technical support to Idaho youth groups to engage in community awareness and policy improvement projects regarding tobacco; and adult facilitator training for Not-On-Tobacco (N-O-T), a smoking cessation program designed specifically for youth under the age of 18 years.

SECTION 2. There is hereby appropriated \$600,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Association of Counties for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to establish four (4) additional Community Recovery Centers that will provide a safe place for individuals to go and find peer support for Idahoans with behavioral health needs. These centers are to be located in Bannock County, Bonneville County, Kootenai County and Nez Perce County.

SECTION 3. There is hereby appropriated \$50,000 from the Millennium Income Fund to the State Treasurer for distribution to the PEER Wellness Center, to be expended for the period July 1, 2016, through June 30, 2017. These funds are to be used solely for the continued operations of the recovery center in Ada County and none of these funds are to be provided to the Idaho Association of Counties.

SECTION 4. There is hereby appropriated \$50,000 from the Millennium Income Fund to the State Treasurer for distribution to the Canyon County Community Clinic, to be expended for the period July 1, 2016, through June 30, 2017. These funds are to be used solely for the continued operations of the recovery center in Canyon County and none of these funds are to be provided to the Idaho Association of Counties.

SECTION 5. There is hereby appropriated \$50,000 from the Millennium Income Fund to the State Treasurer for distribution to Recovery Idaho, to be expended for the period July 1, 2016, through June 30, 2017. These funds are to be used solely for the continued operations of the recovery center in Gem County and none of these funds are to be provided to the Idaho Association of Counties.

SECTION 6. There is hereby appropriated \$50,000 from the Millennium Income Fund to the State Treasurer for distribution to the Sojourners' Alliance, to be expended for the period July 1, 2016, through June 30, 2017. These funds are to be used solely for the continued operations of the recovery center in Latah County and none of these funds are to be provided to the Idaho Association of Counties.

SECTION 7. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$750,000 from the Idaho Millennium Income Fund to the Idaho Public Health Districts for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to continue the Public Health District Millennium Fund cessation program. Through this program, high-quality, best-practice tobacco cessation programs are provided statewide at no cost to Idahoans who want to quit smoking, with a primary emphasis on youth and pregnant women.

SECTION 8. There is hereby appropriated \$194,200 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the American Cancer Society, Cancer Action Network, for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to perform outreach to underserved women and educate them about the connection between tobacco use and cancer, the need for cancer screenings, and cessation tools available.

SECTION 9. There is hereby appropriated \$495,600 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Prevention Project for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to continue the "Not Even Once" campaign to discourage the use of methamphetamine and to continue with a prescription drug educational component. The purpose of this grant is to continue teen outreach through digital media, school presentations and community engagement activities.

SECTION 10. There is hereby appropriated \$50,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Youth Ranch for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to support programs at Anchor House, which is a family therapy and support center in Coeur d'Alene that serves children, teens and families throughout northern Idaho. The grant would provide personnel funding for staff to provide an array of services that can be bundled for an overall impact, to provide services to children and families in need of behavioral and/or psychological therapy, and to provide substance abuse prevention for children who are at a greater risk of abusing drugs and alcohol.

SECTION 11. There is hereby appropriated \$120,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to Jannus, Inc., for the period July 1, 2016, through June 30, 2017. The purpose of the grant is to provide direct services to individuals who are experiencing emotional crises by offering them emotional support and access to resources that will prevent self-harm and reduce the number of completed suicides.

SECTION 12. There is hereby appropriated \$194,600 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Saint Alphonsus Regional Medical Center for the period July 1, 2016, through June 30, 2017. The purpose of the grant is to support tobacco-free living. Cessation services will provide clinical education to tobacco users to increase their understanding of physiological and psychological nicotine addiction, advise tobacco users of the comparative benefits of pharmacotherapy interventions, link tobacco users to medical providers for clinical assistance, increase medical providers' tobacco cessation literacy, and increase medical provider referrals and follow-up to prompt patients to enroll in cessation counseling.

SECTION 13. There is hereby appropriated \$423,400 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Boys & Girls Club of Idaho for the period July 1, 2016, through June 30, 2017. This grant is for the Youth Empowerment Project, which is intended to build self-esteem, instill good character and citizenship, improve academic skills, and develop positive relationships for youth ages 6-18. The project offers a holistic youth development service delivery system versus a single-strategy approach to prevention of at-risk behaviors. This grant will serve a minimum of 3,300 youth who attend club facilities.

SECTION 14. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$1,062,800 from the Idaho Millennium Income Fund to the Idaho Department of Juvenile Corrections for the Youth Prevention and Cessation programs for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to support programs that prevent and reduce the use of tobacco and other substances by youth.

SECTION 15. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$94,000 from the Idaho Millennium Income Fund to the Idaho State Police for tobacco permittee compliance inspections to be expended for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to assist the Idaho State Police

and the Department of Health and Welfare with the cost of tobacco permittee compliance inspections as required by law.

SECTION 16. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$1,859,200 from the Idaho Millennium Income Fund to the Idaho Department of Correction for the Community-Based Substance Abuse Treatment Services Program for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to continue coordination, assessment and community-based substance abuse treatment and recovery support services for felony offenders in lieu of incarceration in a state facility.

SECTION 17. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$2,706,700 from the Idaho Millennium Income Fund to the Idaho Department of Health and Welfare for Project Filter in the Physical Health Services Program for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to provide free nicotine replacement therapy medication (nicotine patches, gum and lozenges), web-based cessation services and telephonic cessation counseling services to assist people in quitting tobacco use. These funds will help residents who are attempting to quit tobacco use and who cannot afford to pay for these services and medications on their own. This funding will also be used to promote the services through television, radio and print. It will help reduce the burden tobacco use places on taxpayers and reduce tobacco-related illnesses and deaths. The grant will also be used for a counter-marketing program that includes social media, grassroots marketing and other activities such as sponsorships and community outreach.

SECTION 18. There is hereby appropriated \$24,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Community Coalitions of Idaho for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to assist Idaho communities with the establishment of community-supported coalitions that aim to prevent and reduce substance abuse in the community.

SECTION 19. There is hereby appropriated \$84,400 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Academy of Family Physicians for the period July 1, 2016, through June 30, 2017. The purpose of this grant is for the Tar Wars Program, which is designed to teach children how to make positive decisions regarding their health. Tar Wars is a tobacco-free education program for students in grades 4 and 5.

SECTION 20. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$127,700 from the Idaho Millennium Income Fund to the State Board of Education for Lewis-Clark State College for the Fresh Mouth Campaign for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to educate participants about the impacts of smoking on oral health and to motivate clients to reduce or cease smoking.

SECTION 21. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$398,400 from the Idaho Millennium Income Fund to the State Board of Education and the Board of Regents of the University of Idaho to provide for an e-cigarette awareness campaign for the period July 1, 2016, through June 30, 2017. The purpose of this grant is to develop, test and implement an awareness program on electronic devices used for ingesting nicotine and tetrahydrocannabinol (THC) by youth. The project will use social media and coalition building in three (3) of Idaho's border communities: Coeur d'Alene, Moscow and Lewiston.

SECTION 22. Notwithstanding any other provision of law to the contrary, on June 30, 2017, or as soon thereafter as is practicable, any remaining unexpended and unencumbered balance of moneys appropriated in Sections 7, 14, 15, 16, 17, 20 and 21 of this act shall be reverted to the Idaho Millennium Income Fund.

SECTION 23. Notwithstanding any other provision of law to the contrary, on June 30, 2017, or as soon thereafter as is practicable, the State Controller, at the request of the State Treasurer, shall transfer any remaining unexpended and unencumbered balance of moneys in the Idaho Millennium Income Fund to the Idaho Millennium Permanent Endowment Fund.

Approved April 5, 2016

CHAPTER 371
(S.B. No. 1420)

AN ACT

RELATING TO SALARIES OF JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE THE SALARIES OF DISTRICT JUDGES.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, 2014, the salary of the justices of the supreme court shall be one hundred thirty-five thousand dollars (\$135,000) per annum. Commencing on July 1, 2016, the salary of the justices of the supreme court shall be one hundred forty thousand dollars (\$140,000) per annum.

(2) Commencing on July 1, 2014, judges of the court of appeals shall receive an annual salary in an amount of five thousand dollars (\$5,000) less than the annual salary of a supreme court justice. Commencing on July 1, 2016, judges of the court of appeals shall receive an annual salary in an amount of ten thousand dollars (\$10,000) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2014, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals. Commencing on July 1, 2016, district judges shall receive an annual salary in an amount of one thousand five hundred dollars (\$1,500) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2014, magistrate judges shall receive an annual salary in an amount of twelve thousand dollars (\$12,000) less than the annual salary of a district judge.

(5) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved April 5, 2016

CHAPTER 372
(S.B. No. 1422)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2016; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2017; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2017; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; PROVIDING LEGISLATIVE INTENT RELATING TO REALLOCATION OF PROJECT SAVINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 312, Laws of 2015, and any other appropriation provided for by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$2,897,000 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2015, through June 30, 2016.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

CAPITAL PROJECTS:

State Historical Museum	\$1,900,000
Idaho State Police Combined Facility	500,000
Edgemoade Armory	497,000
TOTAL	\$2,897,000

SECTION 3. There is hereby appropriated to the Department of Administration for the Division of Public Works \$26,729,700 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2016, through June 30, 2017.

SECTION 4. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 3 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions therein au-

thorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS :

Alteration and Repair Projects	\$16,308,600
Idaho State University - Meridian Remodel	1,000,000
State Hospital South Window and Door Replacement	150,000
Asbestos Abatement	200,000
Statewide Americans with Disabilities Act Compliance	800,000
Capitol Mall Maintenance	<u>300,000</u>
TOTAL	\$18,758,600

CAPITAL PROJECTS :

Idaho Department of Corrections Waste Water Project	\$1,505,800
Boise State University Fine Arts Building	2,500,000
Collaborative Education Facility	1,000,000
Department of Lands Office Expansion	1,665,300
Parks & Recreation Administrative Center	600,000
Military Division Communications Tower	<u>700,000</u>
TOTAL	\$7,971,100

GRAND TOTAL **\$26,729,700**

SECTION 5. UTILIZATION OF MATCHING FUNDS. It is legislative intent that the moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the Legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, equipment or the rebuilding, renovation or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 6. EXEMPTION OF APPROPRIATIONS FROM CERTAIN PROVISIONS. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 7. REALLOCATION OF PROJECT SAVINGS. It is the intent of the Legislature that the Division of Public Works have the flexibility to allocate any savings or unused appropriation from any capital, line-item project to any other requested and funded capital projects. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 5, 2016

CHAPTER 373
(H.B. No. 577)

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Attorney General, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General					
Fund	\$19,203,300	\$744,800	\$116,600		\$20,064,700
Consumer Protection					
Fund	248,800	153,000	12,000		413,800
Federal Grant					
Fund	<u>798,900</u>	<u>356,800</u>	<u>13,300</u>		<u>1,169,000</u>
TOTAL	\$20,251,000	\$1,254,600	\$141,900		\$21,647,500
II. INTERNET CRIMES AGAINST CHILDREN:					
FROM:					
General					
Fund	\$733,900	\$235,500	\$8,700	\$692,100	\$1,670,200
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$965,000			\$965,000
GRAND TOTAL	\$20,984,900	\$2,455,100	\$150,600	\$692,100	\$24,282,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than two hundred five and six-tenths (205.6) full-time equivalent positions at any point during the period July 1, 2016, through June 30, 2017, unless specifically

authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2017, the Attorney General is hereby exempted from the provisions of Sections 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 8, 2016

CHAPTER 374

(H.B. No. 477, As Amended, As Amended in the Senate)

AN ACT

RELATING TO ADVANCED OPPORTUNITIES; AMENDING CHAPTER 46, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4601A, IDAHO CODE, TO GRANT RULEMAKING AUTHORITY; REPEALING SECTION 33-4605, IDAHO CODE, RELATING TO RULEMAKING AUTHORITY; AMENDING CHAPTER 46, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4605, IDAHO CODE, TO PROVIDE FOR THE POSTSECONDARY CREDIT SCHOLARSHIP AND RELATED PROVISIONS, TO PROVIDE FUNDING FOR THE POSTSECONDARY CREDIT SCHOLARSHIP AND TO ESTABLISH REPORTING REQUIREMENTS; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE A CODE REFERENCE, TO REMOVE REFERENCE TO THE "8 IN 6 PROGRAM," TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 229, LAWS OF 2015, TO REVISE A CODE REFERENCE, TO REMOVE REFERENCE TO THE "8 IN 6 PROGRAM," TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Chapter 46, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-4601A, Idaho Code, and to read as follows:

33-4601A. RULEMAKING AUTHORITY. The state board of education may promulgate rules to implement the provisions of this chapter.

SECTION 2. That Section 33-4605, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 46, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-4605, Idaho Code, and to read as follows:

33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, beginning with the spring 2016 graduating class:

(a) Any student who has earned at least ten (10) postsecondary semester credits upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in the amount of two thousand dollars (\$2,000) that shall be used for tuition and fees at any eligible institution.

(b) Any student who has earned at least twenty (20) postsecondary semester credits upon graduation from an accredited high school in

Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in the amount of four thousand dollars (\$4,000) that shall be used for tuition and fees at any eligible institution.

(c) Any student who has earned an associate degree from an accredited institution upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in the amount of eight thousand dollars (\$8,000) that shall be used for tuition and fees at any eligible institution.

(2) For subsection (1)(a) and (b) of this section, the award amount shall be limited by the number of credits accepted by the eligible institution where the scholarship is to be applied. For subsection (1)(a) through (c) of this section, the awards shall be annual awards and one-quarter (1/4) of the scholarship amount shall be distributed in each semester of full-time attendance until the total scholarship is expended or expires.

(3) In order to be eligible for a full postsecondary credit scholarship set forth in subsection (1) of this section:

(a) The student must be awarded a postsecondary merit-based scholarship in an amount at least equal to the postsecondary credit scholarship amount awarded in the same school year, provided that the match funds for each scholarship must come from a business or industry, or entities representing business or industry, and may not be from a foundation affiliated with the postsecondary institution or from appropriated or nonappropriated funds of the postsecondary institution;

(b) The student must have graduated from an accredited high school in Idaho, or its equivalent; and

(c) Except for the first semester in which the postsecondary credit scholarship amount is distributed, in order to receive the scholarship distribution in a given semester, the student must have successfully passed at least twelve (12) credits during the immediately preceding semester in which the scholarship was distributed.

(4) Eligible students will be awarded the postsecondary credit scholarship based on grade point average rank subject to annual legislative appropriation.

(5) A student shall use the postsecondary credit scholarship within four (4) years of his or her high school graduation date, at which time the scholarship shall expire and may no longer be used.

(6) A student is entitled to only one (1) of the postsecondary credit scholarships set forth in subsection (1) of this section.

(7) If a student has been awarded scholarships that pay for one hundred percent (100%) of the cost of tuition and fees, then part or all of the remaining postsecondary credit scholarship moneys may be used for room and board at the discretion of the eligible institution where the student will attend.

(8) This section shall be funded from the advanced opportunities program within the educational support program. The state department of education shall pass through to the office of the state board of education the necessary amount for distribution not to exceed one million dollars (\$1,000,000) in fiscal year 2017, and not to exceed two million dollars (\$2,000,000) in fiscal year 2018, and every fiscal year thereafter.

(9) No later than January 15 of each year, the state board of education shall report to the senate and the house of representatives education committees the number of scholarships awarded pursuant to this section during the previous school year. The report shall include the total amount of moneys distributed for the scholarships.

(10) For the purposes of this section, "eligible institution" has the same meaning as provided in section 33-4303(2)(b), Idaho Code.

(11) As used in this section, "merit-based scholarship" means a scholarship in which academic achievement at the high school level is a minimum

eligibility requirement and awards are made based on the achievement of the student.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(m) For an online course portal as provided for in section 33-1024, Idaho Code;

(n) For advanced opportunities as provided for in ~~section 33-4602~~ chapter 46, title 33, Idaho Code;

(o) ~~For the "8 in 6 program" as provided for in section 33-4603, Idaho Code;~~

~~(p)~~ For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

~~(q)~~ For leadership premiums as provided in section 33-1004J, Idaho Code;

~~(r)~~ For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

~~(s)~~ An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed, in full or pro rata, based on one hundred twenty dollars (\$120) per first reporting period support unit for grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater; and

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

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

to secure the total educational support distribution funds.

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

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

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

School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

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

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

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

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

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

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

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

SECTION 5. That Section 33-1002, Idaho Code, as amended by Section 2, Chapter 229, Laws of 2015, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(m) For an online course portal as provided for in section 33-1024, Idaho Code;

(n) For advanced opportunities as provided for in ~~section 33-4602~~ chapter 46, title 33, Idaho Code;

~~(o) For the "8 in 6 program" as provided for in section 33-4603, Idaho Code;~~

~~(p) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;~~

~~(q) For leadership premiums as provided in section 33-1004J, Idaho Code;~~

~~(r) For master teacher premiums as provided in section 33-1004I, Idaho Code;~~

(r) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

(s) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed, in full or pro rata, based on one hundred twenty dollars (\$120) per first reporting period support unit for grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater; and

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

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

to secure the total educational support distribution funds.

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

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

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Attendance	Attendance Divisor	Minimum Units Allowed
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	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
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Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
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4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

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

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

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

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

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

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

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

CHAPTER 375
(H.B. No. 645)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2017.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1412, as enacted by the Second Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated to the State Board of Education for Special Programs \$1,000,000 from the Miscellaneous Fund for trustee and benefit payments for the period July 1, 2016, through June 30, 2017, to be used for the Scholarships and Grants Program.

Law without signature.

CHAPTER 376
(S.B. No. 1411)

AN ACT

RELATING TO APPROPRIATIONS FOR THE LEGISLATIVE BRANCH; APPROPRIATING MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2017; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE LEGISLATIVE SERVICES OFFICE; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE; APPROPRIATING MONEYS TO THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2017; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS.

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

SECTION 1. There is hereby appropriated to the Legislative Services Office, the following amounts to be expended according to the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$4,876,200	\$208,700	\$27,600	\$5,112,500
Miscellaneous Revenue				
Fund	137,500	524,000		661,500
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,369,600</u>	<u>101,700</u>	<u>7,500</u>	<u>1,478,800</u>
TOTAL	\$6,383,300	\$1,274,400	\$35,100	\$7,692,800

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances of moneys in the Professional Services Fund as appropriated or reappropriated for fiscal year 2016, to be used for nonrecurring expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE. For fiscal year 2017, the Legislative Services Office is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. There is hereby appropriated to the Office of Performance Evaluations, the following amounts to be expended according to the designated expense classes, from the General Fund for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$790,900
Operating Expenditures	93,200
Capital Outlay	<u>5,100</u>
TOTAL	\$889,200

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS. For fiscal year 2017, the Office of Performance Evaluations is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2016, through June 30, 2017. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Law without signature.

CHAPTER 377

(H.B. No. 555, As Amended in the Senate)

AN ACT

RELATING TO SEXUAL EXPLOITATION OF A CHILD; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1507A, IDAHO CODE, TO PROVIDE THAT SEXUAL EXPLOITATION OF A CHILD BY CERTAIN ELECTRONIC MEANS SHALL BE A MISDEMEANOR IN CERTAIN INSTANCES, TO PROVIDE THAT SEXUAL EXPLOITATION OF A CHILD BY CERTAIN ELECTRONIC MEANS SHALL BE A FELONY IN CERTAIN INSTANCES, TO PROVIDE THAT A MINOR WHO RECEIVES CONTENT AND REPORTS IT TO CERTAIN PERSONS SHALL NOT BE GUILTY OF A CRIME AND TO PROVIDE THAT PROCEEDINGS SHALL FALL UNDER THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 18-1507, IDAHO CODE, TO PROVIDE THAT SEXUAL EXPLOITATION OF A CHILD BY CERTAIN ELECTRONIC MEANS SHALL BE A MISDEMEANOR IN CERTAIN INSTANCES; AND AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE FOR FELONY SEXUAL EXPLOITATION OF A CHILD.

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

SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1507A, Idaho Code, and to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) "Sadomasochism" means:

(i) Real or simulated flagellation or torture for the purpose of real or simulated sexual stimulation or gratification; or

(ii) The real or simulated condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification of a person.

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

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

(j) "Sexually exploitative material" means any image, photograph, motion picture, video, print, negative, slide, or other mechanically, electronically, digitally or chemically produced or reproduced visual material which shows a child engaged in, participating in, observing, or being used for explicit sexual conduct, or showing a child engaging in, participating in, observing or being used for explicit sexual conduct, in actual time, including, but not limited to, video chat, webcam sessions or video calling.

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

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

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

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

(d) Distributes through any means including, but not limited to, mail, physical delivery or exchange, use of a computer or any other electronic

or digital method, any sexually exploitative material. Distribution of sexually exploitative material does not require a pecuniary transaction or exchange of interests in order to complete the offense.

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

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

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

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

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

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

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

SECTION 3. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The provisions of this chapter shall apply to any person who:

(a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), felony violations of 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prosti-

tute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), 18-6108 (male rape, but excluding 18-6108(1) where the defendant is eighteen years of age), 18-6110 (sexual contact with a prisoner), 18-6602 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual penetration by use of a foreign object), 18-6609 (video voyeurism where the victim is a minor or upon a second or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1), Idaho Code, (sex trafficking).

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction or who has a foreign conviction that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and enters this state to establish residence or for employment purposes or to attend, on a full-time or part-time basis, any public or private educational institution including any secondary school, trade or professional institution or institution of higher education.

(c) Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) The department shall have authority to promulgate rules to implement the provisions of this chapter.

Law without signature.

HOUSE JOINT RESOLUTION

(H.J.R. No. 5)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 29, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE LEGISLATIVE RESPONSE TO ADMINISTRATIVE RULES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Article III, of the Constitution of the State of Idaho, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 29, Article III, of the Constitution of the State of Idaho and to read as follows:

SECTION 29. LEGISLATIVE RESPONSE TO ADMINISTRATIVE RULES. The legislature may review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement or enforce. After that review, the legislature may approve or reject, in whole or in part, any rule as provided by law. Legislative approval or rejection of a rule is not subject to gubernatorial veto under section 10, article IV, of the constitution of the state of Idaho.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Article III, of the Constitution of the State of Idaho be amended by the addition of a new Section 29, to provide that the Legislature may review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement or enforce; to provide that, after review, the Legislature may approve or reject, in whole or in part, any rule as provided by law; and to provide that legislative approval or rejection of a rule is not subject to gubernatorial veto under Section 10, Article IV, of the Constitution of the State of Idaho?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House March 14, 2016

Adopted by the Senate March 24, 2016

SENATE JOINT MEMORIALS

(S.J.M. No. 104)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE ARMY, THE SECRETARY OF THE INTERIOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, maintaining a healthy suite of economic, environmental and social ecosystem services in aquatic systems is integral to the quality of life in the State of Idaho; and

WHEREAS, healthy aquatic habitats provide clean drinking water, flood control, transportation, recreation, purification of human and industrial wastes, power generation, habitat for native plants and animals, production of fish and other foods, marketable goods and cultural benefits; and

WHEREAS, Dreissenid mussels, specifically quagga mussels (*Dreissena rostriformis bugensis*) and zebra mussels (*Dreissena polymorpha*), are aquatic invasive species that cause irreparable ecological damage to many waters in the United States; and

WHEREAS, Dreissenids have not yet been detected in the Pacific Northwest. The estimated annual cost to address established populations of Dreissenids in the Pacific Northwest Economic Region is almost \$0.5 billion annually; and

WHEREAS, the Water Resources Reform and Development Act was signed in June 2014. Section 1039 of the act authorizes \$20 million for Columbia River Basin watercraft inspection stations to prevent introduction of Dreissenid mussels and other aquatic invasive species through the Secretary of the Army; and

WHEREAS, the fiscal year 2016 budget for the United States Army Corps of Engineers includes \$4 million in funding for watercraft inspection stations as authorized by the Water Resources Reform and Development Act, and the State of Idaho and Pacific Northwest Economic Region are grateful for the Corps' recognition of the severity of the threat of aquatic invasive species to the region and dedication to assist the region in enhancing prevention efforts.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that Congress ensure the continued appropriation of these funds in the fiscal year 2017 budget to significantly enhance aquatic invasive species prevention efforts

and to implement the intent of the Water Resources Reform and Development Act.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 17, 2016

Adopted by the House March 24, 2016

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the mail processing function of the post office in Pocatello, Idaho, was closed on or about April 18, 2015; and

WHEREAS, Brian Sperry, the regional spokesman for the United States Postal Service (USPS) stated that the impacts would be that stamped "First-Class Mail" would take between two and three days to reach its destination; and

WHEREAS, mail delivery in eastern Idaho is now significantly delayed, with delays ranging from a few days up to a few weeks; and

WHEREAS, USPS has already closed or suspended services in many locations nationwide, including in Twin Falls, Idaho, and is considering closing more; and

WHEREAS, USPS can provide better delivery times while still cutting substantive costs by restructuring its pre-funding for retirement benefits.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress should pass legislation that would direct USPS to restructure their budget priorities, rethink their administrative model, make appropriate budget cuts if necessary, focus on customer service and acceptable delivery times, and reopen shuttered mail processing plants throughout the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 3, 2016

Adopted by the House March 24, 2016

HOUSE JOINT MEMORIAL

(H.J.M. No. 13)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is committed to the conservation of greater sage-grouse (*Centrocercus urophasianus*) and its present habitat located within the state; and

WHEREAS, the state has produced a statewide sage-grouse conservation plan in support of this commitment; and

WHEREAS, Idaho's Department of Fish and Game and Office of Species Conservation possess significant expertise in the management of greater sage-grouse and its habitat and whose experts have attempted to work in full cooperation with the federal agencies managing federal lands within the borders of the state; and

WHEREAS, the Secretary of the Interior has determined that the species is neither endangered nor threatened under the Endangered Species Act; and

WHEREAS, the Congress and the President are to be commended for recognizing the unprecedented collaboration among the various states regarding greater sage-grouse conservation and the need to continue on-the-ground conservation and monitoring activities as recognized through the enactment of Section 117 of the Consolidated Appropriations Act of 2016 (Pub. L. 114-113); and

WHEREAS, implementation of the state's conservation plan will produce scientific data related to disease or predation of the species, the adequacy of existing regulatory mechanisms, and other natural or manmade factors affecting the species' existence, all of which must be considered when conserving the species; and

WHEREAS, the State of Idaho wishes to continue its collaboration with other states possessing current habitat for greater sage-grouse; and

WHEREAS, time is needed to continue to implement the state conservation plan over a period of multiple, consecutive sage-grouse life cycles to determine the efficacy of the plan and the need for modification, if any; and

WHEREAS, the Governor and Legislature of the State of Idaho have been compelled to seek redress in federal court from the onerous, unnecessary, and ill-conceived federal land use plan amendments recently adopted by the U.S. Departments of Agriculture and of the Interior.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that Congress should by legislative enactment, provide protections for adoption and implementation of state sage-grouse conservation plans by, among other things, making no funds available for use by either the Secretary of the Interior or the Secretary of Agriculture to implement recent federal land use plan amendments if they are inconsistent with the state's sage-grouse conservation plan for a period of 10 years through and including fiscal year 2026; and provide a mechanism for the Governor of a state to ensure state sage-grouse plans can be implemented on lands operated by the Bureau of Land Management and the U.S. Forest Service; furthermore that such Congressional legislation should provide a mechanism to ensure that any federal resource management plans are consistent with state sage-grouse plans and that any inconsistencies of the federal resource management plans should be resolved by the Governor of the affected state to ensure federal resource management plans are consistent with state management plans for a period of at least 10 years.

BE IT FURTHER RESOLVED that Congress should continue to make no funds available for use by the Secretary of the Interior to consider, prepare, write, or issue pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. Section 1533) a petition finding or proposed regulation for greater sage-grouse for a period of 10 years through and including fiscal year 2026.

BE IT FURTHER RESOLVED that during this 10-year period, that Congress should provide a litigation safe-harbor protecting (a) the state sage-grouse management plans from litigation by private activist organizations that would interfere with implementation of state sage-grouse management plans and (b) the status of sage-grouse as "not-warranted" pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. Section 1533), such that neither the state plans nor the "not-warranted" status is subject to judicial review.

BE IT FURTHER RESOLVED that during this 10-year period, the State of Idaho will continue to implement its sage-grouse conservation plan, thereby establishing and enhancing its efficacy over time.

BE IT FURTHER RESOLVED that Congress should by legislation recognize and encourage state primacy in the long-term management of sage-grouse and its habitat to ensure an effective and balanced approach that seeks to recover and protect sage-grouse populations while protecting state economic interests, educational funding from state lands, and valid existing rights including private property rights.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 17, 2016

Adopted by the Senate March 14, 2016

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 132)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING IDAHO PEACE OFFICERS FOR THEIR SERVICE TO THE STATE.

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

WHEREAS, the peace officers of Idaho have worked diligently and selflessly on behalf of the people of Idaho regardless of the peril or hazard to themselves; and

WHEREAS, these officers have safeguarded the lives and property of their fellow Idahoans; and

WHEREAS, by enforcing our laws, these same officers have given our great state and its citizens freedom from fear of the violence and civil disorder presently affecting our nation; and

WHEREAS, these men and women by their patriotic service and their dedication have earned the gratitude of this state; and

WHEREAS, our peace officers embody the ideals of citizenship and the idea that with our rights come responsibilities, both to ourselves and to others.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we salute the men and women who do the difficult, dangerous and often thankless work of safeguarding our communities.

BE IT FURTHER RESOLVED that we celebrate those who protect and serve us every minute of every day, and we honor the courageous officers who devote themselves to the full measure that they are willing to lay their lives on the line to protect us.

BE IT FURTHER RESOLVED that just as our peace officers never let down their guard, we must never let slide our gratitude to them and their families.

Adopted by the Senate February 5, 2016

Adopted by the House February 16, 2016

(S.C.R. No. 133)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING AND RECOGNIZING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN IDAHO.

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

WHEREAS, just ninety years ago, in 1926, Dr. Carter G. Woodson, a scholar and historian who was the son of former slaves, founded Negro History Week as an educational initiative to bring attention to the history and contributions of Black people throughout American history; and

WHEREAS, the second week of February was chosen because it marks the birthdays of Frederick Douglass and Abraham Lincoln, two men who greatly influenced the course of history of Black Americans; and

WHEREAS, the month of February is also significant in the history of African Americans for being the month when the National Association for the Advancement of Colored People (NAACP) was founded; when the 15th Amendment to the United States Constitution was passed, granting African American men the right to vote; when the first Black U.S. Senator Hiram R. Revels took his oath of office; and when Bernard A. Harris, Jr. became the first Black astronaut to walk in space; and

WHEREAS, while the number of Black people in Idaho has never exceeded one percent of the total population, they have nevertheless made significant contributions to Idaho; and

WHEREAS, the first recorded Black American in Idaho was York, the manservant of Captain William Clark, arriving in 1805 during the Lewis and Clark Expedition to the Pacific; and

WHEREAS, in 1867, Elvina Moulton, a former slave, followed the Oregon Trail to Boise. She stayed in Boise and undertook sewing and laundry work, saving her money and eventually buying her own home on Idaho Street next door to Boise Mayor James H. Hawley. She was also the only Black member among the prominent women who were charter members of Boise's First Presbyterian Church; and

WHEREAS, the 25th Infantry Regiment (known as the Buffalo Soldiers) risked their lives to save hundreds of men, women and children in the towns of Avery and Wallace, Idaho, during the Bitterroot Range wildfires in 1910. They built trails for fire crews, escorted families out of town to safety, helped keep the peace, evacuated towns and helped to light backfires when the great firestorm surrounded the community of Avery, and helped to retrieve the bodies of the townspeople and firefighters who didn't survive the conflagration; and

WHEREAS, in the latter part of the 19th century and the first half of the 20th century, African Americans arrived in Idaho to work in the mines, on the railroads, and eventually on the military bases located in Boise and Pocatello during World War II; and

WHEREAS, during this era, Black Idahoans faced restrictions as to where they were permitted to live, what work they were permitted to engage in, and whether they could join unions, eat in restaurants or attend theaters and churches; and

WHEREAS, the federal Civil Rights Act of 1964 was passed after being co-sponsored by U.S. Senator Frank Church from Idaho; and

WHEREAS, seven hundred Black and White Idahoans rallied on the Capitol steps in April 1968 to call for a stronger state civil rights law and better enforcement through creation of a state human rights commission; and

WHEREAS, under the leadership of then-Senator Phil Batt, the Idaho Human Rights Act was passed in 1969, prohibiting discrimination in employment, education, real estate transactions and public accommodations on the basis of race, sex, color, national origin and religion; and

WHEREAS, during the civil rights movement, Negro History Week was re-designated as Black History Week; and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and established as Black History Month with the hope that through this special observance, all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, Les Purce was the first Black elected official in Idaho, voted onto the Pocatello City Council and then becoming the city's mayor three years later in 1976; and

WHEREAS, Cherie Buckner-Webb was the first Black person to be elected in the Idaho State House of Representatives in 2010 and to the Idaho State Senate in 2012; and

WHEREAS, history teaches us that Black citizens in Idaho have struggled against slavery, prejudice and discrimination in employment, housing, public accommodations and education over the course of our nation's history; and

WHEREAS, history also reveals that Black Idahoans have met these struggles bravely and contributed their many talents, achievements and contributions to their communities in Idaho; and

WHEREAS, Black History Month is an opportunity for all Idahoans to commemorate the struggles and victories of Black Americans in our history and to recognize their valuable contributions to society and to the state and nation's defense in war and peace.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we do hereby commemorate and recognize the month of February 2016 as Black History Month in Idaho and encourage Idaho citizens to reflect on the complex history of minorities in Idaho and the United States, and to look to the future and strive to continue to improve society so that we live up to the ideals of freedom, equality and justice for all.

Adopted by the Senate February 2, 2016

Adopted by the House February 15, 2016

(S.C.R. No. 134)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE STATE BOARD OF EDUCATION'S GOAL THAT 60 PERCENT OF IDAHO CITIZENS AGES 25-34 EARN A POST-SECONDARY DEGREE OR CERTIFICATE BY 2020 TO MEET THE STATE'S WORKFORCE NEEDS.

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

WHEREAS, Idaho must grow talent within the state to fuel innovation and competitiveness to support a robust economy; and

WHEREAS, increased education attainment improves the quality of life for Idahoans by providing access to jobs with higher wages that support families and create opportunities for personal financial security; and

WHEREAS, the jobs of the future are increasingly automated and technology driven; and

WHEREAS, the state must support an education system in which students graduate with the knowledge and skills that maximize their potential for success in the workforce while providing businesses with the necessary talent to thrive; and

WHEREAS, there will continue to be a shortage of Idahoans with postsecondary degrees, certificates and education credentials to meet future workforce needs; and

WHEREAS, bolstering postsecondary academic and career technical education opportunities in high demand fields, such as health care, information technology, advanced manufacturing and transportation are increasingly important in meeting workforce needs; and

WHEREAS, the State Board of Education has set a goal that 60 percent of citizens ages 25-34 attain a postsecondary degree or certificate by 2020; and

WHEREAS, currently only 40 percent of citizens have a postsecondary degree or certificate; and

WHEREAS, Idaho must increase the number of citizens ages 25-34 with a postsecondary degree or a certificate by at least five percentage points a year in order to reach the 60 percent goal; and

WHEREAS, 52 percent of Idaho's high school graduates are pursuing higher education within one year of high school graduation; and

WHEREAS, the Legislature enacted local college and career advising programs and dual credit, career technical and advanced placement programs to help students jump-start their higher education by setting college and career goals and earning college credit while in high school; and

WHEREAS, the State Board of Education has implemented the Direct Admissions initiative to provide Idaho high school graduates the opportunity to enroll in an Idaho public higher education institution; and

WHEREAS, 28 percent of Idaho adults over the age of 25 have attended college but have not completed a degree; and

WHEREAS, Idaho's colleges and universities have undertaken initiatives to address college access, affordability, retention and graduation; and

WHEREAS, it is imperative that Idaho commit to efficiently and effectively increasing postsecondary degrees and certificates; and

WHEREAS, the State Board of Education has joined the Complete College American Alliance of States to become a recognized leader in talent creation and workforce development; and

WHEREAS, Idaho must encourage families to prepare our children for educational attainment by helping them prepare for school, encouraging them to read and value education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho's education system kindergarten through career should focus on ensuring that Idaho students are prepared for success at the postsecondary level and in the workforce.

BE IT FURTHER RESOLVED that parents, the State Board of Education, the State Department of Education, the Division of Professional-Technical Education, the public higher education institutions, the Department of Labor and the Department of Commerce work with educators, representatives from business and industry, the Governor and the Legislature to promote policies and programs that ensure Idaho is making progress toward the "60 by 20" goal and that the State Board of Education will report annually to the Legislature on such progress.

Adopted by the Senate February 4, 2016

Adopted by the House March 16, 2016

(S.C.R. No. 136)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RECOGNIZING THE NEED FOR MANAGED RECHARGE OF THE EASTERN SNAKE PLAIN AQUIFER, AND RESOLVING THAT THE STATE OF IDAHO ESTABLISH A MANAGED RECHARGE GOAL OF 250,000 ACRE-FEET ON AN AVERAGE ANNUAL BASIS ACROSS THE ESPA, DEVELOP THE CAPACITY TO ACHIEVE 250,000 ACRE-FEET OF AVERAGE ANNUAL MANAGED RECHARGE ON OR BEFORE DECEMBER 31, 2024, AND INCREASE THE 100,000 ACRE-FEET AVERAGE ANNUAL ESPA CAMP PHASE I TARGET FOR STATE FUNDED MANAGED RECHARGE TO 250,000 ACRE-FEET OF AVERAGE ANNUAL RECHARGE ACROSS THE ESPA.

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

WHEREAS, Policy 1I of the 2012 Idaho State Water Plan provides that "aquifer recharge should be promoted and encouraged, consistent with state law"; and

WHEREAS, the Eastern Snake Plain Aquifer (ESPA) supplies ground water to nearly one million irrigated acres and to numerous cities, businesses, dairies, factories and homes; and

WHEREAS, the ESPA is hydraulically connected to the Snake River and discharges to the Snake River via tributary springs, which supply surface water for multiple beneficial uses, including aquaculture, hydropower, and the irrigation of nearly one million acres; and

WHEREAS, since 1952 the total volume of water stored in the ESPA has decreased by an average of 216,000 acre-feet annually due to increasing diversions of ground water, increasingly efficient surface water irrigation practices, and other factors; and

WHEREAS, as a result of declines to ESPA water levels and total storage content, there is currently an insufficient water supply for some water users leading to water delivery calls, protracted litigation, and curtailment notices issued by the Idaho Department of Water Resources; and

WHEREAS, sustaining the spring flows in the Thousand Spring reach of the Snake River is essential to maintaining the Murphy minimum stream flows; and

WHEREAS, failure to maintain the Murphy minimum stream flows will require curtailment of water rights junior to October 25, 1984; and

WHEREAS, current ESPA water levels and total storage content are inadequate to provide a reasonably safe supply of water for sustainable surface and ground water irrigation, aquaculture, hydropower, municipal and industrial uses, the curtailment of which would cause severe economic harm to the State of Idaho; and

WHEREAS, Policy 4D of the 2012 Idaho State Water Plan provides that "[t]he Eastern Snake Plain Aquifer and the Snake River below Milner Dam should be conjunctively managed to provide a sustainable water supply for all existing and future beneficial uses within and downstream of the ESPA"; and

WHEREAS, Policy 4E provides that "[d]evelopment of new ... aquifer storage is in the public interest"; and

WHEREAS, a 2009 Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan ("ESPA CAMP") goal is to "[s]ustain the economic viability and social and environmental health of the Eastern Snake Plan by adaptively managing a balance between water use and supplies"; and

WHEREAS, the ESPA CAMP established a long-term goal of 600,000 acre-feet average annual change to the ESPA aquifer budget by 2030; and

WHEREAS, the ESPA CAMP established a long-term hydrologic target for managed aquifer recharge of 150,000 to 250,000 acre-feet on an average annual basis; and

WHEREAS, Phase I of the ESPA CAMP established a 100,000 acre-feet average annual managed hydrologic target; and

WHEREAS, a 2009 Memorandum of Agreement between the Idaho Water Resource Board and Idaho Power Company provides that "[i]f the Board proposes to increase the 100,000 acre-feet average annual ESPA CAMP Phase I target for managed aquifer recharge by more than 75,000 acre-feet prior to January 1, 2019, the Board must obtain legislative approval for such increase"; and

WHEREAS, stabilizing and enhancing the ESPA water level is in the public interest because it will lead to a sustainable water supply for consumptive and nonconsumptive uses and minimize harm to Idaho's economy arising from water supply shortages; and

WHEREAS, the state funding of the implementation of 250,000 acre-feet average annual managed recharge is consistent with the 2012 Idaho State Water Plan and the ESPA CAMP, and will help to alleviate the current water supply conflicts and ESPA sustainability issues.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho recognizes the need for managed recharge of the Eastern Snake Plain Aquifer and resolves that the State of Idaho establish a managed recharge goal of 250,000 acre-feet on an average annual basis across the ESPA.

BE IT FURTHER RESOLVED that the state develop the capacity to achieve 250,000 acre-feet of average annual managed recharge on or before December 31, 2024.

BE IT FURTHER RESOLVED that the State of Idaho increase the 100,000 acre-feet average annual ESPA CAMP Phase I target for state funded managed recharge to 250,000 acre-feet of average annual recharge across the ESPA.

Adopted by the Senate February 16, 2016

Adopted by the House March 17, 2016

(S.C.R. No. 137)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE IDAHO WATER RESOURCE BOARD ADDRESS STATEWIDE AQUIFER STABILIZATION AND SUSTAINABILITY PROJECTS INCLUDING MANAGED RECHARGE, CONDUCT AQUIFER RECHARGE STUDIES AND DEVELOP A GROUND WATER MODEL, WITH ALL NECESSARY MEASUREMENT NETWORKS, FOR THE TREASURE VALLEY AQUIFER, PARTNER IN STUDIES WITH LOCAL ENTITIES TO FIND ALTERNATE WATER SUPPLIES FOR MOUNTAIN HOME, PARTICIPATE IN DISCUSSIONS WITH THE SURFACE WATER USERS, THE GROUND WATER USERS, AND OTHER PARTIES IN THE BIG AND LITTLE WOOD RIVER BASINS AND ATTEMPT TO FIND RESOLUTION TO THE WATER DELIVERY CALLS, PARTNER IN STUDIES WITH LOCAL ENTITIES TO FIND ALTERNATE WATER SUPPLIES FOR THE PALOUSE BASIN, UNDERTAKE STUDIES OF THE DEEP REGIONAL AQUIFER IN THE LEWISTON AREA IN ORDER TO DEFINE ITS GEOGRAPHIC EXTENT AND SUSTAINABLE YIELD AND EVALUATE OTHER AQUIFERS ACROSS THE STATE AND TAKE MANAGEMENT ACTIONS AS NECESSARY.

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

WHEREAS, Policy 1I of the 2012 Idaho State Water Plan provides that "aquifer recharge should be promoted and encouraged, consistent with state law"; and

WHEREAS, ground water supplies across Idaho have been declining; and

WHEREAS, in select areas of the Treasure Valley, aquifer water levels are declining; and

WHEREAS, various studies predict significant population increases in the Treasure Valley over the next 50 years, placing additional demand on the aquifer; and

WHEREAS, the Mountain Home Aquifer is currently being over-drafted by approximately 30,000 acre-feet per year. While the Idaho Water Resource Board has acquired surface water rights and is cooperating with Mountain Home Air Force Base to supply alternative surface water to the base, additional aquifer management projects must be constructed and implemented to restore aquifer equilibrium; and

WHEREAS, conjunctive water administration delivery calls have been filed in the Big and Little Wood River Basins alleging that senior, surface water irrigation water rights have been injured by upstream junior-priority ground water pumping resulting from water supply issues; and

WHEREAS, the deep aquifer in the Palouse Basin, which supplies water to the City of Moscow and the University of Idaho in addition to communities in Washington, has been declining for many decades despite conservation measures implemented by the Palouse Basin communities; and

WHEREAS, the Department of Water Resources recently created the Lewiston Plateau Ground Water Management Area (GWMA) in response to declining water levels in the shallow perched aquifers of the area. While the management plan for the GWMA requires that most future development in the GWMA must divert water from the deep regional aquifer, the geographic extent and sustainable yield of the deep aquifer is unknown and the studies and models necessary to accurately characterize the aquifer do not exist; and

WHEREAS, ground water declines are also occurring in the Big Lost, Raft River, Malad and other aquifers across the state; and

WHEREAS, ground water levels and aquifer storage in some aquifers are inadequate to sustain a supply of water for surface and ground water irrigation, hydropower, municipal, industrial uses, and other uses, the curtailment of which would cause severe economic harm to the State of Idaho; and

WHEREAS, stabilizing and enhancing aquifer water levels is in the public interest and will sustain the water supply for consumptive and nonconsumptive uses and minimize harm to Idaho's economy arising from water supply shortages.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests that the Idaho Water Resource Board address statewide aquifer stabilization and sustainability projects including managed recharge.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board conduct aquifer recharge studies and develop a ground water model, with all necessary measurement networks, for the Treasure Valley Aquifer.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board partner in studies with local entities to find alternate water supplies for Mountain Home.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board participate in discussions with the surface water users, the ground water users, and other parties in the Big and Little Wood River Basins and attempt to find resolution to the water delivery calls.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board partner in studies with local entities to find alternate water supplies for the Palouse Basin.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board undertake studies of the deep regional aquifer in the Lewiston area in order to define its geographic extent and sustainable yield.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board evaluate other aquifers across the state and take management actions as necessary.

Adopted by the Senate February 16, 2016

Adopted by the House March 17, 2016

(S.C.R. No. 138)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE SUPPORTING THE SETTLEMENT AGREEMENT ENTERED INTO ON JUNE 30, 2015, BETWEEN PARTICIPATING MEMBERS OF THE SURFACE WATER COALITION AND PARTICIPATING MEMBERS OF THE IDAHO GROUND WATER APPROPRIATORS, INC. TO RESOLVE LITIGATION, AVOID CURTAILMENT, MAINTAIN SUSTAINABLE GROUND AND SURFACE WATER SUPPLIES ON THE ESPA AND MINIMIZE HARM TO IDAHO'S ECONOMY, SUPPORTING STATE MANAGEMENT TO ENSURE ESPA WATER SUPPLY ISSUES ARE TIMELY ADDRESSED, AND SUPPORTING THE GOAL OF STABILIZING AND REVERSING THE TREND OF DECLINING ESPA WATER LEVELS IN THE EASTERN SNAKE PLAIN AQUIFER.

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

WHEREAS, the Eastern Snake Plain Aquifer (ESPA) supplies ground water to approximately one million irrigated acres and to numerous cities, businesses, dairies, factories and homes; and

WHEREAS, the ESPA is hydraulically connected to the Snake River and discharges to the Snake River via tributary springs, which supply surface water for multiple beneficial uses, including aquaculture, hydropower, and the irrigation of approximately one million acres; and

WHEREAS, since 1952 the total volume of water stored in the ESPA has decreased due to increasing direct diversions of ground water, increasingly efficient surface water irrigation practices, and other factors; and

WHEREAS, discharge from the ESPA to the Snake River is the most significant contribution of water to the Snake River between Milner Dam and the Murphy Gage; and

WHEREAS, Policy 4A of the 2012 Idaho State Water Plan requires that the Murphy minimum stream flow water right be administered in priority; and

WHEREAS, the declines in ESPA storage content have decreased surface water supplies available for irrigation, aquaculture, municipal, industrial and other uses on land overlying the Eastern Snake Plain, resulting in multiple water delivery calls, protracted litigation, and curtailment notices issued by the Idaho Department of Water Resources; and

WHEREAS, current ESPA water levels and total storage content, after more than six decades of decline, are inadequate to provide a reasonably safe supply of water for sustainable surface and ground water irrigation, hydropower, aquaculture, municipal and industrial uses, the curtailment of which would cause severe economic harm to the State of Idaho; and

WHEREAS, if the Thousand Springs discharges continue to decline, junior water rights will be required to curtail to sustain the Murphy minimum stream flow; and

WHEREAS, on June 30, 2015, a historic settlement agreement was entered into between the following surface water right holders: A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company, collectively known as the Surface Water Coalition (SWC); and the following ground water right holders: Aberdeen American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey Valley Ground Water District, North Side Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, Fremont-Madison Irrigation District, Anheuser-Busch, United Water, Glanbia Foods, City of Blackfoot, City of American Falls, City of Jerome, City of Rupert, City of Heyburn, City of Paul, City of Chubbuck and City of Hazelton, collectively known as the Idaho Ground Water Appropriators, Inc. (IGWA); for the purpose of resolving pending water delivery calls and to provide for ongoing management of the ESPA; and

WHEREAS, the IGWA-SWC settlement agreement seeks to stabilize and ultimately reverse the trend of declining ESPA water levels in the ESPA; and

WHEREAS, the participating ground water users committed to reduce ground water diversions from the ESPA necessary to meet the ground water level goal and benchmarks identified in the settlement agreement; and

WHEREAS, implementation of the settlement agreement is expected to lead to a sustainable water supply and minimize harm to Idaho's economy arising from water supply shortages.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho supports the settlement agreement entered into on June 30, 2015, between participating members of the Surface Water Coalition and participating members of the Idaho Ground Water Appropriators, Inc. to resolve litigation, avoid curtailment, maintain sustainable ground and surface water supplies on the ESPA and minimize harm to Idaho's economy, and further supports state management to ensure ESPA water supply issues are timely addressed.

BE IT FURTHER RESOLVED that the State of Idaho supports the goal of stabilizing and reversing the trend of declining ESPA water levels in the Eastern Snake Plain Aquifer.

Adopted by the Senate February 16, 2016

Adopted by the House March 17, 2016

(S.C.R. No. 139)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 17, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 140)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1506, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 17, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 141)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1511, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 17, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 143)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 20 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO, REVISING PROVISIONS RELATING TO TRANSMITTAL OF A JOINT RESOLUTION.

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

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 20 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 20 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 20

Constitutional Amendments. -- A Joint Resolution proposing an amendment to the Constitution of the State of Idaho must be introduced on or before the thirty-sixth day of the Regular Legislative Session and must be transmitted from the house of origin to the other house prior to the fifty-fifth day of the Regular Legislative Session; provided however, in the event the fifty-fifth day of the Regular Legislative Session falls on a Saturday or Sunday, such transmittal must be made on or prior to the fifty-seventh day of the Regular Legislative Session. The provisions of this rule may be waived by the presiding officer of either house upon presentment of a signed petition by the majority or minority leadership of the house. Requests for a proposed amendment to the Constitution of the State of Idaho shall be in the Office of Legislative Services for drafting at least seven calendar days prior to its intended introduction date.

Adopted by the Senate March 3, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 144)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 21 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO REVISING PROVISIONS RELATING TO CERTAIN RECORDED PROCEEDINGS.

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

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 21 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 21 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 21

Recording of Proceedings of the Chambers. -- The proceedings of each house shall be recorded and live streamed by an authorized designee, provided that either house may suspend or end recording and/or live streaming of its proceedings upon a two-thirds vote of the chamber wherein the proceeding takes place. A statement made during floor or committee proceedings is indicative only of the individual speaker and is not an expression of legislative intent by the body as a whole. No recording shall substitute for the Journal of either house as required by Section 13, Article III of the Constitution of the State of Idaho. All recordings shall be maintained by the Director of Legislative Services or his designee ~~for two years, and then transferred.~~ A copy of any recorded proceedings more than two years old will be provided to the state archivist. No member of the Legislature, its employees, or designees shall be permitted to certify or authenticate any recording made under this rule.

Adopted by the Senate March 3, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 146)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING THE STATE OF IDAHO AS A PURPLE HEART STATE AND PROVIDING THAT AUGUST 7 IS PURPLE HEART DAY IN IDAHO.

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

WHEREAS, 1,026 of Idaho veterans were killed in combat during major wars from WWI to the present, and approximately 2,683 were wounded during those wars, making over 3,709 Idahoans eligible for the Purple Heart award; and

WHEREAS, fourteen states across the United States have honored their combat wounded and killed military veterans by proclaiming their states to be Purple Heart states; and

WHEREAS, the cities of Boise, Pocatello, Nampa and Fruitland--all served by I-84, named by the Idaho Legislature as the Vietnam Veterans Memorial Highway--were designated as Purple Heart cities in 2015; and

WHEREAS, the mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among combat wounded veterans and their families, to promote patriotism, to support legislative initiatives and, most importantly, to ensure that we never forget the sacrifices of veterans killed in action and wounded in combat; and

WHEREAS, the State of Idaho honors the service and sacrifices of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we designate the State of Idaho as a Purple Heart state and permanently set the date of August 7th as Purple Heart Day for the State of Idaho.

Adopted by the Senate February 22, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 147)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING NATIONAL WOMEN'S HISTORY MONTH.

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

WHEREAS, at the time of the American Revolution, the notion of education as a safeguard for democracy created opportunities for girls to receive a basic education; and

WHEREAS, advocates of secondary education for women faced arguments from physicians and others who claimed that females were incapable of intellectual development equal to men, and that they would be harmed by striving for it; and

WHEREAS, against social convention and often legal restraints, women have created a legacy in Idaho and in the world that demonstrates their character, courage and commitment to asserting their human dignity and equality. An early example is Emma Edwards Green, who designed the Idaho state seal and described in it the figure of a woman "signifying justice, as noted by the scales; liberty, as denoted by the liberty cap on the end of the spear, and equality with man as denoted by her position at his side, also signifies freedom." Other examples include Elizabeth Ingram, a schoolteacher who formed the first women's suffrage organization in Idaho in 1893; Helen Louise Young, who was admitted as the first woman lawyer in Idaho; and Clara Campbell, Hattie Noble, and Mary A. Wright, who were the first women to serve as Idaho state legislators in 1898. While these women were inspirational for their achievements, they were also a rarity; and

WHEREAS, while Idaho voters made Idaho the fourth state to extend the right to vote to women, Elizabeth Cady Stanton and Susan B. Anthony were campaigning on the national front for women's suffrage in 1896, and similar struggles were taking place around the world; and

WHEREAS, on March 19, 1911, the first International Women's Day was observed in Austria, Denmark, Germany and Switzerland, with both men and women attending rallies concerning a woman's right to work under decent labor conditions, to vote, to be educated, to hold public office and to hold other rights denied to women; and

WHEREAS, following 1911, International Women's Day has been observed each year on March 8th and is a platform for celebrating women's progress and for bringing attention to gaps in gender equality where they still exist; and

WHEREAS, in 1981, Congress passed a resolution making Women's History Week a national observance, extending it in 1987 to Women's History Month for the entire month of March each year; and

WHEREAS, the women of Idaho of every race, class and ethnic background have made historic contributions to the growth and strength of our state in countless recorded and unrecorded ways; and

WHEREAS, the women of Idaho have played and continue to play a critical economic, cultural, and social role in every sphere of the life of our state by constituting a significant portion of the labor force working inside and outside of the home, and these contributions have been historically overlooked and undervalued in the teaching of history; and

WHEREAS, women constitute 52% of Idaho's population and have proven their skill in holding elected office, serving on boards or commissions and in leadership positions in both private and public sectors. We recognize that the state and her citizens are best served when women participate in the public arena and in leadership positions to the fullest extent of their capabilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that March 2016 is recognized as Women's History Month, and the citizens of Idaho are invited and encouraged to learn about the roles that Idaho women have played throughout the history of our nation and state and to support and look forward to women's accomplishments in the future.

Adopted by the Senate February 25, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 148)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE CONTRIBUTIONS AND ACCOMPLISHMENTS OF HECLA MINING COMPANY AND ITS EMPLOYEES AND CONGRATULATING HECLA MINING COMPANY ON ITS 125TH ANNIVERSARY.

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

WHEREAS, Hecla Mining Company, headquartered in Coeur d'Alene, Idaho, is celebrating its 125th anniversary this year; and

WHEREAS, Hecla Mining Company was formed in October of 1891 and is Idaho's oldest publicly traded company; and

WHEREAS, the company was formed for the purposes of acquiring and trading mining claims in what was then North Idaho's newly discovered Silver Valley; and

WHEREAS, mining played an integral role in the settlement of the West and, in particular, North Idaho; and

WHEREAS, Hecla Mining Company has endured the Great Depression, two World Wars and extreme swings in metals prices; and

WHEREAS, today with four operating North American mines, a number of exploration properties and pre-development projects, Hecla Mining Company is the largest primary silver producer in the United States; and

WHEREAS, Hecla Mining Company is the oldest New York Stock Exchange listed precious metals mining company in all of North America; and

WHEREAS, Hecla Mining Company has advanced techniques that have improved mine worker safety, such as wireless technology, advanced seismic monitoring systems, low-emission diesel-powered equipment and implementation of risk-based management systems that have improved mine worker safety; and

WHEREAS, Hecla Mining Company has a deep connection with the communities in which it operates, providing over \$800 million to the North Idaho economy in just the last five years alone in wages, benefits, taxes and economic support of education, youth activities, community health and infrastructure; and

WHEREAS, Hecla Mining Company has just over 1,400 employees worldwide, with about 380 of them in North Idaho. Hecla Mining Company provides many of the highest-paying jobs in North Idaho; and

WHEREAS, Hecla Mining Company has a strong asset profile with assets including Greens Creek in Alaska, Lucky Friday in Mullan, Idaho, Casa Berardi in Quebec, San Sebastian in Mexico and Rock Creek in Montana; and

WHEREAS, Hecla Mining Company will continue to help supply the world's increasing consumer demand for goods that require silver, gold, zinc and lead, with silver being a key ingredient for solar voltaic cells, modern electronics and medical applications.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the contributions and accomplishments of Hecla Mining Company and its employees, and congratulate Hecla Mining Company on its 125th anniversary.

Adopted by the Senate March 3, 2016

Adopted by the House March 16, 2016

(S.C.R. No. 149)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ENDORSING THE NEED FOR A VETERANS
CEMETERY IN EASTERN IDAHO.

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

WHEREAS, Idaho is the home to more than 132,000 veterans; and

WHEREAS, more than 30,000 veterans live in the Eastern Idaho catchment areas; and

WHEREAS, the nearest veterans cemetery to Eastern Idaho is the Idaho State Veterans Cemetery in Boise, Idaho, that is more than 200 miles driving distance; and

WHEREAS, although the Idaho State Veterans Cemetery in Boise is a beautiful resting place for Idaho veterans, due to its distance from Eastern Idaho and the population density of the region, the needs of Eastern Idaho veterans and their families are not met by the Idaho State Cemetery in Boise, Idaho; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide the land and pay for ongoing cemetery maintenance and operation of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the federal government shares this belief, and the Department of Veterans Affairs' State Cemetery Grants Service pays 100% of architectural and engineering costs, to include planning, construction, and equipment, for the development of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide 10% architectural and engineering matching funds necessary to qualify for federal funding; and

WHEREAS, pursuant to 38 CFR 39 the 10% architectural and engineering matching funds will be reimbursed to the state following grant award; and

WHEREAS, Eastern Idaho leaders and the community have identified potential land donations in an effort to meet the state's obligation to provide land.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse the need for a veterans cemetery in Eastern Idaho and that legislation should be adopted to facilitate the exchange of property and to authorize the Division of Veterans Services to accept gifts, grants, contributions and bequests, and to purchase and hold title to property on behalf of the State of Idaho.

BE IT FURTHER RESOLVED that the Legislature should act expeditiously so that no more time passes before Eastern Idaho's veterans are given the respect they are so worthy of receiving.

Adopted by the Senate March 3, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 150)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 18 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO TO REVISE PROVISIONS RELATING TO STATEMENTS OF PURPOSE AND FISCAL NOTES.

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

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Rule 18 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 18

~~Statement of Purpose and Fiscal Notes. --- No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. A statement of purpose or fiscal note is not a statement of legislative intent nor intended for any use outside of the legislative process. The statement of purpose and fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. No bill making an appropriation, increasing or decreasing existing appropriations, or requiring a future appropriation, or increasing or decreasing revenues of the state or any unit of local government, or requiring a significant expenditure of funds by the state or a unit of local government, shall be introduced unless it shall have attached thereto a fiscal note. This note shall contain an estimate of the amount of such appropriation, expenditure, or change under the bill. The fiscal note shall identify a full fiscal year's impact of the legislation. Statements of purpose and fiscal notes may be combined in the same statement. All statements of purpose and fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned. A member may challenge the sufficiency of a statement of purpose or fiscal note at any time prior to passage, except upon introduction. Nothing in this rule shall prohibit a statement of purpose or fiscal note from being revised.~~

Statement of Purpose and Fiscal Notes -- General Provisions. -- No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. Statements of purpose and fiscal notes may be combined in the same statement.

Statement of Purpose. -- (a) The statement of purpose applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. All statements of purpose shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any review is subject to Joint Rule 18 (e) .

Fiscal Notes. -- (b) The fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. The fiscal note shall reasonably contain the proponent's full fiscal year projected increase or decrease in existing or future appropriations, and/or the increase or decrease in revenues by the state or unit(s) of local government. The bill's proponent bears the responsibility to pro-

vide a reasonably accurate fiscal note. If the fiscal note states there is no projected fiscal impact, then the fiscal note must contain a statement of the reasons that no fiscal impact is projected. All fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any compliance review is subject to Joint Rule 18(e). A member of the committee may challenge the sufficiency of a fiscal note at any time prior to the committee's final action on the bill.

Debate. -- (c) Any member of either house may debate the sufficiency of a statement of purpose or fiscal note at the time of consideration of the bill.

May be Revised. -- (d) Either house may revise the statement of purpose or fiscal note at any time before that house's final action on the bill; however, the revision to the statement of purpose or fiscal note is ministerial only and shall not be done by action of the house.

Not a Statement of Legislative Intent. -- (e) Statements of purpose and fiscal notes are mere attachments to the bill and are not voted on. The statement of purpose and fiscal note are not expressions or statements of legislative intent, and are not intended for any use outside of the legislative process, including judicial review.

Notice to Others. -- (f) Each statement of purpose and fiscal note shall contain this notice: "This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18)."

Adopted by the Senate March 9, 2016

Adopted by the House March 22, 2016

(S.C.R. No. 151)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF POTENTIAL APPROACHES TO MITIGATING THE RISK OF BIAS IN CONTESTED CASES.

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

WHEREAS, state agencies and members of the public are often opposing parties in a contested case administrative hearing; and

WHEREAS, an order issued in such a contested case can determine legal rights, duties, privileges, immunities and other legal interests; and

WHEREAS, agency directors, boards and administrative hearing officers play an integral role in determining the outcome of contested cases and any orders that are issued; and

WHEREAS, those who adjudicate contested cases should have the independence and expertise to conduct fair and thorough hearings; and

WHEREAS, the Office of Performance Evaluations (OPE) on February 22, 2016, issued its study "Risk of Bias in Administrative Hearings"; and

WHEREAS, OPE found that the types of actions involving administrative hearings total 93 and, of that number, 48 of these actions, or 52%, present moderate or high risk for bias; and

WHEREAS, one recommendation of OPE was to consider whether current safeguards could be strengthened or new safeguards implemented to help

mitigate the risk of bias as well as promote greater consistency in hearing procedures; and

WHEREAS, another recommendation of OPE was for the Legislature to consider whether a central panel is appropriate to mitigating the risk of bias in contested cases; and

WHEREAS, a further recommendation of OPE was that the Legislature should consider establishing an interim committee to study possible contested case changes; and

WHEREAS, the Legislature finds that 48 of 93 types of actions holding a moderate or high risk of bias is not acceptable.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of potential approaches to mitigating the risk of bias in contested case proceedings including, but not limited to: the assignment of agency directors, boards and administrative hearing officers for the conduct and decision of contested cases; the appointment and compensation of administrative hearing officers; and appropriate means to mitigate actual and perceived bias, conflicts of interest and any other factors undermining the actual and perceived unfairness of contested case proceedings. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The political party affiliations of the committee members from each legislative body shall be in the same proportions as they are in the legislative body in which such members serve. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the area of contested case administrative hearings and hearing officers and are expected to receive input from stakeholders in various state agencies.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the Senate March 14, 2016

Adopted by the House March 24, 2016

(S.C.R. No. 153)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Health and Welfare, Rules Governing Certified Family Homes, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2016 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 11.05.01, the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, adopted as a pending fee rule under Docket Number 11-0501-1501, the entire rule-making docket.

IDAPA 16.03.19, the Department of Health and Welfare, Rules Governing Certified Family Homes, adopted as a pending fee rule under Docket Number 16-0319-1502, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 11.05.01, the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, adopted as a pending fee rule under Docket Number 11-0501-1501, the entire rulemaking docket, and IDAPA 16.03.19, the Department of Health and Welfare, Rules Governing Certified Family Homes, adopted as a pending fee rule under Docket Number 16-0319-1502, the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of the Administrative Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate March 23, 2016

Adopted by the House March 24, 2016

(S.C.R. No. 154)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of the Administrative Rules Coordinator for review during the 2016 legislative session, be, and the same are approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-fourth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2016 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-third Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 23, 2016

Adopted by the House March 24, 2016

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 27)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Sixty-third Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 11, 2016.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 11, 2016, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 11, 2016

Adopted by the Senate January 11, 2016

(H.C.R. No. 28, As Amended)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND RECOGNIZING THE COMMITMENT, SACRIFICE AND COURAGE OUR MILITARY FAMILIES CONSISTENTLY DEMONSTRATE THROUGH APPROPRIATE PUBLIC EVENTS, CEREMONIES, PATRIOTIC ACTIVITIES IN OUR COMMUNITIES AND PRIVATE PRAYERS, AND RECOGNIZING 2016 THROUGHOUT THE STATE OF IDAHO AS THE YEAR OF IDAHO MILITARY FAMILIES.

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

WHEREAS, Idaho enthusiastically and unwaveringly is proud of and supports the state's active, National Guard, and reserve military members and their families; and

WHEREAS, Idaho appreciates, understands and recognizes the courage, dedication and bravery of the state's active, National Guard, Veterans, and reserve military members and their families; and

WHEREAS, Idaho greatly appreciates the resolute spirit and resolve that military families consistently demonstrate in the face of extended separations, frequent moves and financial hardships.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the commitment, sacrifice and courage our military families consistently demonstrate through appropriate public events, ceremonies, patriotic activities in our communities and private prayers.

BE IT FURTHER RESOLVED that 2016 be recognized throughout the State of Idaho as the Year of Idaho Military Families.

Adopted by the House February 25, 2016

Adopted by the Senate March 8, 2016

(H.C.R. No. 29)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING AND RECOGNIZING THE
130TH ANNIVERSARY OF THE STATUE OF LIBERTY.

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

WHEREAS, the 130th anniversary of the unveiling of the Statue of Liberty will take place on October 28, 2016; and

WHEREAS, it is an excellent opportunity for all Americans to remember her history and meaning to the United States of America and to the world; and

WHEREAS, in 1865, upon the conclusion of the Civil War ending slavery in the United States, Edouard de Laboulaye, a French historian and admirer of American democracy, was inspired to propose a generous gift from France to the United States in the form of a statue representing liberty; and

WHEREAS, the sculptor Frederic Auguste Bartholdi was commissioned for the project. Bartholdi and Laboulaye agreed that their monument should not be seen as instigating an uprising but rather as lighting the way with her torch to democracy, peacefully and lawfully. They named the statue "Liberty Enlightening the World"; and

WHEREAS, in 1877, President Ulysses S. Grant signed a bill designating Bedloe's Island in New York Harbor as the intended site for the statue; and

WHEREAS, on October 28, 1886, ten years after the centennial celebration of the United States, the statue was at last unveiled at a dedication ceremony on Bedloe's Island, and one million New Yorkers braved wet and foggy weather that day to throw the first ever ticker-tape parade in New York City, where President Grover Cleveland welcomed her, saying, "We will not forget that Liberty has here made her home; nor shall her chosen altar be neglected"; and

WHEREAS, the Statue of Liberty still stands proudly today, having been designated a National Monument by President Calvin Coolidge in 1924, and placed under the jurisdiction of the National Park Service by President Franklin D. Roosevelt in 1933; and

WHEREAS, over the course of her 130-year history, the Statue of Liberty has welcomed more than twelve million immigrants to American shores and is visited by millions of admirers from all corners of the earth each year; and

WHEREAS, the millions of people who passed through New York Harbor under the watchful eyes of the Statue of Liberty were important to America for their contribution in making the United States of America the world leader it is today; and

WHEREAS, the American poet Emma Lazarus wrote about the Statue of Liberty and America's dream in her inspirational sonnet "The New Colossus," which was inscribed on a bronze plaque and hung inside the pedestal of the Statue of Liberty: "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send

these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!"; and

WHEREAS, the Statue of Liberty is a symbol to the world of the dreams and aspirations which have drawn so many millions of immigrants to America; and

WHEREAS, to all Americans the Statue of Liberty stands eternal as the symbol of the freedom which has been made a living reality in the United States for men and women of all races, creeds and national origins who have united in allegiance to the Constitution of the United States and to the imperishable ideals of our free society.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do honor and commemorate the history of the Statue of Liberty and urge all Idahoans to recognize and celebrate the symbol of freedom and democracy which she represents to all of the world.

Adopted by the House February 12, 2016

Adopted by the Senate March 8, 2016

(H.C.R. No. 30)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING IDAHO AUTHOR ANTHONY DOERR FOR HIS AWARD-WINNING WORK.

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

WHEREAS, Anthony Doerr was born and raised in Cleveland, Ohio, and went on to earn his Master of Fine Arts from Bowling Green State University in Ohio; and

WHEREAS, Anthony Doerr has worked and lived around the world, including Italy, Africa, and New Zealand, but has chosen to make his home in Idaho, along with his wife and children; and

WHEREAS, Anthony Doerr was the writer-in-residence for the State of Idaho from 2007 to 2010; and

WHEREAS, he has been the recipient of a 2010 Guggenheim Fellowship and a National Endowment for the Arts Fellowship; and

WHEREAS, his works include "Memory Wall," "The Shell Collector," "About Grace," "Four Seasons in Rome," "The Deep," and "All the Light We Cannot See"; and

WHEREAS, Anthony Doerr's short stories, essays and novels have earned literary acclaim, including the 2015 Pulitzer Prize for Fiction, the 2015 Andrew Carnegie Medal for Excellence in Fiction, the 2014 Goodreads Choice Awards for Best Historical Fiction, the 2010 Story Prize, four O. Henry Prizes, the Barnes and Noble Discover Prize, the Rome Prize, the New York Public Library's Young Lions Award, the Alex Award from the American Library Association, the National Magazine Award for Fiction, four Pushcart Prizes, two Pacific Northwest Book Awards, four Ohioana Book Awards, and the United Kingdom's Sunday Times EFG Short Story Award; and

WHEREAS, Anthony Doerr is the first Idaho resident to win the Pulitzer Prize while living in Idaho; and

WHEREAS, despite Anthony Doerr's many and notable achievements, he remains a humble and well-liked man, who advises others to "write about what amazes you."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we congratulate Anthony Doerr for winning the 2015 Pulitzer Prize for Fiction, as well as being a finalist for the 2014 National Book Award, for his novel "All the Light We Cannot See," and we further honor and commend Anthony Doerr for his contributions to the literary world and wish him continued success.

Adopted by the House February 12, 2016

Adopted by the Senate February 25, 2016

(H.C.R. No. 31)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING THE IMPORTANCE OF MUSIC EDUCATION IN IDAHO SCHOOLS AND RECOGNIZING MUSIC IN OUR SCHOOLS MONTH.

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

WHEREAS, the study of music is basic to a complete education, provides a competitive edge for successful educational reform, engages students in individual and group activity, contributes to young people's development through listening, reading, self-expression and creativity, develops creativity, problem-solving, and critical and evaluative skills; and

WHEREAS, music education helps students acquire skills in production and performance of music, as well as an understanding of history and culture; and

WHEREAS, music education in the schools includes a broad range of types of music and active musical experiences; and

WHEREAS, music and the other arts significantly enhance the morale and quality of the school environment; and

WHEREAS, the United States Congress passed the Every Student Succeeds Act in 2015, which incorporates music among those subjects included in the definition of a "well-rounded education" and articulates that music should be part of every child's education regardless of personal circumstance; and

WHEREAS, Music In Our Schools Month is the National Association for Music Education's annual monthlong celebration held every March since 1985 to engage music educators, students and communities in promoting the benefits of high-quality music education programs in schools; and

WHEREAS, the Idaho Music Educators Association is concerned with maintaining and improving school music programs for all students regardless of their socioeconomic status or their abilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and commend the Idaho Music Educators Association for its concern for and efforts to enhance the quality of music education in Idaho schools.

BE IT FURTHER RESOLVED that we hereby recognize the month of March, 2016, throughout the state as Music In Our Schools Month, and we endorse the observance of Music In Our Schools Month as an opportunity to support the purposes and practices of music education and encourage teachers, students and all citizens to participate.

Adopted by the House February 8, 2016

Adopted by the Senate February 22, 2016

(H.C.R. No. 32)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND COMMEMORATING THE PULSE CROP.

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

WHEREAS, the Idaho Pea and Lentil Commission was established July 1, 1965, to manage the funds collected from the assessment on dry peas, lentils and chickpeas. The seven-person commission allocates funding for research, domestic and international marketing, government affairs and education; and

WHEREAS, the USA Dry Pea & Lentil Council was also established in 1965 as a nonprofit organization to promote and protect the interests of growers, processors, warehousemen and sellers of dry peas, lentils and chickpeas in the United States; and

WHEREAS, both the Idaho Pea and Lentil Commission and the USA Dry Pea & Lentil Council are headquartered in Moscow, Idaho, also known as the "Pea and Lentil Capital of the World"; and

WHEREAS, the Idaho Bean Commission was created in 1957 to promote Idaho's quality dry and green beans and promote their nutritional and health benefits and is headquartered in Boise. The eight-member commission allocates funding for research, domestic and international marketing, government affairs and education; and

WHEREAS, Idaho has almost 200,000 acres planted annually into beans, dry peas, lentils and chickpeas; and

WHEREAS, pulse crops such as lentils, beans, peas and chickpeas are a vital source of plant-based proteins and amino acids for people around the globe and should be eaten as part of a healthy diet to address obesity, as well as to prevent and help manage chronic diseases such as diabetes, coronary conditions and cancer; and

WHEREAS, pulses are also an important source of plant-based protein for animals; and

WHEREAS, pulses are leguminous plants that have nitrogen-fixing properties that can contribute to increasing soil fertility and have a positive impact on the environment; and

WHEREAS, more than two-thirds of the United States adult population are overweight or obese, with diabetes being one of the leading causes of death. Pulses are a healthy option that are nutrient-dense with fewer calories, have more fiber and protein, deliver great flavor, are gluten-free with low allergen and with low glycemic responses; and

WHEREAS, childhood obesity affects one in every six American youth. Pulses can be a healthy alternative as they are low in fat but high in fiber and protein. Pulses are also rich in zinc, which is crucial to building a healthy immune system.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate the mighty Pulse for singular recognition.

BE IT FURTHER RESOLVED that we recognize and thank the Idaho Pea and Lentil Commission and the USA Dry Pea & Lentil Council for their tireless work ensuring this historic and singular recognition of the pulse, bringing honor and respect to the great State of Idaho.

Adopted by the House February 15, 2016

Adopted by the Senate March 7, 2016

(H.C.R. No. 33)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE PUBLIC SCHOOL FUNDING FORMULA AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the current public school funding formula was enacted in 1994 and implemented in the 1994-95 school year; and

WHEREAS, the current formula did not contemplate a variety of different learning modalities, the increasing mobility of students and the state's move toward mastery-based education; and

WHEREAS, the evolving needs of exceptional and at-risk students make this an appropriate time for the state to review how the current funding formula meets the educational needs of these student populations; and

WHEREAS, the current formula should be evaluated to assess the level of predictability and stability that are needed by school districts in order to efficiently and effectively budget and educate students; and

WHEREAS, the Governor's Task Force for Improving Education recommended a change to the public school funding formula from Average Daily Attendance (ADA) to Average Daily Enrollment/Membership; and

WHEREAS, a Public School Funding Subcommittee of the Governor's Task Force concluded that rather than focus solely on funding based on attendance or enrollment, the entire formula needs a thorough review.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of and make recommendations for the state's public school funding formula. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Superintendent of Public Instruction and another member of the Idaho State Board of Education shall serve as voting non-legislative members of the committee.

BE IT FURTHER RESOLVED that non-legislative, voting or nonvoting members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Non-legislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses.

BE IT FURTHER RESOLVED that the Legislative Services Office, Office of the State Board of Education including the Public Charter School Commission, State Department of Education, Office of the Governor and Division of Financial Management shall provide staff support to the committee.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House February 17, 2016

Adopted by the Senate March 10, 2016

(H.C.R. No. 35)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RECOGNIZING AND HONORING THE ASSOCIATED LOGGING CONTRACTORS OF IDAHO FOR 50 YEARS OF ACCOMPLISHMENTS AND SERVICES TO IDAHO.

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

WHEREAS, the Associated Logging Contractors was organized and established in St. Maries, Idaho, in 1966 for the purpose of developing programs that would be instrumental in helping members manage costs of operation and working together to solve other issues confronting the logging industry; and

WHEREAS, the Associated Logging Contractors' dedicated members continue to direct policies promoting the financial well-being and quality of life for all involved in Idaho's logging and wood-hauling enterprises; and

WHEREAS, the Associated Logging Contractors provides support and educational programs for all employed in this important natural resource industry; and

WHEREAS, the Associated Logging Contractors provides access to insurance, safety training and compliance to better manage risks associated with the industry; and

WHEREAS, approximately 2,170 highly skilled and hardworking professionals are an integral part of the logging and wood-hauling industry in Idaho; and

WHEREAS, the College of Natural Resources at the University of Idaho reports that each million board-feet of wood harvested provides 20 jobs in Idaho; and

WHEREAS, the Associated Logging Contractors' members helped to write, implement and support Idaho's Forest Practices Act which protects water quality and ensures trees are replanted after harvest; and

WHEREAS, a healthy logging industry is an important facet of Idaho's rural communities' future and economic health, and the Associated Logging Contractors of Idaho works to sustain this business sector.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor the Associated Logging Contractors of Idaho for 50 years of accomplishments and services to Idaho.

Adopted by the House February 23, 2016

Adopted by the Senate March 14, 2016

(H.C.R. No. 36)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING NATIONAL APPRENTICESHIP WEEK.

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

WHEREAS, the year 2016 marks the seventy-seventh anniversary of the enactment of the Shelley-Maloney Apprentice Labor Standards Act of 1939; and

WHEREAS, apprenticeship has been recognized over the centuries as a proven method of passing on essential skills from one generation to another; and

WHEREAS, apprenticeships provide the opportunity to combine paid, on-the-job training with significant career education; and

WHEREAS, apprenticeships provide employers in every industry the tools necessary to develop a highly skilled workforce that will help increase their business; and

WHEREAS, apprenticeships provide instructional rigor and quality training and promote the development of high work standards; and

WHEREAS, apprenticeships lead to higher wages and long-term successful careers; and

WHEREAS, Idaho has 130 registered apprenticeship programs representing more than 200 employers, with approximately 950 registered apprentices in such industries as advanced manufacturing, construction, energy, government, mining and timber; and

WHEREAS, approximately 350-400 new apprentices are registered annually in Idaho; and

WHEREAS, apprenticeships provide a good return on investment for employers and workers; and

WHEREAS, National Apprenticeship Week affords the opportunity for the apprenticeship community to educate the public about the benefits of apprenticeships and serves as an invitation to employers, students and workers to learn about the real-world advantages of developing careers through adoption of the apprenticeship model.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognize National Apprenticeship Week at the time declared by the United States Department of Labor.

BE IT FURTHER RESOLVED that the citizens of Idaho are encouraged, both during National Apprenticeship Week and throughout the year, to acknowledge the value of apprenticeships in the state's economy and workforce.

Adopted by the House February 15, 2016

Adopted by the Senate March 3, 2016

(H.C.R. No. 38)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING NATIONAL DAY OF THE COWBOY.

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

WHEREAS, pioneering men and women known as cowboys helped to establish America's frontiers; and

WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion and determination; and

WHEREAS, the cowboy vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, the cowboy is an excellent steward of the land and its creatures; and

WHEREAS, the core values expressed within the Cowboy Code of Conduct and the Code of the West continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, these core values include the following ten principles to live by: 1) Live each day with courage; 2) Take pride in your work; 3) Always finish what you start; 4) Do what has to be done; 5) Be tough but fair; 6) Keep your promises; 7) Ride for the brand; 8) Talk less and say more; 9) Remember that some things are not for sale; and 10) Know where to draw the line; and

WHEREAS, cowboy and ranching traditions have been part of the American landscape and culture since 1523, and today's cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, annual attendance at rodeos exceeds 30 million fans worldwide; and

WHEREAS, membership and participation in the National Day of the Cowboy Organization and other organizations that honor the livelihood of the cowboy continue to increase both nationally and internationally; and

WHEREAS, the cowboy and his horse are central figures in literature, art, film, poetry, photography and music; and

WHEREAS, the cowboy is a true American icon occupying a central place in the public's imagination.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the fourth Saturday in July be recognized each year as National Day of the Cowboy.

BE IT FURTHER RESOLVED that the citizens of Idaho are encouraged to observe National Day of the Cowboy with appropriate ceremonies and activities.

Adopted by the House March 2, 2016

Adopted by the Senate March 18, 2016

(H.C.R. No. 39)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO COMMISSION OF PARDONS AND PAROLE RELATING TO RULES OF THE COMMISSION OF PARDONS AND PAROLE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Commission of Pardons and Parole relating to Rules of the Commission of Pardons and Parole is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 50.01.01, the Idaho Commission of Pardons and Parole, Rules of the Commission of Pardons and Parole, Section 250., Subsection 05., only, adopted as a pending rule under Docket Number 50-0101-1501, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 29, 2016

Adopted by the Senate March 8, 2016

(H.C.R. No. 40)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO STATE POLICE RELATING TO RULES GOVERNING ALCOHOL BEVERAGE CONTROL.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Police relating to Rules Governing Alcohol Beverage Control is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 11.05.01, Rules of the Idaho State Police, Rules Governing Alcohol Beverage Control, adopted as a pending rule under Docket Number 11-0501-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 29, 2016

Adopted by the Senate March 8, 2016

(H.C.R. No. 41)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND CELEBRATING THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THE GREAT SEAL OF THE STATE OF IDAHO.

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

WHEREAS, the State of Idaho was admitted into the United States on July 3, 1890, and a great seal was needed for the new state, the First Legislature of the State of Idaho adopted House Concurrent Resolution 1, creating a legislative committee to grant a prize of one hundred dollars for the best design of a great seal; and

WHEREAS, Emma Edwards Green, a highly educated woman who stopped in Idaho on her way home to California from art school in New York, decided to stay in Idaho for the rest of her life teaching art. Having recently arrived in Idaho, she submitted a design for the competition, which had entrants from all over the country, and the legislative committee unanimously accepted her design; and

WHEREAS, Governor Norman B. Willey delivered the one hundred dollar honorarium to Emma Edwards Green on March 4, 1891, and on March 14, 1891, the Idaho Legislature officially adopted her design; and

WHEREAS, the Great Seal of the State of Idaho is the only great seal in the United States designed by a woman. At the time of the adoption of Emma Edwards Green's design the issue of women's suffrage was hotly debated and her design features a woman in the foreground with a male laborer, symbolizing equality; and

WHEREAS, Idaho would later become the fourth state to guarantee a woman's right to vote by amending the Idaho Constitution in 1896, twenty-four years before the adoption of the Nineteenth Amendment to the United States Constitution guaranteed that right to all women in the country; and

WHEREAS, the woman on the great seal also signifies justice, as denoted by the scales of justice in her hand. The woman further signifies liberty, as denoted by the liberty cap, a common artistic motif for freedom and the pursuit of liberty, placed on the end of a spear in the woman's other hand. The woman stands next to ripened wheat with wild Syringa, the state flower, growing at her feet. The liberty cap and woman's robes are white because Idaho was a virgin state; and

WHEREAS, mining was the chief industry in the State of Idaho in early statehood, represented by the male miner in the foreground who is dressed in grayish brown clothing typical of the time and standing on a rocky ledge with ore scattered at his feet, with his pick on his shoulder and his shovel at his side; and

WHEREAS, between the woman and the man is a shield, featuring the image of large trees to celebrate the immense timber industry in Idaho. A farmer plowing on the shield, as well as a sheaf of grain and a horn of plenty below the shield, are emblematic of Idaho's agricultural resources. Because Idaho had a law protecting large game, the head of a bull elk rises from the top of the shield. Coursing through the center of the shield is the majestic Snake River, the lifeblood of the State of Idaho, in the shadow of mountains in the rosy glow before sunrise;

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate the adoption of the Great Seal of the State of Idaho for capturing the natural beauty, the varied industry, and the pioneering spirit of this great state.

BE IT FURTHER RESOLVED that we honor the memory of Emma Edwards Green for memorializing forever the equality of men and women by her historic and singular accomplishment of being the only woman to design a great seal.

Adopted by the House March 4, 2016

Adopted by the Senate March 15, 2016

(H.C.R. No. 42)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING PROFESSIONAL FOOTBALL PLAYER MATT PARADIS ON WINNING THE FIFTIETH SUPER BOWL FOOTBALL CHAMPIONSHIP.

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

WHEREAS, Matt Paradis, Idaho's native son from Council, was the starting center for the Super Bowl 50 champion Denver Broncos, hiking the ball to quarterback Peyton Manning; and

WHEREAS, Matt grew up in Council, Idaho, on his parents' cattle ranch and developed his mental toughness and dogged determination through a dawn-to-dusk schedule of stacking hay, fixing fence, herding cattle on the back of a bronco, and logging, as well as through playing youth sports; and

WHEREAS, Matt was the Idaho eight-man football player of the year in Idaho in 2007, playing multiple positions on both sides of the line for the Council Lumberjacks; and

WHEREAS, Matt joined the Boise State Bronco program as a walk-on. Showing his grit and determination, he won a scholarship, became the starter at center, and became a two-time All-Mountain West Center during his junior and senior years; and

WHEREAS, Matt was drafted in the sixth round by the Denver Broncos and had to once again prove himself by working harder than anyone else on the practice squad during his rookie year; and

WHEREAS, Matt again showed his perseverance and belief in himself during the off-season, becoming the starter by the first game, and was the only member of the Broncos to play every offensive snap of the 2015-2016 regular and post-season; and

WHEREAS, "Number 61" also worked hard in the classroom, showing academic prowess by graduating from Boise State University with a double major in Finance and Business Economics; and

WHEREAS, Matt comes from a long line of hardworking Idahoans. His father Mike is a long-time logger and rancher in the Council area, and is presently an Adams County Commissioner, and his mother Janice is an elementary school teacher in Council.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor Matt Paradis' hard work and we congratulate him on his Super Bowl Championship as the starting center for the Denver Broncos.

Adopted by the House February 16, 2016

Adopted by the Senate February 25, 2016

(H.C.R. No. 43)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING IDAHO POWER COMPANY ON ITS HUNDRETH ANNIVERSARY.

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

WHEREAS, Idaho Power Company was established 100 years ago on August 1, 1916; and

WHEREAS, Idaho Power Company is locally based and provides electricity that fuels the economy, powers lives and makes Idaho and eastern Oregon more comfortable places to live; and

WHEREAS, Idaho Power Company initially served 18,000 customers and today serves approximately 520,000 customers with 2,000 dedicated employees; and

WHEREAS, 100 years ago Idaho Power Company relied solely on power produced by nine hydroelectric plants along the Snake River to meet customers' energy needs, and today has a generation resource mix of 17 hydroelectric power plants and six thermal power plants, along with renewable energy such as wind, solar and geothermal; and

WHEREAS, Idaho Power Company is one of the few investor-owned electric utilities with a primarily hydroelectric (non-carbon emitting) generating base; and

WHEREAS, Idaho Power Company has a legacy of caring for the land and rivers in the areas it serves through fish conservation efforts, raptor protection and watershed management; and

WHEREAS, Idaho Power Company operates and maintains more than 50 recreational facilities along the Snake River, providing opportunities for outdoor recreation to Idahoans and to visitors from around the world; and

WHEREAS, Idaho Power Company is committed to the safety of its employees and customers; and

WHEREAS, Idaho Power Company supports the communities it serves through employee volunteerism, corporate donations and community sponsorships; and

WHEREAS, Idaho Power Company has provided reliable, fair-priced energy for a century and will continue this tradition for many years into the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Idaho Power Company for a century of service in the state of Idaho.

Adopted by the House February 25, 2016

Adopted by the Senate March 14, 2016

(H.C.R. No. 44)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1509, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 29, 2016

Adopted by the Senate March 9, 2016

(H.C.R. No. 45)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE BOARD OF EDUCATION REGARDING RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Board of Education relating to Rules Governing the Opportunity Scholarship Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.01.13, State Board of Education, Rules Governing the Opportunity Scholarship Program, Section

010., Subsection 01. and Section 101., Subsection 02.a., only, adopted as pending rules under Docket Number 08-0113-1501, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 29, 2016

Adopted by the Senate March 9, 2016

(H.C.R. No. 46)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, URGING IDAHOANS TO PARTICIPATE IN THE ACTIVITIES SURROUNDING THE 2016 U.S. CAPITOL CHRISTMAS TREE, URGING COMMUNITIES, BUSINESSES AND SCHOOLS THROUGHOUT THE STATE OF IDAHO TO CONTRIBUTE TOWARD THE EFFORT TO PROVIDE THE U.S. CAPITOL CHRISTMAS TREE, INCLUDING INVOLVING ORGANIZATIONS AND SCHOOLCHILDREN IN MAKING ORNAMENTS FOR THE TREE AND URGING IDAHOANS TO PARTICIPATE IN ANY COMMUNITY CELEBRATIONS THAT MAY OCCUR IN THEIR COMMUNITY AS THE U.S. CAPITOL CHRISTMAS TREE TRAVELS ITS ROUTE THROUGHOUT THE STATE OF IDAHO PRIOR TO ITS TRIP ACROSS THE UNITED STATES TO WASHINGTON, D.C.

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

WHEREAS, the custom of placing the "People's Christmas Tree" on the West Front Lawn of the United States Capitol in Washington, D.C., dates back to 1964, and since 1970, the "People's Christmas Tree" has come from a national forest; and

WHEREAS, Idaho has been given the unique honor to provide the U.S. Capitol Christmas Tree in 2016 and a 60 to 85 foot tall tree will be harvested from the Payette National Forest in November 2016 pending selection from the nation's Architect of the Capitol; and

WHEREAS, the 2016 tree will be from Idaho and this project provides an excellent opportunity to highlight Idaho and the national forests located here; and

WHEREAS, in addition to providing the U.S. Capitol Christmas Tree, 70 smaller companion trees will be provided for federal government offices; and

WHEREAS, Idahoans can become directly involved in helping make approximately 8,000 handcrafted ornaments to decorate the U.S. Capitol Christmas Tree; and

WHEREAS, community celebrations will occur in Idaho as the U.S. Capitol Christmas Tree travels a route throughout the state prior to its cross-country trip to our nation's capitol.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge Idahoans to participate in the activities surrounding the 2016 U.S. Capitol Christmas Tree.

BE IT FURTHER RESOLVED that we urge communities, businesses and schools throughout the State of Idaho to contribute toward the effort to provide the U.S. Capitol Christmas Tree, including involving organizations and schoolchildren in making ornaments for the tree.

BE IT FURTHER RESOLVED that we urge Idahoans to participate in any community celebrations that may occur in their communities as the U.S. Capitol Christmas Tree travels its route throughout the State of Idaho prior to its trip across the United States to Washington, D.C.

Adopted by the House March 3, 2016

Adopted by the Senate March 18, 2016

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROCLAIMING THE MONTH OF MARCH 2016 AS SOCIAL WORK RECOGNITION MONTH AND CALLING UPON ALL CITIZENS TO JOIN WITH THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN CELEBRATION AND SUPPORT OF THE SOCIAL WORK PROFESSION.

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

WHEREAS, the primary mission of the social work profession is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, social work pioneers helped lead America's struggle for a better life for all citizens; and

WHEREAS, social workers attempt to reduce poverty and trauma that can create lifelong social and economic disadvantages; and

WHEREAS, social workers support all families in every community; and

WHEREAS, social workers help people in every stage of life function better in their environments, improve their relationships with others and solve personal and family problems; and

WHEREAS, social workers strive for a safe environment and the best educational possibilities available for all children; and

WHEREAS, dignity and caregiving for older adults help define a nation's character; and

WHEREAS, veterans and their families need community support to ensure successful transitions after service; and

WHEREAS, access to mental health treatment and health care services saves millions of lives; and

WHEREAS, social workers believe in prosperity and opportunity for everyone; and

WHEREAS, social work research and advocacy identify community needs; and

WHEREAS, social workers celebrate the courage, hope and strength of the human spirit throughout their careers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that in recognition of the numerous contributions made by America's 600,000 social workers and the almost 4,000 licensed social workers in Idaho, we proclaim the month of March 2016 as Social Work Recognition Month in Idaho and call upon all citizens of Idaho to join with the National Association of Social Workers in celebration and support of the social work profession and National Social Work Month.

Adopted by the House March 1, 2016

Adopted by the Senate March 8, 2016

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF ISSUES RELATING TO PUBLIC PROCUREMENT AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the First Regular Session of the Sixty-third Idaho Legislature adopted House Concurrent Resolution No. 23, which authorized the appoint-

ment of a committee to undertake and complete a study of the purchasing laws of the State of Idaho and to make recommendations; and

WHEREAS, the committee, having conducted the study, has proposed legislation reorganizing and revising the purchasing laws into a State Procurement Act for purposes of modernization and clarification; and

WHEREAS, the committee's term has expired; and

WHEREAS, it is the opinion of the committee that several issues in public procurement require further study, including, but not limited to, the appeals process for the Division of Purchasing, ethics in procurement, information technology contracts, and provisions of law relating to multiple contract awards, public works construction, purchasing by political subdivisions and void contracts.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of issues relating to public procurement. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the co-chairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House March 7, 2016

Adopted by the Senate March 23, 2016

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO WHEAT COMMISSION RELATING TO RULES OF THE IDAHO WHEAT COMMISSION.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Wheat Commission relating to Rules of the Idaho Wheat Commission are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 42.01.01, the Idaho Wheat Commission, Rules of the Idaho Wheat Commission, proposed amendments to codified Section 301., including Subsections 01., 02. and 03., adopted as pending rules under Docket Number 42-0101-1501, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 7, 2016

Adopted by the Senate March 14, 2016

(H.C.R. No. 51)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN FINAL AND CERTAIN PENDING RULES OF THE IDAHO PUBLIC UTILITIES COMMISSION RELATING TO SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Public Utilities Commission relating to Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 31.11.01, the Idaho Public Utilities Commission, Rules Governing Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission, Sections 202 and 203, adopted as pending rules under Docket Number 31-1101-1501, only; and final rules Sections 202 and 203, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 8, 2016

Adopted by the Senate March 22, 2016

(H.C.R. No. 55)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO DEPARTMENT OF FISH AND GAME RELATING TO THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho Department of Fish and Game relating to The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.16, Rules of the Idaho Department of Fish and Game, Rules Governing The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals, adopted as a pending rule under Docket Number 13-0116-1501, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 17, 2016

Adopted by the Senate March 22, 2016

(H.C.R. No. 57)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING FLYING THE UNITED STATES AND IDAHO FLAGS ON MARCH 4 AND ON JULY 3 AND 4 OF EVERY YEAR AND AT OTHER TIMES.

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

WHEREAS, the State Flag of Idaho was adopted in 1907 and modified in 1927, codified in Section 46-801, Idaho Code, and its dimensions were described specifically by the Legislature of the State of Idaho: 5 feet 6 inches fly, 4 feet 4 inches on pike, bordered by a gilt fringe that is 2.5 inches wide. The flag is blue silk with the Great Seal of Idaho 21 inches in diameter displayed in the center. Under the Great Seal, the words "STATE OF IDAHO" are embroidered in gold block letters 2 inches high on a red band that is 3 inches wide by 29 inches long, positioned about 8.5 inches above and parallel with the lower fringe; and

WHEREAS, the Idaho State Flag is the most unique and arguably the most beautiful of all state flags; and

WHEREAS, it is customary for our nation and state to show honor and reverence for our flags whenever they are displayed; and

WHEREAS, President Abraham Lincoln signed the congressional act creating the Idaho Territory on March 4, 1863, and the Legislature enacted Section 73-108C, Idaho Code, recognizing March 4 of each year as "Idaho Day"; and

WHEREAS, Idaho became a state on July 3, 1890, and the United States became a country on July 4, 1776; and

WHEREAS, throughout the illustrious history of this great state and of these United States, certain symbols and icons of the principles for which this state and nation were founded and continue to stand are held sacred to all citizens; and

WHEREAS, perhaps no symbols hold a more sacrosanct place in the collective thoughts and beliefs of the people of this state than the flag of the United States of America and the State Flag of Idaho; and

WHEREAS, these symbols remind us that being citizens of Idaho and the United States is precious to us; and

WHEREAS, men and women of this state have spilled their blood and given their last full measure of devotion for more than 126 years on battlefields in this country and all over the world to protect these symbols and the principles of democracy, equality and freedom for which they stand; and

WHEREAS, it is incumbent on this Legislature to do everything in its power not only to permit but also to encourage the appropriate display of these venerable symbols of all that is great about this state and this country.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that on March 4 and on July 3 and 4 of every year, and at other times unless otherwise prohibited by a valid state or federal law, contract or restrictive covenant, we encourage every person and government entity in this state to appropriately display the flag or banner of this state, as defined in Section 46-801, Idaho Code, and the flag of the United States of America, and that such encouragement shall be abridged by no one unless done so in accordance with any such law, contract or restrictive covenant.

Adopted by the House March 16, 2016

Adopted by the Senate March 22, 2016

(H.C.R. No. 59)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FOSTER CARE SYSTEM IN IDAHO AND OF THE IDAHO CODE PROVISIONS GOVERNING THE CONSERVATORSHIP AND GUARDIANSHIP OF ADULTS, MINORS AND PERSONS WITH A DEVELOPMENTAL DISABILITY.

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

WHEREAS, studies have shown that children who enter foster care systems endure numerous traumatic experiences, including the initial trauma of being separated from their parents, the trauma of being separated from their siblings, the trauma of bouncing from one foster care placement to another, never knowing when their lives will be uprooted next and the trauma of languishing for years in foster homes; and

WHEREAS, the trauma experienced by children who enter foster care systems leads to multiple attachment disorders, as well as emotional and behavioral issues; and

WHEREAS, many young people age out of foster care without permanent families, and research has shown that those who leave care without being linked to forever families have a higher likelihood than youth in the general population of experiencing homelessness, unemployment and incarceration as adults; and

WHEREAS, a significant number of children who enter the foster care system in Idaho, also enter the Idaho juvenile corrections system; and

WHEREAS, during a Joint Senate and House Health and Welfare Committee meeting held during the Second Regular Session of the Sixty-third Idaho Legislature, there was a plethora of consistent testimony given illustrating major concerns with the foster care system in Idaho; and

WHEREAS, the concerns expressed during the meeting included: foster children being moved for punitive reasons against the foster parents, rather than to effectuate the best interest of the child; a chilling effect experienced by foster parents who are afraid to speak out for fear of being blacklisted by the Department of Health and Welfare; moving children from foster family to foster family, which augments the traumatic experiences for the children; moving children into homes of questionable standards; the lack of clear standards and guidelines for what constitutes appropriate and fit homes for children, both in state and out of state; and the lack of understanding by the State of Idaho that the damage done to these children lasts a lifetime, not just for the period of time the child is in foster care; and

WHEREAS, Chapter 5, Title 15, Idaho Code, governs the protection of persons under disability and their property and contains provisions relating to conservatorship and guardianship of adults and minors; and

WHEREAS, Chapter 4, Title 66, Idaho Code, governs the treatment and care of the developmentally disabled, including conservatorship and guardianship of persons with a developmental disability; and

WHEREAS, although regulating related subject matter, Chapter 5, Title 15, Idaho Code, and Chapter 4, Title 66, Idaho Code, are not efficiently or meaningfully integrated; and

WHEREAS, it is in the best interests of the State of Idaho and of its citizens to have an effective, coordinated, fair and efficient system for matters governed by Chapter 5, Title 15, Idaho Code, and Chapter 4, Title 66, Idaho Code.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to

appoint a committee to undertake and complete a study of the foster care system in Idaho and of the Idaho Code provisions governing the conservatorship and guardianship of adults, minors and persons with a developmental disability, and to make recommendations for changes to state statutes. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House March 22, 2016

Adopted by the Senate March 23, 2016

(H.C.R. No. 60)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING IDAHO ATTORNEY GENERAL LAWRENCE WASDEN TO ALLOW THE IDAHO NATIONAL LABORATORY THE MATERIALS IT NEEDS TO FULFILL ITS CLEAN ENERGY RESEARCH AND NATIONAL SECURITY MISSIONS.

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

WHEREAS, the Idaho National Laboratory (INL) is the nation's lead nuclear research, development and deployment laboratory; and

WHEREAS, the 1995 Settlement Agreement between the State of Idaho and Department of Energy designates INL the nation's lead laboratory for spent fuel; and

WHEREAS, the INL is Idaho's fifth-largest private employer, accounts for nearly 2.5 percent of statewide economic impact, spent nearly \$130 million with Idaho's businesses in 2015 and generated an estimated \$58 million in state and local tax revenues in 2015 while establishing Idaho as a clean energy technology hub; and

WHEREAS, remarkable cleanup progress has been made at the INL site since the Settlement Agreement was signed and ratified by voters, with, according to a 2013 LINE Commission report, 959 of 964 mandated deadlines met and tons of waste shipped out of state; and

WHEREAS, the Settlement Agreement allows the state to issue waivers, including one granted in 2011 to import small quantities of commercial fuel to INL for research; and

WHEREAS, the first shipment, from the North Anna Nuclear Power Station in Virginia, has already been sent to the Oak Ridge National Laboratory in Tennessee; and

WHEREAS, the second shipment, from the Byron Nuclear Generating Station in Illinois, is vital to our national security; and

WHEREAS, the INL is the only place in the nation that contains the infrastructure and personnel necessary to perform this important national security work; and

WHEREAS, loss of the first shipment and continued delay of the second shipment have cost Idaho millions of dollars and threaten the lab's future

ability to do the important work the nation's lead nuclear energy research and development lab should be doing; and

WHEREAS, a small shipment of solid rods weighing approximately 100 pounds poses no risk to Idaho's environment, could not under any circumstance threaten the Eastern Snake River Plain Aquifer and furthers clean nuclear energy as a vital part of our national energy mix; and

WHEREAS, the Settlement Agreement was never intended to hurt INL's research and development mission.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho strongly urges Attorney General Lawrence Wasden to issue a waiver allowing research quantities of spent fuel into Idaho for research and development at the INL.

Adopted by the House March 23, 2016

Adopted by the Senate March 24, 2016

(H.C.R. No. 61)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE STATE'S EMPLOYEE GROUP INSURANCE PLAN STRUCTURE AND TOTAL COMPENSATION PACKAGE, INCLUDING SALARY AND BENEFITS, AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the State of Idaho offers a health insurance benefit to nearly 20,000 individuals employed by the state, of whom 18,600 employees opt into the group health insurance plan that supports an additional 26,900 dependents; and

WHEREAS, the insurance plan structure currently has two enrollment tiers with 210 employees falling into the part-time tier that is defined as employees working between 20 - 29 hours per week, while the remaining employees are enrolled in the full-time tier; and

WHEREAS, Idaho state appropriations for health insurance costs have increased at an annualized rate of 7.4% since fiscal year 2013, or 43% in the last five years, from \$8,850 for each full-time position in fiscal year 2013 to \$12,240 in fiscal year 2017; and

WHEREAS, the plan is currently qualified as "grandfathered" in relation to the federal Patient Protection and Affordable Care Act because it was in effect prior to March 2010, which exempts the plan from certain provisions of that act; and

WHEREAS, insurance is one component of a total compensation package for state employees that includes salary, health insurance and retirement benefits; and

WHEREAS, the salary component of a total compensation package for classified state employees is driven by a salary structure that is, on average, 24% below the private sector and 14% below public sector comparisons, and Idaho policy rates are, on average, 16% below market comparisons; and

WHEREAS, there are also nonclassified state employees whose salaries are not determined by the salary structure, but are eligible for health insurance and retirement benefits.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the state's

group insurance plan to include, but not be limited to, consideration of the costs and benefits of allowing the grandfathered status of the current plans to lapse, as well as the structural plan changes that will be required as a result; consideration of a self-insured plan or a fully insured plan structure; and development of a list of changes to the employee group insurance benefit package, as well as potential statutory changes outlining the minimum employee group insurance benefit plan design that will comply with the Patient Protection and Affordable Care Act should the Legislature adopt structural plan changes. Furthermore, the committee shall undertake and complete a study of the state's existing compensation schedule to include, but not be limited to, consideration of how classified state employee policy pay rates relate to private and public market comparisons and the role, determination, and advisability of a policy pay rate; the minimum and maximum pay rates in each pay grade; and total compensation for both classified and nonclassified employees, and how the state shall continue to actualize its vision for attracting and maintaining a qualified workforce.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House March 24, 2016

Adopted by the Senate March 24, 2016

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, LAWERENCE DENNEY, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixty-third Legislature of the State of Idaho, Second Regular Session thereof, which convened on January 11, 2016, and which adjourned on March 25, 2016, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this sixth day of May, 2016.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2015-04ADOPTING IDAHO'S SAGE-GROUSE MANAGEMENT PLAN

WHEREAS, in December 2011, the U.S. Department of the Interior invited the eleven (11) western states impacted by a potential Endangered Species Act (ESA) listing of the greater sage-grouse to develop state-specific conservation plans that would conserve the species and its habitat while maintaining predictable levels of land use; and

WHEREAS, Governor Otter accepted the federal government's invitation, and by and through Executive Order 2012-02 established the Governor's Sage-grouse Task Force (Task Force) to collaboratively develop science-based recommendations for inclusion in Idaho's sage-grouse conservation plans; and

WHEREAS, in September 2012, and based on recommendations from the Task Force, I submitted the Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-grouse Management in Idaho (Governor's Alternative) as an alternative for inclusion in the National Greater Sage-grouse Land Use Planning Strategy. This national planning strategy amends some 68 U.S. Bureau of Land Management (BLM) planning units and 20 U.S. Forest Service (USFS) National Forest Plans by including objectives, habitat conditions and management actions for sage-grouse; and

WHEREAS, in February 2013, the U.S. Fish and Wildlife Service (FWS) published the Greater Sage-Grouse Conservation Objectives Team Final Report (COT Report). The purpose of the COT Report, which was developed in conjunction with state wildlife agencies, was to establish the ESA goals by identifying Primary Areas of Conservation (PAC) and the threats to the species throughout its range, as well as to develop conservation measures, based on the best available science, to address those threats. The COT Report provides the flexibility to create solutions that meet the needs of greater sage-grouse and the local ecological and socioeconomic conditions; and

WHEREAS, Governor Otter requested the FWS to evaluate the Governor's Alternative for consistency under the COT Report, and in April 2013, the FWS concluded that the foundational elements, and some individual components, within the Governor's Alternative were consistent with the COT Report. (App. 2); and

WHEREAS, based on the strength of FWS's recommendation, the BLM and USFS selected the Governor's Alternative as a co-preferred alternative within Idaho's portion of the national planning strategy (see Alternative E in the Idaho and Southwestern Montana Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement, 78 Fed. Reg. 65,703 (Nov. 1, 2013)); and

WHEREAS, the State has continued refining individual components of the Governor's Alternative, including but not limited to: (1) Idaho Code § 38-104B developing rangeland fire protection associations; (2) the State Board of Land Commissioners on April 21, 2015, adopting the Land Board's Greater Sage-grouse Conservation Plan (Land Board Plan) for State endowment lands complementary to the Governor's Alternative (App. 3); (3) the State Oil and Gas Conservation Commission on April 23, 2015, adopting portions of the Land Board Plan applicable to oil and gas programs (App. 3, p. 38); (4) working collaboratively with the local federal agencies' representatives and Task Force members to better clarify the Governor's Alternative; and (5) increasing state funding for enhanced lek monitoring, habitat restoration projects, and wildfire suppression; and

WHEREAS, it is vital to the interests of the State to continue these efforts as the listing of the species and/or overly restrictive federal land-use plan amendments would adversely impact Idaho's sovereign interest in managing its wildlife pursuant to Idaho Code § 36-103 and § 67-818,

its customs, culture and way of life, and the State's ability to generate revenues from private property and endowment lands;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

That all executive agencies, to the extent consistent with existing state law, for relevant permits and policies, adopt the Governor's Alternative and all supporting documentation, incorporated in its entirety into this Executive Order by this reference, hereinafter known as "Idaho's Sage-grouse Management Plan," which includes:

I. Application of the foundational elements of Idaho's Sage-grouse Management Plan (Idaho's Plan) to all landownerships. These foundational elements are consistent with the COT Report and apply across all land ownerships.

- a. Habitat Zones - Idaho's Plan includes three distinct management zones: Core Habitat Zone (CHZ), Important Habitat Zone (IHZ), and General Habitat Zone (GHZ). The COT Report identified the most important habitat areas for maintaining sage-grouse representation, redundancy, and resiliency across the landscape. These areas (or PACs) closely align with CHZ and IHZ. The three management zones within the Sage-grouse Management Area (SGMA) represent a management continuum that includes, at one end, a relatively restrictive approach aimed at providing a high level of protection to the species within the CHZ, and on the other end, a relatively flexible approach for the GHZ allowing for more multiple-use activities. The zones are reflected in the attached map. (App. 1, p. 24).
 - i. Core Habitat Zone (CHZ) - The CHZ includes approximately sixty-five percent (65%) of the known active leks and is occupied by approximately seventy-three percent (73%) of sage-grouse males. CHZ supports the highest breeding densities of sage-grouse in Idaho, and maintenance of these populations ensures that Idaho has a viable and robust population of sage-grouse. Management in CHZ is the most restrictive to protect what local data shows as the "best of the best" habitat.
 - ii. Important Habitat Zone (IHZ) - The IHZ includes approximately twenty-five percent (25%) of the known active leks and is occupied by approximately twentytwo percent (22%) of sage-grouse males.
 - iii. General Habitat Zone (GHZ) - This management zone includes five percent (5%) of sage-grouse males, and generally includes few active leks and fragmented or marginal habitat.
- b. Population Objectives - In conjunction with the habitat zones, these population goals: (1) measure the efficacy of the State plan; and (2) ensure that there is an appropriately tailored response to significant fluctuations in habitat and populations.
 - i. Objective 1 - Implement regulatory mechanisms that maintain and enhance sage-grouse habitats, populations, and connectivity within CHZ. Recognizing the impact of wildfire, the IHZ provides important management flexibility and a strategic conservation buffer.

- ii. Objective 2 - Stabilize sage-grouse habitats and populations by monitoring the effectiveness of the regulatory measures over time. A primary objective is to minimize habitat lost within CHZ, and to a lesser extent, IHZ.
- c. Conservation Areas - Idaho's Plan divided the SGMA into four Conservation Areas (CA) across the state: the Mountain Valleys, Desert, West Owyhee, and Southern. Each CA is divided into Core, Important, and General management zones. (App. 1, p. 8).
- d. Adaptive Regulatory Triggers - Given the unpredictability of wildfire, these triggers provide a regulatory backstop to manage loss within a CA. An adaptive trigger is employed when dramatic shifts in the population or habitat occurs based on an average over a three year period compared to the 2011 baseline.
 - i. The adaptive triggers are based on the severity of habitat or population loss (i.e. a "soft trigger" or a "hard trigger"). (App. 1, pp. 11, 69-71).
 - ii. When monitoring information indicates that a soft trigger may be tripped, the Implementation Commission¹ - aided by technical expertise from Idaho Department of Fish and Game and other relevant State agencies - will assess the factor(s) leading to the decline and recommend potential management actions. (App. 1, p. 69).
 - iii. If the hard trigger becomes operative, management changes no longer are discretionary and will be implemented by the Implementation Task Force.
- e. Rangeland Fire Protection Associations (RFPAs) - RFPAs act as a regulatory mechanism across all landownerships ensuring quicker initial attack on wildfires in the CHZ and IHZ through the deployment of additional trained firefighters and resources located in rural parts of the SGMA.
 - i. Idaho Code § 38-104B provides for the creation and funding of RFPAs in Idaho.
 - ii. RFPAs members work collaboratively with federal land management agencies and Idaho Department of Lands (IDL) to protect more than 2.9 million acres of federal and state rangeland and 675,000 acres of private land. These numbers are expected to grow as additional RFPAs become operational in the near future.
 - iii. The success and effectiveness of RFPAs in Idaho is considered a model by other western states.

II. Applicability of Idaho's Plan to Lands Managed by the Federal Government (as more fully described in Alternative E of the Draft Environmental Impact Statement)².

- a. Fire - Idaho's Plan for wildfire on federal lands focuses efforts on prevention, suppression, and restoration. The objective within Idaho's Plan is to implement actions necessary to manage fire within the normal range of fire activity and maintain and restore healthy, native sage-steppe plant communities within CHZ and IHZ.
- b. Invasive species - In addition to the wildfire restoration efforts, Idaho's Plan calls for the aggressive management of exotic undesirable plant species within the CHZ and IHZ.

- c. Infrastructure - Infrastructure means discrete, large-scale anthropogenic features, including but not limited to, highways, high voltage transmission lines, commercial wind projects, energy development (e.g. oil and gas development, geothermal wells), airports, mines, cell phone towers, landfills, residential and commercial subdivisions. (App. 1, p. 32).
 - i. Permitted activities in specific habitat designations.
 - 1. Infrastructure in CHZ - Infrastructure development in areas designated as CHZ is prohibited, except if conducted pursuant to a valid existing right, incremental upgrade and/or capacity increase of existing development, or if a project-level exemption is obtainable by meeting the criteria outlined in Appendix 1, including compensatory mitigation. (App. 1, pp. 35-36).
 - 2. Infrastructure in IHZ - Infrastructure development in areas designated as IHZ is permissible subject to meeting the criteria specified within Idaho's Plan and approved by the BLM State Director. (App. 1, p. 42).
 - ii. Best Management Practices (BMPs) for proposed infrastructure development within CHZ and IHZ.
 - 1. Infrastructure development should reflect unique localized conditions including soils, vegetation, development type, predation, climate, and other local realities and should utilize best management practices as described in Idaho's Plan. (App. 1, pp. 43-45).
 - 2. A lek buffer of 1 km (0.6 miles) from occupied leks will be applied to essential public services, including but not limited to distribution lines, domestic water lines, and gas lines. This will enable development in a manner that maintains populations, habitats, and essential migration routes where possible. (App. 1, pp. 43-45).
 - 3. No Surface Occupancy (NSO) within 1 km of an occupied lek will be applied to oil and gas development. (App. 1, pp. 46-47).
 - iii. Nothing in Idaho's Plan shall revoke, suspend, or modify any project or activity decision made prior to the effective date of the ROD.
- d. Improper livestock grazing (secondary threat) - This section of Idaho's Plan requires that the Idaho Rangeland Health Standards (IRHS) be met and is consistent with the COT report. While no studies exist directly relating livestock grazing systems or stocking rates to sage-grouse abundance or productivity, Idaho's Plan addresses improper livestock grazing within CHZ and IHZ through adaptive management according to the following process:

- i. Sage-grouse habitat characteristics will be incorporated into relevant Resource Management Plans as desired conditions, recognizing that these desired conditions may not be achievable due to the existing ecological condition of an allotment, the ecological potential of the area, or causal events unrelated to livestock grazing. (App. 1, pp. 14-20).
- ii. Based on these habitat characteristics, habitat assessments will be conducted to help inform grazing management in conjunction with scheduled term grazing permit renewals or if an adaptive regulatory trigger has been tripped. (App. 1, p. 73-75).
- iii. In conjunction with scheduled term grazing permit renewals, livestock grazing will be assessed through the IRHS (primarily Standards 2, 4, and 8), as informed by the COT Report with respect to sage-grouse. (see Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (1997)).
 1. Assuming no adaptive regulatory trigger has been tripped, there is a rebuttable presumption that current grazing systems within a particular CA are adequate to maintain viable sage-grouse populations.
 2. This does not preclude adaptive changes to grazing permits based on the other standards contained in the IRHS.
- iv. If an adaptive regulatory trigger has been tripped within a CA, and after a more thorough analysis of those allotments within a relevant CA determines that improper livestock grazing is a potential limiting factor, modifications to permits will be determined based on ecological site potential and will be selected from the suite of management options outlined in Idaho's Plan. (App. 1, pp. 48-50).

III. Applicability of Idaho's Plan on State and private lands

- a. In April 2015, the State Board of Land Commissioners and the Idaho Oil and Gas Conservation Commission contingently approved the Land Board Plan. (App. 3). The Land Board Plan, consistent with the constitutional mandate (IDAHO CONST. ART. IX, § 8), includes enforceable regulatory stipulations for inclusion into certain leases, permits, and easements on State endowment lands. Adoption and implementation of the Land Board Plan is contingent upon the incorporation of Idaho's Plan into the federal land-use plan amendments for sage-grouse.
- b. Certain permit holders on private lands can voluntarily agree to add BMPs into their permit, which would then become binding. However, private land comprises less than twenty percent (20%) of sage-grouse habitat in Idaho (and less than 6% of the CHZ).

- c. Existing land uses and landowner activities are vital to the State of Idaho. Idaho's Plan recognizes changes in sage-grouse populations and habitats on private lands could influence land management on public lands as adaptive triggers can become operative within a CA regardless of landownership. To offset any impacts, SGMA's have been designed to provide flexibility in order to allow for the continuation of land uses and valid existing rights. In addition, Idaho continues to encourage voluntary conservation efforts on private land for the conservation of sage-grouse.

¹Should the BLM and USFS adopt the Governor's Alternative, or an alternative consistent with the Governor's Alternative, for incorporation into relevant Land and Resource Management Plans, the Governor shall execute a companion Executive Order establishing an Implementation Task Force as outlined in Appendix 1, pages 21, 67-71.

²Governor Otter encourages the adoption of Alternative E in the final EIS as it is consistent with the laws, programs, and policies of the State of Idaho. However, the Governor recognizes that the BLM and USFS may adopt a different alternative (or revised alternative) in the record of decision (ROD) and such action may necessitate a revision to this Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of May, in the year of our Lord 2015, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-05

AUTHORIZING THE IDAHO HOUSING AND FINANCE ASSOCIATION TO ACT AS THE STATE DESIGNATED ENTITY FOR THE NATIONAL HOUSING TRUST FUND

WHEREAS, Congress has passed the Housing and Economic Recovery Act of 2008 (the "Act"), which authorized creation of a National Housing Trust Fund ("HTF") and provided for a "state designated entity" ("SDE") to administer funds from the HTF for each state, including Idaho; and

WHEREAS, the Act provides that funding for the HTF will come from excess revenue generated by Fannie Mae and Freddie Mac, Government Service Enterprises, and collection of such revenue has commenced in 2015 and is expected to be allocated to states in early 2016; and

WHEREAS, the Act provides for the U.S. Department of Housing and Urban Development to oversee HTF funding and compliance with federal regulations; and

WHEREAS, the Act provides that a SDE must be a statewide housing finance entity designated by the Governor of the State; and

WHEREAS, the Idaho Housing and Finance Association (the "IHFA"), a public body corporate and politic and instrumentality of the State of Idaho, has the expertise and qualifies to administer HTF funds in Idaho.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

1. That the Idaho Housing and Finance Association is hereby designated as the "state designated entity" to administer HTF funds in Idaho.
2. HTF funds in Idaho shall be administered in accordance with the Act and related guidelines.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of May, in the year of our Lord 2015, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-06

PROVISIONS FOR STATE COOPERATION WITH THE FEDERAL INSURANCE ADMINISTRATION
UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED

WHEREAS, Idaho's floodplains have been developed in a way that may increase potential flood losses despite efforts to mitigate floods; and

WHEREAS, national, state and local studies of areas and property subject to flooding predict increases in flood damage potential and flood losses, despite continuing investment in flood protection structures; and

WHEREAS, the State of Idaho maintains programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands in flood hazard areas, which influences patterns of commercial, residential and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, State and local activities to manage floodplains, mudflow areas and flood-related erosion areas in the state; and

WHEREAS, the Idaho Department of Water Resources (IDWR) is the State agency responsible for assisting with local regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 and regulations set forth in 44 CFR § 60.25; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the National Flood Insurance Program, dependent upon State coordination of federal, State, and local activities to manage floodplains, mudflow areas and flood-related erosion areas in the state;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of this State, do hereby order as follows:

1. IDWR is hereby designated as the State agency to lead State implementation and administration of the National Flood Insurance Act of 1968 and 44 CFR § 60.25, Rules and Regulations of the Federal Insurance Administration.

2. IDWR shall encourage a broad and unified effort to promote wise use and development of the state's floodplains and, in particular, to reduce the risk of flood losses in connection with State lands and installation and State-financed or supported improvements, specifically as follows:

a. Under the leadership and direction of the Idaho Department of Administration, all State agencies directly responsible for construction of buildings, structures, roads or other facilities shall preclude the unsafe or unnecessary use of floodplains in connection with such facilities; in the event of construction in the floodplain, management criteria set forth in 44 CFR § 60.3, 60.4, and 60.5 of the National Flood Insurance Regulations shall apply; flood-proofing measures shall be applied to existing facilities in order to reduce flood damage potential;

b. All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the unsafe or unnecessary use of floodplains in such connection;

c. All State agencies responsible for disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist;

d. All State agencies responsible for programs that affect land-use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved;

e. In evaluating flood hazard potential, all State agencies shall coordinate their work with IDWR to ensure that the most up-to-date data and/or methods of analysis are utilized; and

f. As may be permitted by law, the head of each State agency shall issue appropriate rules and regulations to govern implementation of the provisions of Section 1 of this order by each agency to be coordinated with the Department of Administration.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 22nd day of June, in the year of our Lord 2015, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-07

ESTABLISHING THE IDAHO CYBERSECURITY CABINET TASK FORCE

WHEREAS, the 2014 Cyber Summit created awareness for public and private sectors on the threats and vulnerabilities of today's networks; and

WHEREAS, cyberattacks currently present a significant and ongoing threat to Idaho's cybersecurity and the sensitive information contained therein; and

WHEREAS, establishing a state task force for cybersecurity that would implement strategies and processes that would seek to detect vulnerabilities, prevent future attacks and protect state governmental networks would significantly decrease the threat; and

WHEREAS, Idaho's ability to manage and mitigate damage from cyber-attacks will be greatly enhanced by a skilled cybersecurity task force versed in strategies for prevention, mitigation and education on the subject;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order:

1. The creation of the Idaho Cybersecurity Task force (the "Task force").
2. The Task force shall consist of members appointed by the Governor, and the Governor will select a Chairman from among the members.
3. The members shall serve at the pleasure of the Governor.
4. The Task force shall include representatives from:
 - a. Bureau of Homeland Security;
 - b. Idaho State Police;
 - c. Department of Administration;
 - d. Tax Commission;
 - e. Idaho Transportation Department;
 - f. Department of Health and Welfare;
 - g. State Colleges and Universities; and
 - h. Other agencies as directed by the Governor.
5. Participation by the following federal agencies is encouraged and would further enhance the objectives of the Task force: Department of Homeland Security, Federal Bureau of Investigation, and the Idaho National Laboratory.

6. Additional specialists or those from the private sector may be appointed by the Governor to serve as advisors to the Task force, as needed.
7. The duties, power and authorities of the Task force shall include:
 - a. Identifying and detecting threats and vulnerabilities in the State's technology systems;
 - b. Recommending best practices to state and local government for the security of systems and information;
 - c. Educating the public and private sector about cybersecurity;
 - d. Implementing best practices and policies for the ongoing cybersecurity of the State, while evaluating existing practices; and
 - e. Promoting and facilitating education and awareness of the threats posed by cybercrime and preventative measures to ensure cybersecurity.
8. The Task force will compile a report annually with findings and recommendations that focus on:
 - a. Statistics on current cyberattacks;
 - b. The most up to date preventative strategies;
 - c. Goals for the upcoming year; and
 - d. Educational resources available for the public.
9. The Task force shall also be responsible for such other duties as assigned by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of July, in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-08

AMENDING AND RESTATING EXECUTIVE ORDER NO. 2010-05 ESTABLISHING THE
GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational and disaster preparedness needs; and

WHEREAS, promoting the capability of Idaho's people, communities and enterprises to work together is vital to the long-term prosperity of this state; and

WHEREAS, building and encouraging community collaboration and service is an integral part of Idaho's future well-being and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by the Idaho Constitution and laws of this State, do hereby order:

1. The Governor's Commission on Service and Volunteerism will be known as Serve Idaho, with a tag line of "The Governor's Commission on Service and Volunteerism."
2. Serve Idaho ("the Commission") is hereby established to advise and assist in development and implementation of a comprehensive statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the State's liaison to national, state and community organizations which support the intent of the Serve America Act of 2009 ("the Act").
3. The Commission will be composed of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:
 - a. The Commission's membership shall include:
 - i. A representative from a community-based agency or organization in the state;
 - ii. The head of the State education agency or their designee;
 - iii. A representative from county or city government;
 - iv. A representative from local labor organizations;
 - v. A representative from the business sector;
 - vi. A representative from a national service program;
 - vii. A representative from the volunteer sector;
 - viii. An individual between the ages of sixteen (16) and twenty-five (25), who is a participant in or supervisor of a service program for school-age youth, a campus-based or national service program;
 - ix. An individual with expertise in the educational, training and development needs of youth, particularly disadvantaged youth;
 - x. An individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism; and
 - xi. The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex-officio member on the Commission;
 - b. Other members may include: educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Domestic Volunteer Service Act.
 - c. All members of the Commission shall serve at the pleasure of the Governor.

- d. Not more than twenty-five (25) percent of the Commission and members may be employees of the State government, although the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex-officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the preceding twelve (12) months.
 - e. Not more than fifty (50) percent of the Commission plus one member may be from the same political party. To the maximum extent predictable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion, and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; and one-third will serve terms of two years; one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.
 - f. The Commission will elect from among its members a chairperson.
4. The Commission will have the following duties and responsibilities:
- a. To develop a three-year comprehensive national and community service plan and establish state priorities;
 - b. To administer a competitive process to select national service programs to be included in an application to the Corporation for National and Community Service for funding;
 - c. To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;
 - d. To assist the State Education Agency in preparing the application for subtitle B school-based service learning programs;
 - e. To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Serve Idaho's fiscal agent;
 - f. To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;
 - g. To assist in developing programs pursuant to the Act;
 - h. To develop mechanisms for recruiting and placement of people interested in participating in national service programs;
 - i. To assist in the provision of health and childcare benefits to eligible program participants as specified by the regulations pertaining to the Act;
 - j. To make recommendations to the Corporation with respect to priorities within the state for programs receiving assistance pursuant to the Act;
 - k. To coordinate with other State agencies that administer federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate federal financial assistance programs;
 - l. To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in Idaho; and

- m. To provide technical assistance to agencies, corporations, and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and
 - n. To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho; and
 - o. Other activities as determined by the Governor to be necessary for the development and implementation of programs which enhance national and community service.
5. Serve Idaho shall reside within the Idaho Department of Labor and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.
- a. The Commission Administrator and all Commission staff shall be non-classified employees of the Department.
 - b. The Commission Administrator shall select and supervise Commission staff members according to the Department's personnel policies and procedures.
 - c. Evaluation of Commission staff members will be the responsibility of the Commission Administrator.
 - d. Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.
6. The Commission and its activities shall be funded from federal, State, and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services, from other State and private entities.
7. The Commission shall meet at least quarterly. Failure to attend at least seventy-five (75) percent of the meetings in any calendar year may result in removal from the Commission. A quorum shall consist of a simple majority of voting members.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of August in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-09DESIGNATION OF THE IDAHO WAR ON TERRORISM MEMORIAL

WHEREAS, Idaho citizens have served in our nation's military with pride and honor in times of war throughout our state's history; and

WHEREAS, Idaho citizens have served with honor and distinction, defending the people of America against terrorism around the world, most notably since the attacks on September 11, 2001; and

WHEREAS, Idaho has lost a significant number of citizens in military service to terrorist acts, from the attack on the Pentagon on September 11, 2001, to serving in combat zones halfway around the world; and

WHEREAS, our sovereignty and freedoms reflect the valor and heroism of those who go into harm's way to preserve the liberty and way of life of their friends, families and communities; and

WHEREAS, all citizens - military and civilian alike - have a responsibility to respect and pass on the legacy of those who bravely and selflessly serve our state and nation in the armed forces; and

WHEREAS, Idaho citizens funded and built a memorial on the Idaho Capitol Mall to honor Americans who served in our nation's military, and to foster eternal memories of those who died defending our freedoms against terrorism throughout the world;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the designation of the

IDAHO WAR ON TERRORISM MEMORIAL

on the Idaho Capitol Mall as the State of Idaho's official memorial to all Idaho military personnel who protected us from terrorism around the world since September 11, 2001.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of September in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-10CONTINUING THE IDAHO CRIMINAL JUSTICE COMMISSION

WHEREAS, it is in the best interest of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal deprivations is of vital concern to government; and

WHEREAS, communication and cooperation among the various elements of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions, improving public safety and resulting in more efficient use of public resources; and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for awarding certain federal grant funds; and

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and continued coordination;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Idaho Constitution and the laws of the State of Idaho, do hereby establish the Idaho Criminal Justice Commission.

1. The Idaho Criminal Justice Commission ("Commission") shall consist of 25 members. The Commission members representing the judiciary will serve in a nonvoting, advisory capacity. The Commission's membership shall be as follows:
 - a. Ex Officio Members:
 - i. The Attorney General or his designee;
 - ii. The Director of the Idaho Department of Correction;
 - iii. The Director of the Idaho State Police;
 - iv. The Director of the Idaho Department of Juvenile Corrections;
 - v. The Administrator of the Office of Drug Policy;
 - vi. The Executive Director of the Idaho Association of Counties;
 - vii. The Executive Director of the Idaho Commission of Pardons and Parole;
 - viii. The Director of the Idaho Department of Health and Welfare;
 - ix. The Administrative Director of the State Courts;
 - x. The State Appellate Public Defender.
 - b. Members Appointed By the Governor:
 - i. A representative from the Governor's Office;
 - ii. One (1) representative from the Idaho Prosecuting Attorneys Association;
 - iii. One (1) representative from the Idaho Commission on Hispanic Affairs;

- iv. One (1) representative from the Idaho Sheriffs' Association;
 - v. One (1) representative from the Idaho Chiefs of Police Association;
 - vi. A representative from the Idaho Department of Education;
 - vii. Two (2) citizens at large with special consideration given to individuals within disciplines related to the purpose of the Commission;
 - viii. One (1) representative from the Idaho Public Defense Commission.
- c. Members designated by other officials:
- i. Two (2) members from the Idaho Senate as designated by the President Pro Tempore;
 - ii. Two (2) members from the Idaho House of Representatives as designated by the Speaker;
 - iii. Three (3) representatives from the judiciary as designated by the Chief Justice.
2. The purpose of the Commission shall be to provide policy-level direction and to promote efficient and effective use of resources, based on a data-driven approach and evidence-based practices, for matters related to the State's criminal justice system. To that end it shall:
- a. Identify critical challenges facing the criminal justice system and recommend strategies to resolve them by:
 - i. Developing and adopting a three (3) year strategic plan to be reviewed annually;
 - ii. Analyzing the long-range needs of the criminal justice system;
 - iii. Assessing the cost-effectiveness, return on investment and performance measures of the use of State and local funds in the criminal justice system;
 - iv. Reviewing data and reporting relating to Idaho's implementation of the Justice Reinvestment Act.
 - b. Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system.
 - c. Review and evaluate criminal justice policies and proposed legislation to determine the impact on the State's adult and juvenile justice systems.
 - d. Promote communication among criminal justice professionals and the respective branches of State and local government to improve professionalism, create partnerships, and improve cooperation and coordination at all levels of the criminal justice system.
 - e. Research and evaluate evidence-based practices and use findings to influence decisions on policy.
3. All Commission members appointed by the Governor serve at the pleasure of the Governor.

4. The Governor may, at any time, increase the number of voting and nonvoting members of the Commission.
5. The appointed and designated Commission members shall serve a term of four (4) years.
6. The Chair of the Commission shall be appointed by the Governor to serve at the pleasure of the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office of the Vice-Chair shall be one (1) year. The Chair and the Vice-Chair may succeed themselves as approved by the Governor.
7. The Commission shall receive administrative staff support from the State agencies represented on the Commission.
8. The Commission will meet no less than four (4) times annually.
9. The Commission may appoint sub-committees consistent with the needs of the Commission to address pertinent issues that merit more in-depth consideration.
10. Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
11. The Grant Review Council ("Council") shall be established under the Commission and is charged with disbursing federal grant funding appropriated under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, of the Violence Against Women Act of 1994, and other such federal grant programs as may come within the purview of the Idaho State Police with the overall mission of enhancing the efficiency and effectiveness of the criminal justice system in Idaho.
 - a. The Council shall consist of thirteen (13) members of the Idaho Criminal Justice Commission for the purpose of assisting the Idaho State Police in its distribution of grant funds. The Council membership shall be as follows:
 - i. The Attorney General or his or her designee;
 - ii. The Administrative Director of the State Courts;
 - iii. The Director of the Idaho Department of Correction;
 - iv. The Director of the Idaho State Police;
 - v. The Director of the Idaho Department of Juvenile Corrections;
 - vi. The Administrator of the Office of Drug Policy;
 - vii. One (1) representative from the Office of the Idaho State Appellate Public Defender;
 - viii. One (1) representative from the Idaho Prosecuting Attorneys Association;
 - ix. The Executive Director of the Idaho Association of Counties;
 - x. Two (2) citizens at large;
 - xi. One (1) representative from the Idaho Sheriffs' Association;
 - xii. One (1) representative from the Idaho Chiefs of Police Association.

- b. In addition, the Council shall consist of the following seven (7) members appointed by the Chair of the Commission upon recommendation by the Commission:
 - i. One (1) representative from the Idaho Council on Domestic Violence;
 - ii. One (1) representative from a statewide advocacy agency;
 - iii. One (1) prosecuting attorney;
 - iv. One (1) representative from the juvenile justice system;
 - v. One (1) representative from the misdemeanor probation system;
 - vi. One (1) Chief of Police;
 - vii. One (1) Sheriff.
- c. The Chair of the Council shall be appointed by vote of the members of the Council and shall serve a term of four (4) years. The Chair will report to the Commission not less than annually on the activities, actions, and decisions of the Council regarding the distribution of grant funds.
- d. Each member of the Council shall be entitled to one (1) vote in the matters before them.
- e. No member may participate in a vote for a direct award of funds in which the member receives personal pecuniary benefits, as defined by Idaho Code. Unless prohibited by federal grant restriction, when a member has authority over an entity or agency that has applied for a direct award of funds, the member shall disclose the relationship to the Council. Upon disclosure of such relationship, the member may vote upon the award unless the member requests to be excused.
- f. Participation by Council members (or their designees) in the scoring and evaluation of the individual grant applications is required. Members not participating in the scoring and evaluation process will not be entitled to vote on the awarding of the application.
- g. Meetings of the Council shall be convened as determined necessary by the Chair of the Council, Chair of the Commission, or the Idaho State Police.
- h. The principal staff functions of the Council shall be located with the Idaho State Police.
- i. Members of the Council will receive travel reimbursement in accordance with Idaho State Police policy and procedures.
- j. The Council will establish bylaws in accordance with guidance provided by the Bureau of Justice Assistance and the Idaho State Police, and consistent with the Commission's long-term strategies.

- k. Members of the Council will receive training provided by the Idaho State Police and in conjunction with the Commission.
- l. Members of the Council will meet at least once a year to assist in strategic planning efforts with representatives from the Idaho State Police. The Council shall develop a strategic funding plan consistent with the statewide strategic planning efforts of the Commission.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of September in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-11

REVIEWING THE PREPARATION AND ADMINISTRATION OF IDAHO'S PLAN UNDER THE
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5601 ("JJJPA"), is required to designate a State agency to supervise and administer Idaho's plan under the JJJPA and to establish a State juvenile justice advisory group; and

WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development; and

WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJJPA was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department; and

WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJJPA, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and

WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code; and

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by Section 5, Article IV, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:

1. The membership of the Commission shall be in conformity with the JJDP. The chairman, vice-chairman, and members of the Commission shall be appointed by and serve at the pleasure of the Governor. Members shall serve a term of three years. The chairman and vice-chairman shall serve in such capacities for three years.
2. The Commission shall perform the following functions:
 - a. Advise the Department on juvenile justice and delinquency prevention issues;
 - b. Participate in the development and review of Idaho's plan under the JJDP;
 - c. Be afforded an opportunity to review and comment on all grant applications under the JJDP submitted by the Department;
 - d. Ensure compliance with the core protections of the JJDP by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;
 - e. Perform such other duties that the JJDP requires to be performed by the advisory group referenced in Title 42, Section 5633 (a) (3) , United States Code;
 - f. Perform such other duties that the JJDP requires to be performed by the supervisory board referenced in Title 42, Section 5671 (c) (1) , United States Code, and Title 28, Section 31.102 (b) , Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and
 - g. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDP submitted to the Department.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of October in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-12ESTABLISHING THE IDAHO MEDAL OF ACHIEVEMENT

WHEREAS, Idaho has citizens demonstrating exceptional, meritorious and inspirational service to the people of our state; and

WHEREAS, currently Idaho has no award comparable to the Presidential Medal of Freedom; and

WHEREAS, it is important to recognize those individuals with the highest civilian honor that can be bestowed by the State of Idaho upon one of her citizens; and

WHEREAS, the Idaho Medal of Achievement will be made from 99.9% fine silver donated by the Hecla Mining Company located in Coeur d'Alene, Idaho;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Idaho Constitution and the laws of the State of Idaho, do hereby order the creation of the Idaho Medal of Achievement and the following:

1. The establishment of the Idaho Medal of Achievement Commission, which shall be appointed by and serve at the pleasure of the Governor. The Commission shall not consist of more than five (5) people. The Governor shall select the chair of the commission from the members;
2. Vacancies shall be filled in the same manner in which the original appointment was made;
3. Commission members and the sitting Governor are not eligible to receive the award while serving on the commission or in office;
4. A nominee for the Idaho Medal of Achievement must be a current or deceased Idaho resident, who, through their career, single act or acts, or life's work, involving public and/or private endeavors provided inspirational or distinguished service, bringing great distinction to Idaho;
5. More than one medal may be awarded at a time and it may be awarded posthumously;
6. Selection Process:
 - a. Anyone can nominate a person living or deceased who meets the criteria in paragraph 4;
 - b. Nominations must be submitted to the Commission via http://gov.idaho.gov/achievement_nomination.html or letter to the Office of Governor no later than March 31st;
 - c. The Commission shall, by majority vote of its members, recommend no more than five (5) nominees from the individuals submitted to the Commission to the Governor for consideration by May 1st;
 - d. The Governor will have sole discretion to award the Medal of Achievement from those nominees recommended by the Commission.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 3rd day of November in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-13

EMERGENCY ORDER

REGARDING WAIVER OF DIVISION OF BUILDING SAFETY PERMIT FEES

WHEREAS, by Proclamation No. ID-02-2015, 2015 Idaho Wildfires issued by the Governor, as amended on August 24, 2015, it was proclaimed and declared that a state of disaster emergency as described in Section 46-1008 of the Idaho Code existed in Clearwater, Idaho, and Lewis counties arising from numerous wildfires;

WHEREAS, the state of disaster emergency proclamation, No. ID-02-2015, 2015 Idaho Wildfires, included the impacted areas within Clearwater, Idaho, and Lewis counties; and

WHEREAS, the expeditious reconstruction and repair of commercial and residential buildings and structures damaged by the wildfires and their re-occupation is essential to public health and safety and to the economic well-being of the affected areas; and

WHEREAS, the expeditious repair and reconstruction of buildings and structures damaged by the wildfires will be encouraged and incentivized by waiving certain fees that otherwise would be payable to the Division of Building Safety for permits and inspections required by law for such work and would alleviate potentially unsafe conditions;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

1. Pursuant to the powers vested in me by Section 46-1008, Idaho Code, to suspend the provisions of any regulations prescribing the procedures for conduct of any public business that would prevent, hinder or delay necessary action in coping with a disaster or recovery therefrom, I hereby suspend the payment of the following fees for permits issued by the Division of Building Safety with respect to work necessary for repair and reconstruction of buildings or structures requiring such that were damaged by the aforesaid wildfires; and
2. The fees required for inspection of electrical installations by Idaho Administrative Code (IDAPA) 07.01.02, Rules Governing Fees for Electrical Inspections; and
3. The fees required for inspection of HVAC installations by Idaho Administrative Code (IDAPA) 07.07.01, Rules Governing Installation of HVAC Systems; and

4. The fees required for inspection of plumbing installations by Idaho Administrative Code (IDAPA) 07.07.01, Rules Governing Permit Fee Schedule; and
5. The suspension of any fee required by this Order shall apply only with respect to applicable work related to buildings or structures affected by wildfire damage as determined by the Division of Building Safety. With the exception of the payment of the required fee, no other provisions of the rules identified above are suspended. All other laws and rules applicable to the permitting and inspection of electrical, HVAC, and plumbing installations in the affected areas shall still apply.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 24th day of November in the year of our Lord 2015, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2016-01

ESTABLISHING THE EARLY CHILDHOOD COORDINATING COUNCIL

WHEREAS, early childhood development is directly related to economic development because it improves the quality of the future workforce and creates tremendous cost savings for society; and

WHEREAS, the advancement of early childhood development has had a positive impact on Idaho families and children; and

WHEREAS, through these initiatives, children are healthier and better prepared to enter Idaho schools; and

WHEREAS, the Early Childhood Coordinating Council was created to combine existing childhood development and family support services; and

WHEREAS, greater coordination will allow for a more accurate inventory of existing services, programs and initiatives along with a better understanding of the services available for families and children; and

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order creation of the "Early Childhood Coordinating Council" (Council) within the Office of the Governor.

1. The Council shall be designated as the state early childhood council responsible for developing a sustainable and coordinated statewide-plan. This plan will address mutually defined goals for early childhood with evidence-based outcomes and approval and support from stakeholders, as well as the Governor, and will:
 - a. Facilitate the activities of the Council, which will establish and maintain a communication network between state agencies, policymakers, families, stakeholders and communities for the purpose of planning and implementing a coordinated system of early childhood in Idaho;
 - b. Develop multiagency state partnerships among critical stakeholders;
 - c. Compile resources and identify information on best practices in early childhood systems building;
 - d. Provide a comprehensive statewide map of existing early childhood programs, as well as existing gaps, every three to five years;
 - e. Align data from multiple systems to follow indicators of well-being for young children and their families;
 - f. Support partnerships to align current initiatives in support of a comprehensive system of early childhood professional development;
 - g. Increase public awareness of quality early childhood programs as a critical part of the foundation for promoting healthy families and communities; and
 - h. Align policy and funding systems to develop and support integrated early childhood systems development.
2. The Council shall perform all duties and functions of Chapter 1, Title 16, Idaho Code, with expanded and strengthened roles and responsibilities as follows:
 - a. Expand the Council's scope from birth to three to all children from birth through five and their families;
 - b. Develop, implement and sustain a statewide early childhood strategic plan that maintains the framework of health, social and emotional development, child development, parent education, family support and self-sufficiency, and systems development;
 - c. Recognize language changes to meet federal guidelines for the Individuals with Disabilities Education Act (IDEA), such as service coordination, social and emotional development, adaptive skills and developmental delay;
 - d. Expand Council membership to meet federal requirements for IDEA and build geographical, cultural, political, professional and family diversity with the assurance of representation for all children and families to include:
 - i. Parents of young children; including at least 20 percent of Council membership who are parents of young children with developmental delays or disabilities;
 - ii. At least two (2) providers of early intervention services;
 - iii. At least one (1) member of the Idaho Legislature;
 - iv. At least one (1) person involved in personnel preparation;

- v. The State superintendent of public instruction, or designee;
 - vi. A physician or healthcare professional skilled in early intervention;
 - vii. A representative of the State Medicaid agency;
 - viii. A representative of the State child welfare agency responsible for foster care;
 - ix. A representative of the State agency responsible for children's mental health;
 - x. A representative of the State agency responsible for maternal and child health;
 - xi. A representative of the state governance of insurance;
 - xii. A representative of the office of the Coordinator of Education of the Homeless;
 - xiii. A representative of the Idaho Migrant Council or Migrant Head Start Program;
 - xiv. A representative of the State agency responsible for child care;
 - xv. A Head Start Association or program representative;
 - xvi. A representative of the Head Start Collaboration office;
 - xvii. A representative of the Idaho Infant Toddler Program;
 - xviii. A representative of the Regional Early Childhood Coordinating Committees;
 - xix. A representative of an Indian Head Start Program; and
 - xx. Others at the discretion of the Governor.
- e. Strengthen Regional Early Childhood Committee membership, roles and responsibilities to expand the outreach of and respond to the Early Childhood Coordinating Council.
3. The Council may accept funds from private, federal, state or public agencies and any other sources in accordance with state law. The funds shall be used to support statewide efforts in development and sustainability of this council and early childhood programs and services.
- a. In the event that federal dollars are no longer available for Early Childhood Comprehensive Services and Head Start State Collaboration, the Council's membership and scope of operations will be limited and aligned with the current requirements of IDEA Part C within 30 days of a loss of funding.
 - b. In the event that federal laws now requiring the existence of an Interagency Coordination Council and Early Childhood Advisory Council are changed, this Executive Order shall terminate within 30 days of the effective federal date.
4. Council members shall be appointed by the Governor and staffed by the Department of Health and Welfare.
5. The Council shall assure nationally acceptable standards are used statewide for the coordination and provision of early childhood programs and services.

6. The Council shall build and support partnerships that maximize the use of funding streams and close gaps in early childhood systems.
7. The Council shall offset staffing and operating expenses from any funding it receives.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of January in the year of our Lord 2016, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

INDEX

CONTENTS

Subject Index	1189
Code Index	1236
Numerical Index of Laws by Bill Number	1262
Numerical Index of Senate and House Joint Memorials and Concurrent Resolutions	1270
Numerical Index of Constitutional Amendments	1272
Numerical Index of Executive Orders	1273

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

ABORTION

Idaho Unborn Infants Dignity Act.....	Ch.368 - 1078
Ultrasound availability information prior to abortion..	Ch.283 - 782

ACCIDENTS

See also EMERGENCIES	
PUC safety, accident reporting rules rejected.....	HCR051 - 1149
Youth athletes, permission, post-concussion protocol...	Ch.293 - 822

ACCOUNTING AND ACCOUNTANTS

Accountancy Bd, revise provisions regarding membership.	Ch.340 - 930
---	--------------

ACCOUNTS

College savings accts, unclaimed, responsibilities for.	Ch. 91 - 281
F&G, funds to UI Animal/Veterinary Science Dept.....	Ch. 57 - 178
Motorbike Recreation Acct funds, recreation easements..	Ch.120 - 352
Opportunity scholarship program, funds investment.....	Ch. 32 - 77
Youth Education Account, repeal.....	Ch. 88 - 274

ACTS

Appraisal Management Co Registration/Regulation Act....	Ch.131 - 386
Child Protective Act, revise certain requirements.....	Ch.265 - 699
Dangerous and At-Risk Dogs Act, add.....	Ch.285 - 785
Education Opportunity Resource Act, add.....	Ch.182 - 492
Idaho Rural Development Partnership Act, revised.....	Ch. 90 - 278
Idaho School Safety and Security Act, add.....	Ch.192 - 534
Idaho Unborn Infants Dignity Act, add.....	Ch.368 - 1078
Local Innovation School Act, add.....	Ch.305 - 858
Right To Try Act, add.....	Ch.168 - 466
State Procurement Act, add.....	Ch.289 - 792
Uniform Athlete Agents Act, revised.....	Ch.201 - 561
Uniform Fiduciary Access to Digital Assets Act, add....	Ch.263 - 685

ACUPUNCTURE

Board, revise provisions regarding membership.....	Ch.340 - 930
--	--------------

ADMINISTRATION DEPARTMENT

Administrative Code, certain electronic copies.....	Ch.185 -	497
Approp.....	Ch.316 -	881
Approp, Capitol Commission.....	Ch.309 -	869
Approp, Public Works Div.....	Ch.372 -	1088
Approp, Public Works Div, add'l.....	Ch.372 -	1088
Approp, add'l.....	Ch. 20 -	26
Approp, add'l, insurance management program.....	Ch.316 -	881
Approp, bond payment program.....	Ch.324 -	893
Approp, purchasing program, add'l.....	Ch.317 -	884
Exclusions from local government purchasing laws.....	Ch.290 -	820
State Procurement Act.....	Ch.289 -	792

ADMINISTRATIVE PROCEDURE ACT

See also RULES

Administrative Code, certain electronic copies.....	Ch.185 -	497
Amendments to Administrative Rules, requirement.....	Ch.367 -	1077

ADOPTION

Juvenile proceedings, adoption, placement.....	Ch.347 -	999
--	----------	-----

ADVERTISING

Political statements, identity of person responsible...	Ch.304 -	858
---	----------	-----

AERONAUTICS

Unmanned aircraft, prohibited from use in hunting	Ch. 26 -	65
--	----------	----

AGING, COMMISSION ON

Approp.....	Ch.240 -	637
-------------	----------	-----

AGRICULTURE

Agricultural facilities, biosecurity breach, penalties.	Ch.286 -	789
Apple Commission, nomination and appointment of members	Ch. 93 -	284
Aquaculture Commission, repeal.....	Ch. 85 -	269
Cattle/horses/livestock, capital gains tax deduction...	Ch.188 -	511
Commemorating pulse crop for singular recognition.....	HCR032 -	1137
Commission on Pesticide Management, repeal.....	Ch. 19 -	24
Dairy Products Commission, membership provisions.....	Ch. 38 -	88
Dept of Agriculture/DEQ, management of cattle byproduct	Ch.129 -	375
Dept, approp.....	Ch.314 -	877
Dept, appropriation, add'l.....	Ch. 46 -	96
Farm equipment repurchase requirements, charges.....	Ch.213 -	597
Food safety modernization, Dept of Agriculture regulate	Ch.172 -	474
Liens in crops, notice of claim requirements.....	Ch.202 -	572
National Day of the Cowboy, declared.....	HCR038 -	1140
Sales tax exemptions, production exemption.....	Ch. 86 -	271
Tax on production of wine/certain grapes.....	Ch.165 -	449
Univ of Idaho, approp, Agricultural Research/Extension.	Ch.321 -	890
Wolf Control Fund, approp.....	Ch.313 -	876

AIR POLLUTION

See POLLUTION

AIRPLANES AND AIRCRAFT

Sales tax, certain exemptions, remove sunset	Ch. 17 -	23
Tax exemption, certain aircraft for wildfire activity..	Ch.326 -	907
Unmanned aircraft, prohibited from use in hunting	Ch. 26 -	65

ALCOHOLIC BEVERAGES

See LIQUOR

ANIMALS

See also WILDLIFE

Cattle/horses/livestock, capital gains tax deduction...	Ch.188	-	511
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
Compensation for damage to bees/beebees by bears.....	Ch.104	-	304
Controlled hunt drawings, contract with private entity.	Ch.103	-	300
Dairy Products Commission, membership provisions.....	Ch. 38	-	88
Dangerous and At-Risk Dogs Act.....	Ch.285	-	785
Dept of Agriculture/DEQ, management of cattle byproduct	Ch.129	-	375
Fish & Game Dept Rule Docket 13-0116-1501 rejected.....	HCR055	-	1149
Horse Racing Com, certain payment to horse council.....	Ch. 63	-	198
Humane Euthanasia Committee instead of task force.....	Ch.119	-	343
Hunting, prohibit use of unmanned aircraft.....	Ch. 26	-	65
Livestock removal requirements and trichomoniasis.....	Ch. 49	-	143
Sage-grouse, protect state conservation plans.....	HJM013	-	1111
UI Animal/Veterinary Science Dept, F&G Acct funds.....	Ch. 57	-	178
Upland game bird permit, revised age provision.....	Ch.207	-	583
Veterinarians, alternatives to formal discipline.....	Ch.343	-	980
Wolf Control Fund, approp.....	Ch.313	-	876

ANNEXATION

Recreational water/sewer districts, annexation.....	Ch.278	-	766
---	--------	---	-----

APPEALS

See also STATE APPELLATE PUBLIC DEFENDER

Appeal process if no longer assessed as forest land....	Ch. 16	-	21
DEQ, IPDES permits, appeals, enforcement authority.....	Ch.128	-	373
Employment security law, notice and appeal provisions..	Ch.158	-	429
Oil well, Lands Dept duties, track integration, appeals	Ch. 48	-	129
State Appellate Public Defender, powers and duties.....	Ch.200	-	560

APPOINTMENTS

Apple Commission, nomination and appointment of members	Ch. 93	-	284
Hospital Districts, board may appoint certain members..	Ch.287	-	790

APPRAISALS AND APPRAISERS

Appraisal Management Co Registration/Regulation Act....	Ch.131	-	386
Real Estate Appraisers, revise definitions.....	Ch.155	-	425

APPROPRIATIONS

Administration Dept.....	Ch.316	-	881
Administration Dept, Capitol Commission.....	Ch.309	-	869
Administration Dept, Public Works Div.....	Ch.372	-	1088
Administration Dept, Public Works Div, add'l.....	Ch.372	-	1088
Administration Dept, add'l.....	Ch. 20	-	26
Administration Dept, bond payment program.....	Ch.324	-	893
Administration Dept, insurance management program, add'l	Ch.316	-	881
Administration Dept, purchasing program, add'l.....	Ch.317	-	884
Aging Com.....	Ch.240	-	637
Agriculture Dept.....	Ch.314	-	877
Agriculture Dept, add'l.....	Ch. 46	-	96
Arts Commission.....	Ch.333	-	916
Attorney General.....	Ch.373	-	1090
Blind/Visually Impaired Com.....	Ch.177	-	483
Blind/Visually Impaired Com, add'l.....	Ch. 27	-	68

Broadband Infrastructure Improvement Grant Fund.....	Ch.323 -	892
Building Safety Div.....	Ch.149 -	417
Building Safety Div, add'l.....	Ch. 6 -	6
Building Safety Div, revised.....	Ch.329 -	910
Catastrophic Health Care Cost Fund, revised.....	Ch.275 -	759
Catastrophic Health Care Program.....	Ch.292 -	822
Charter School Debt Reserve Fund.....	Ch.338 -	927
Commerce Dept.....	Ch.251 -	668
Constitutional Defense Fund.....	Ch.317 -	884
Correction Dept.....	Ch.335 -	918
Correction Dept, add'l.....	Ch. 64 -	199
DEQ.....	Ch.336 -	923
Education Bd, Career Technical Education Div.....	Ch.327 -	908
Education Bd, Idaho Public Television.....	Ch. 95 -	290
Education Bd, Office of.....	Ch.311 -	871
Education Bd, Office of, add'l.....	Ch.323 -	892
Education Bd, Office of, add'l.....	Ch.334 -	917
Education Bd, Special Programs, add'l.....	Ch.375 -	1101
Education Bd, Univ of Idaho, colleges/universities....	Ch.353 -	1043
Education Bd, Univ of Idaho, health education program..	Ch.220 -	609
Education Bd, University of Idaho, special programs....	Ch.219 -	607
Education Bd, Vocational Rehabilitation Div.....	Ch.216 -	604
Education Bd, community colleges.....	Ch.331 -	912
Education Dept, public schools, Administrators Div....	Ch.257 -	676
Education Dept, public schools, Central Services Div...	Ch.308 -	867
Education Dept, public schools, Central Services Div...	Ch.334 -	917
Education Dept, public schools, Children's Prog Div....	Ch.307 -	864
Education Dept, public schools, Children's Prog Div,add	Ch.334 -	917
Education Dept, public schools, Facilities Div.....	Ch.259 -	679
Education Dept, public schools, Operations Div.....	Ch.306 -	861
Education Dept, public schools, Operations Div, add'l..	Ch.334 -	917
Education Dept, public schools, Teachers Div.....	Ch.258 -	678
Education Dept, public schools, educational services...	Ch.260 -	680
Endowment Fund Investment Board.....	Ch.230 -	626
F&G Dept.....	Ch.332 -	913
F&G Dept, add'l.....	Ch. 4 -	5
F&G Dept, add'l.....	Ch.356 -	1047
Finance Dept.....	Ch.101 -	297
Fire Suppression Deficiency Fund.....	Ch.229 -	626
Fire Suppression Deficiency Fund, add'l.....	Ch.330 -	911
Governor, Executive Office of.....	Ch.301 -	851
Governor, Office Of, Financial Management Division....	Ch.300 -	851
Governor, Office of, Drug Policy Office.....	Ch.234 -	629
Governor, Office of, Energy Resources.....	Ch.235 -	630
Governor, Office of, Human Resources Division.....	Ch.115 -	328
Governor, Office of, Military Division.....	Ch. 96 -	291
Governor, Office of, STEM Action Center.....	Ch.320 -	890
Governor, Office of, STEM Action Center, add'l.....	Ch.323 -	892
Governor, Office of, Species Conservation Office.....	Ch.243 -	640
Governor, Office of, State Liquor Division.....	Ch.100 -	297
H&W Dept, Medicaid.....	Ch.179 -	485
H&W Dept, Welfare Div.....	Ch.246 -	658
H&W Dept, add'l, health care policy initiatives.....	Ch. 39 -	89
H&W Dept, add'l, Domestic Violence Council.....	Ch. 23 -	31
H&W Dept, add'l, Medicaid.....	Ch. 40 -	89
H&W Dept, add'l, State Hospital South.....	Ch. 24 -	32

H&W Dept, child welfare, developmentally disabled.....	Ch.223 -	616
H&W Dept, independent councils/indirect support/license	Ch.312 -	873
H&W Dept, mental health, substance abuse.....	Ch.250 -	664
H&W Dept, public health services.....	Ch.294 -	824
Higher Education Stabilization Fund.....	Ch.323 -	892
Hispanic Affairs Com.....	Ch.244 -	641
Idaho State Historical Society.....	Ch.310 -	870
Idaho State Lottery.....	Ch. 99 -	296
Idaho State Police.....	Ch.180 -	487
Idaho State Police, add'l	Ch.302 -	852
Idaho State Police, revised.....	Ch. 15 -	20
Industrial Com.....	Ch.150 -	417
Insurance Dept.....	Ch.151 -	419
Juvenile Corrections Dept.....	Ch.241 -	638
Juvenile Corrections Dept, add'l.....	Ch. 21 -	27
Labor Dept.....	Ch.221 -	611
Labor Dept, add'l.....	Ch. 7 -	6
Lands Dept.....	Ch.339 -	928
Lands Dept, add'l.....	Ch. 2 -	3
Lands Dept, add'l.....	Ch.356 -	1047
Lava Hot Springs Foundation.....	Ch.231 -	627
Legislative Legal Defense Fund.....	Ch.274 -	758
Legislative Services Office.....	Ch.376 -	1101
Library Com.....	Ch.178 -	484
Library Com, add'l.....	Ch.323 -	892
Lieutenant Governor.....	Ch.217 -	605
Local Highway Distribution Fund, transfers to fund.....	Ch.328 -	910
Millennium Income Fund, tobacco/drug programs.....	Ch.370 -	1083
PERSI.....	Ch. 65 -	202
Pardons and Parole Com.....	Ch.369 -	1082
Parks and Recreation Department.....	Ch.222 -	614
Pest Control Deficiency Fund	Ch. 5 -	6
Public Health Trust Fund.....	Ch.233 -	629
Public School Income Fund, add'l.....	Ch.334 -	917
Public Utilities Commission.....	Ch.232 -	628
Secretary of State.....	Ch.242 -	639
Secretary of State, add'l.....	Ch.315 -	880
Secretary of State, add'l, voting system grant program.	Ch. 14 -	20
Self-Governing Agencies, Public Defense Com, add'l.....	Ch.299 -	850
Self-Governing Agencies, Public Defense Commission.....	Ch.249 -	664
Self-Governing Agencies, Veterans Services Division....	Ch.236 -	631
Self-Governing Agencies, medical boards.....	Ch.254 -	672
Self-Governing Agencies, medical boards, add'l	Ch. 3 -	4
Self-Governing Agencies, regulatory boards.....	Ch.102 -	298
Soil and Water Conservation Com.....	Ch.337 -	926
State Appellate Public Defender.....	Ch.255 -	673
State Controller.....	Ch.218 -	606
State Independent Living Council.....	Ch. 66 -	203
Superintendent of Public Instruction.....	Ch.319 -	888
Superintendent of Public Instruction, add'l.....	Ch.323 -	892
Superintendent of Public Instruction, revised.....	Ch.319 -	888
Supreme Court.....	Ch.248 -	662
Supreme Court, add'l, District Courts/Magistrates Div..	Ch.322 -	891
Supreme Court, revised.....	Ch.298 -	849
Tax Appeals Bd.....	Ch.252 -	669
Tax Com.....	Ch.253 -	670

Transportation Dept.....	Ch.318 -	885
Transportation Dept, add'l.....	Ch.318 -	885
Transportation Dept, add'l.....	Ch. 8 -	7
Treasurer, State.....	Ch.256 -	674
University of Idaho, Agricultural Research/Extension...	Ch.321 -	890
Water Resources Dept.....	Ch.176 -	481
Water Resources Dept, add'l.....	Ch. 18 -	23
Wolf Control Fund.....	Ch.313 -	876
ARCHITECTURE AND ARCHITECTS		
Architectural Examiners Bd, provisions of membership...	Ch.340 -	930
Architectural Examiners Bd, revise compensation.....	Ch.154 -	424
ARMED FORCES		
See MILITARY AND MILITIA		
ARTS		
Commission, approp.....	Ch.333 -	916
ASSESSMENTS AND ASSESSORS		
Appeal process if no longer assessed as forest land....	Ch. 16 -	21
Homeowner's exemption, \$100K, no inflation adjuster....	Ch. 94 -	287
Tax Com, certain school dist reports, availability....	Ch. 87 -	273
Tax Com, no taxable value report to Dept of Education..	Ch. 13 -	15
ASSISTED LIVING AND NURSING HOMES		
Nursing Home Admin Bd, provisions regarding membership.	Ch.340 -	930
Residential care/assisted living facilities, citations.	Ch.210 -	593
ASSOCIATIONS		
Homeowner associations, prohibited conduct	Ch.209 -	592
Homeowner associations, when legal fees/costs allowed..	Ch.365 -	1074
ATHLETICS		
Matt Paradis, Denver Broncos, Super Bowl Championship..	HCR042 -	1143
Uniform Athlete Agents Act, revised.....	Ch.201 -	561
Youth athletes, permission, post-concussion protocol...	Ch.293 -	822
ATTORNEY GENERAL		
Allow INL research quantities of spent fuel, urge AG...	HCR060 -	1152
Approp.....	Ch.373 -	1090
Investigation and action against county elected officer	Ch.135 -	399
ATTORNEYS		
Public defense, appropriations from certain funds.....	Ch.214 -	600
State Public Defense Com duties, county funds, grants..	Ch.195 -	544
AUDITORIUM DISTRICTS		
See DISTRICTS		
AUTOMOBILES		
See MOTOR VEHICLES		
AWARDS		
See HONORS AND AWARDS		
BALLOTS		
See ELECTIONS		
BANKS AND FINANCIAL INSTITUTIONS		
Idaho Bond Bank Authority, funds, costs.....	Ch.160 -	443
Trusts, certain persons/trustees don't require charter.	Ch. 44 -	94

BARBERS

- Barber Examiners Bd, provisions regarding membership... Ch.340 - 930
 Barber college licensing, student qualifications..... Ch.169 - 469

BEANS

- Commemorating pulse crop for singular recognition..... HCR032 - 1137

BEER

See LIQUOR

BEVERAGES

- Alcohol beverage catering permit, two or more wineries. Ch.181 - 491
 Alcohol beverage catering permits, provisions..... Ch.268 - 721
 Alcoholic beverages, prohibited acts, licensed premises Ch.291 - 821
 Powdered alcohol, definition, prohibition/violations... Ch.277 - 765
 Retail sale of liquor by the drink, "person" defined... Ch.153 - 422
 Tax on production of wine/certain grapes..... Ch.165 - 449

BIOLOGY

See SCIENCE AND TECHNOLOGY

BIRDS

- Hunting, prohibit use of unmanned aircraft..... Ch. 26 - 65
 Upland game bird permit, revised age provision..... Ch.207 - 583

BLIND

- Blind/Visually Impaired Com, approp..... Ch.177 - 483
 Blind/Visually Impaired Com, approp, add'l..... Ch. 27 - 68

BOARDS

- Accountancy Bd, revise provisions regarding membership. Ch.340 - 930
 Acupuncture Bd, revise provisions regarding membership. Ch.340 - 930
 Architectural Examiner Bd, membership provisions..... Ch.340 - 930
 Architectural Examiners Bd, revise compensation..... Ch.154 - 424
 Barber Examiners Bd, membership provisions..... Ch.340 - 930
 Certain licensure boards, positions and qualifications. Ch.341 - 966
 Community College Districts, powers of board..... Ch.108 - 312
 Contractors Bd, revise provisions regarding membership. Ch.340 - 930
 Cosmetology Bd, revise provisions regarding membership. Ch.340 - 930
 Counselors/Marriage/Family Therapists Bd, membership... Ch.340 - 930
 Dentistry Bd, revise provisions regarding membership... Ch.340 - 930
 Dentistry Bd, revise provisions regarding membership.. Ch.340 - 930
 Drinking Water/Wastewater Bd, membership provisions... Ch.340 - 930
 Electrical Bd, revise provisions regarding membership.. Ch.340 - 930
 Endowment Fund Investment Board, approp..... Ch.230 - 626
 Engineers/Land Surveyors Bd, membership provisions.... Ch.340 - 930
 Engineers/surveyors Bd, exams, restricted licensure.... Ch.142 - 409
 Factory Built Structures Advisory Board..... Ch.342 - 968
 Fire Protection Dist, board requirements and size..... Ch. 89 - 275
 Genetic Counselors Licensing Bd, membership Ch.340 - 930
 Heating/Ventilation/Air Conditioning Bd, membership ... Ch.340 - 930
 Hospital Districts, board may appoint certain members.. Ch.287 - 790
 Landscape Architects Bd, membership provisions..... Ch.340 - 930
 Liquefied Petroleum Gas Safety Bd, membership Ch.340 - 930
 Medical boards, approp, add'l Ch. 3 - 4
 Medicine Bd, revise provisions regarding membership... Ch.340 - 930
 Morticians Bd, revise provisions regarding membership.. Ch.340 - 930
 Nursing Bd, revise provisions regarding membership.... Ch.340 - 930

Nursing Home Administrators Bd, membership provisions..	Ch.340	-	930
Occupational Therapy Licensure Bd, membership.....	Ch.340	-	930
Optometry Bd, revise provisions regarding membership...	Ch.340	-	930
Outfitters/Guides Licensing Bd, membership provisions..	Ch.340	-	930
Pharmacy Bd, revise provisions regarding membership....	Ch.340	-	930
Pharmacy Bd, terms of office and compensation.....	Ch. 71	-	248
Physical Therapy Licensure Bd, membership provisions...	Ch.340	-	930
Plumbing Bd, revise provisions regarding membership....	Ch.340	-	930
Podiatry Bd, revise provisions regarding membership....	Ch.340	-	930
Professional Geologists Registration Bd, membership....	Ch.340	-	930
Psychologist Examiners Bd, membership provisions.....	Ch.340	-	930
Public Works Contractor Lic Bd, membership provisions..	Ch.340	-	930
Real Estate Appraisers Bd, membership provisions.....	Ch.340	-	930
Residential Care Facility Admin Bd, membership	Ch.340	-	930
Revise provisions regarding members of certain boards..	Ch.340	-	930
STEM Action Center Board, provisions.....	Ch. 37	-	87
School Bd of Trustees, provisions regarding elections..	Ch.261	-	681
Shorthand Reporters Bd, membership provisions.....	Ch.340	-	930
Social Work Examiners Bd, membership provisions.....	Ch.340	-	930
Transportation Bd, bases for removal of director.....	Ch. 53	-	149
Underground Facilities Damage Prevention Board.....	Ch.325	-	894
Veterinary Medicine Bd, provisions regarding membership	Ch.340	-	930
BOATS			
Paddleboards, similar vessels taxable to nonresident...	Ch. 11	-	11
BONDS			
Cigarette taxes, wholesaler bonding requirements.....	Ch. 28	-	69
Idaho Bond Bank Authority, funds, costs.....	Ch.160	-	443
School District Bond Credit Enhancement Program, limits	Ch.136	-	400
School bond guarantee, limitation.....	Ch.159	-	442
BREWERIES			
Allows persons under 21 to enter or be on premises.....	Ch.357	-	1048
BUDGETS			
Taxing Districts, budgeting forgone increases.....	Ch. 69	-	241
BUILDING SAFETY DIVISION			
Approp.....	Ch.149	-	417
Approp, add'l.....	Ch. 6	-	6
Approp, revised.....	Ch.329	-	910
Factory Built Structures Advisory Board.....	Ch.342	-	968
Idaho School Safety and Security Act.....	Ch.192	-	534
Submersible well pumps, approved locations.....	Ch.355	-	1046
Underground Facilities Damage Prevention Board.....	Ch.325	-	894
BUSINESS ENTITIES			
Idaho Power's 100th anniversary, recognize and honor...	HCR043	-	1144
CAMPAIGN FINANCE			
See CAMPAIGNS AND CANDIDATES			
CAMPAIGNS AND CANDIDATES			
Political statements, identity of person responsible...	Ch.304	-	858
CANCER			
Workers compensation, firefighter occupational diseases	Ch.276	-	759

CAPITOL

- 2016 U.S. Capitol Christmas tree, Idaho participation.. HCR046 - 1146
 Capitol Commission, approp..... Ch.309 - 869

CATTLE

See LIVESTOCK

CEMETERIES AND CREMATORIIUMS

- Cemetery lots, resale of unused lots, compensation.... Ch.171 - 472
 Prearrangement sales contracts, additional requirements Ch. 80 - 258
 Veterans cemetery in Eastern Idaho, endorse need SCR149 - 1127

CHARITIES

- STEM Action Center contributions, tax credit..... Ch. 78 - 255

CHILD PROTECTIVE ACT

- Child Protective Act, revise certain requirements..... Ch.265 - 699
 Foster children, limitations on caregiver liability.... Ch.360 - 1061
 Juvenile proceedings, adoption, placement..... Ch.347 - 999

CHILDREN

- Alcohol violations, certain records expunged/sealed.... Ch.196 - 551
 Alcohol, certain underage violations, penalties..... Ch.344 - 986
 Breweries, allows persons under 21 to be on premises... Ch.357 - 1048
 Child Protective Act, revise certain requirements..... Ch.265 - 699
 Compromise claim of minor, petition, priority, approval Ch.238 - 633
 Education Dept, approp, public schools, Children's Prog Ch.334 - 917
 Foster children, limitations on caregiver liability.... Ch.360 - 1061
 Guardians of minors, modification and termination..... Ch.148 - 416
 H&W, reporting requirements, foster care program..... Ch.284 - 784
 Idaho Unborn Infants Dignity Act..... Ch.368 - 1078
 Juvenile proceedings, adoption, placement..... Ch.347 - 999
 Minors in possession of alcohol, limited immunity..... Ch.346 - 998
 Sexual exploitation of child, electronically, penalties Ch.377 - 1102
 Third grade reading instruction, intervention plan.... Ch.187 - 509
 Youth Education Account, repeal..... Ch. 88 - 274
 Youth athletes, permission, post-concussion protocol... Ch.293 - 822

CHIROPRACTORS

- Patient Freedom of Information Act, certain information Ch. 76 - 252

CIGARETTES

See TOBACCO

CIRCUIT BREAKER TAX RELIEF

See TAX AND TAXATION, PROPERTY

CITIES

- Auxiliary containers, no regulation by municipality.... Ch.204 - 574
 Cemetery lots, resale of unused lots, compensation.... Ch.171 - 472
 City records, historical preservation, nonpaper mediums Ch.226 - 621
 Exclusions from local government purchasing laws..... Ch.290 - 820
 Minimum wage, political subdivision no higher than Code Ch.145 - 412
 Tax deeds, nonapplication, municipality easements..... Ch.273 - 750
 Urban renewal, provisions, requirements, reporting.... Ch.349 - 1014

CIVIL ACTIONS

- Dangerous and At-Risk Dogs Act..... Ch.285 - 785
 Public assistance, provisions for monetary penalties... Ch.106 - 307

CODES

Administrative Code, certain electronic copies.....	Ch.185 -	497
Idaho Code codifier's corrections.....	Ch. 47 -	98
Liquor license applications, correct name of act.....	Ch. 77 -	254

COLLECTIONS AND COLLECTION AGENCIES

See DEBTORS AND CREDITORS

COLLEGES AND UNIVERSITIES

Barber college licensing, student qualifications.....	Ch.169 -	469
College and career advisors, provisions, reporting.....	Ch. 43 -	93
College savings accts, unclaimed, responsibilities for.	Ch. 91 -	281
College scholarship eligibility, funds investment.....	Ch. 32 -	77
Community College Districts, powers of board.....	Ch.108 -	312
Community colleges, creation/provisions trustee zones..	Ch.193 -	538
Community colleges, tuition, out-of-district students..	Ch.303 -	853
Education Bd, Univ of Idaho, approp, health education .	Ch.220 -	609
Education Bd, Univ of Idaho, approp, special programs..	Ch.219 -	607
Education Bd, Univ of Idaho, approp, universities.....	Ch.353 -	1043
Education Bd, approp, community colleges.....	Ch.331 -	912
Higher Ed Stabilization Fund,community college start-up	Ch.125 -	359
Higher Education Stabilization Fund, approp.....	Ch.323 -	892
Idaho School Safety and Security Act.....	Ch.192 -	534
Industry Partner Fund, professional-technical colleges.	Ch.266 -	718
Noxious weeds, privately funded research facilities....	Ch.198 -	553
Postsecondary credit scholarship, requirements, funds..	Ch.374 -	1091
Residency requirements for public higher education.....	Ch.114 -	324
State educational agency employees, sick leave transfer	Ch.199 -	556
UI Animal/Veterinary Science Dept, F&G Acct funds.....	Ch. 57 -	178
Univ of Idaho, approp, Agricultural Research/Extension.	Ch.321 -	890

COMMERCE

Dept, approp.....	Ch.251 -	668
Farm equipment repurchase requirements, charges.....	Ch.213 -	597
Global Entrepreneurial Mission Program, provisions.....	Ch. 84 -	266
Industry Partner Fund, professional-technical colleges.	Ch.266 -	718

COMMISSIONS

Apple Commission, nomination and appointment of members	Ch. 93 -	284
Aquaculture Commission, repeal.....	Ch. 85 -	269
Blind/Visually Impaired Com, approp.....	Ch.177 -	483
Blind/Visually Impaired Com, approp, add'l.....	Ch. 27 -	68
Commission of Pardons and Parole rule rejected.....	HCR039 -	1141
Commission on Pesticide Management, repeal.....	Ch. 19 -	24
Dairy Products Commission, membership provisions.....	Ch. 38 -	88
Hispanic Affairs Com, approp.....	Ch.244 -	641
Horse Racing Com, certain payment to horse council.....	Ch. 63 -	198
Library Com, approp.....	Ch.178 -	484
PUC safety, accident reporting rules rejected.....	HCR051 -	1149
PUC/Tax/Industrial commissioner salary increase.....	Ch.247 -	660
Public Defense Commission, approp.....	Ch.249 -	664
Public Safety Communications Commission, established..	Ch.127 -	363
Public Utilities Commission, approp.....	Ch.232 -	628
Real Estate Com, revise provisions regarding membership	Ch.340 -	930
Soil and Water Conservation Com, approp.....	Ch.337 -	926
State Public Defense Com duties, county funds, grants..	Ch.195 -	544
Wheat Commission rules rejected.....	HCR049 -	1148

COMMITTEES

Foster care/conservators/guardians, legislative study .	HCR059	-	1151
Health Care Task Force, remove reference.....	Ch. 83	-	264
Mitigating bias, contested cases, legislative study ...	SCR151	-	1129
Public procurement, legislative study committee.....	HCR048	-	1147
Public school funding formula, legislative study comm..	HCR033	-	1138
State employee group insurance plan, legislative study.	HCR061	-	1153

COMMODITIES

Apple Commission, nomination and appointment of members	Ch. 93	-	284
Commemorating pulse crop for singular recognition.....	HCR032	-	1137
Tax on production of wine/certain grapes.....	Ch.165	-	449
Wheat Commission rules rejected.....	HCR049	-	1148

COMMUNICATIONS

See TELECOMMUNICATIONS

COMMUNITY PROPERTY

Community or joint property, clarify characterization .	Ch.363	-	1071
---	--------	---	------

COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

COMPUTERS

See ELECTRONIC TECHNOLOGY

CONDEMNATION

See EMINENT DOMAIN

CONFLICTS OF INTEREST

See ETHICS

CONSERVATION

Sage-grouse, protect state conservation plans.....	HJM013	-	1111
Soil and Water Conservation Com, approp.....	Ch.337	-	926
Species Conservation Office, approp.....	Ch.243	-	640
Watershed Improvement Districts, dissolution.....	Ch.295	-	826

CONSERVATORS

See GUARDIANS AND CONSERVATORS

CONSTITUTIONAL AMENDMENTS

Legislative response to administrative rules.....	HJR005	-	1107
---	--------	---	------

CONSTRUCTION

Hydroelectric plant, when Irrigation Dist vote unneeded	Ch.144	-	411
Public works, award of contracts.....	Ch. 35	-	85
Underground Facilities Damage Prevention Board.....	Ch.325	-	894

CONTRACEPTIVES

Contraceptives and prophylactics, repeal regulations...	Ch. 75	-	252
---	--------	---	-----

CONTRACTORS

Associated Logging Contractors of Idaho, honor 50 years	HCR035	-	1139
Board, public works contractors, membership.....	Ch.340	-	930
Public works, award of contracts.....	Ch. 35	-	85
Underground Facilities Damage Prevention Board.....	Ch.325	-	894

CONTRACTS

Controlled hunt drawings, contract with private entity.	Ch.103	-	300
Education, supplemental duty/day contracts	Ch.288	-	791

Exclusions from local government purchasing laws.....	Ch.290	-	820
Motor vehicle service contracts, reimbursement excluded	Ch. 59	-	182
Noncompete clause violation, key employee, breach.....	Ch.281	-	779
Public works, award of contracts.....	Ch. 35	-	85
School employment contracts, remove state form approval	Ch. 54	-	150
State Procurement Act.....	Ch.289	-	792
CONTRIBUTIONS			
STEM Action Center contributions, tax credit.....	Ch. 78	-	255
CONTROLLED SUBSTANCES			
Certain requirements for granting a withheld judgment..	Ch.161	-	444
Controlled substances database, delegate access.....	Ch. 82	-	262
Controlled substances database, who may access.....	Ch. 72	-	249
Controlled substances, schedule II revised.....	Ch. 70	-	245
Controlled substances, storage requirements.....	Ch. 74	-	252
Office of Drug Policy, approp.....	Ch.234	-	629
CONTROLLER, STATE			
Approp.....	Ch.218	-	606
CORONERS			
Controlled substances database, access by coroner.....	Ch. 72	-	249
CORPORATIONS			
Benefit corporations, annual report filing requirement.	Ch.157	-	428
Domestic insurer, exception to certain requirements....	Ch. 92	-	282
Insurance, policies valuation/nonforfeiture standards..	Ch. 68	-	205
Irrigation corporations, maximum administrative charge.	Ch.132	-	396
CORRECTIONS			
Correction Dept, approp.....	Ch.335	-	918
Correction Dept, approp, add'l.....	Ch. 64	-	199
Labor of prisoners, community service projects.....	Ch.212	-	597
Parole violation hearing, nonviolent/nonsexual conduct.	Ch.267	-	719
Public records exemption, critical infrastructure.....	Ch.164	-	446
COSMETOLOGY			
Board, revise provisions regarding membership.....	Ch.340	-	930
Cosmetology license renewal/reinstatement.....	Ch.163	-	446
COUNCILS			
Developmental Disabilities Council regarding membership	Ch. 42	-	92
Independent Living Council, revise reference.....	Ch.224	-	619
State Independent Living Council, approp.....	Ch. 66	-	203
COUNSELING AND COUNSELORS			
Counselors/Marriage/Family Therapists Bd, membership...	Ch.340	-	930
Genetic counseling board, membership.....	Ch.340	-	930
COUNTIES			
Absentee ballot application deadline revised.....	Ch.137	-	402
Auxiliary containers, no regulation by municipality....	Ch.204	-	574
Community colleges, tuition, out-of-district students..	Ch.303	-	853
County elected officers, attorney general investigation	Ch.135	-	399
Early voting, eligible counties, tabulation system....	Ch.138	-	403
Election results posting at polling place not required.	Ch.272	-	749
Exclusions from local government purchasing laws.....	Ch.290	-	820
Homeowner's exemption, \$100K, no inflation adjuster....	Ch. 94	-	287
Minimum wage, political subdivision no higher than Code	Ch.145	-	412

Public defense, appropriations from certain funds.....	Ch.214	-	600
Review of highway decision, request nonresident judge..	Ch.358	-	1051
State Public Defense Com duties, county funds, grants..	Ch.195	-	544
Tax deed sale proceeds, unclaimed property.....	Ch.211	-	594
Tax deeds, nonapplication, municipality easements.....	Ch.273	-	750
Urban renewal, provisions, requirements, reporting.....	Ch.349	-	1014

COURTS

Abuse or neglect of a vulnerable adult, definition.....	Ch.147	-	415
Child Protective Act, revise certain requirements.....	Ch.265	-	699
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
Compromise claim of minor, petition, priority, approval	Ch.238	-	633
Court fees to general fund, not specialty courts.....	Ch. 34	-	84
District judges, salary set.....	Ch.371	-	1087
Juvenile proceedings, adoption, placement.....	Ch.347	-	999
Juveniles, informal disposition of petition requirement	Ch. 51	-	147
Protection orders, malicious harassment, stalking.....	Ch.270	-	724
Public defense, appropriations from certain funds.....	Ch.214	-	600
Renewal of judgment on liens, increase period of time..	Ch.269	-	724
State Appellate Public Defender, powers and duties.....	Ch.200	-	560
State Public Defense Com duties, county funds, grants..	Ch.195	-	544
Supreme Court, approp.....	Ch.248	-	662
Supreme Court, approp, add'l, Dist Court/Magistrate Div	Ch.322	-	891
Supreme Court, approp, revised.....	Ch.298	-	849

CREDIT AND CREDITORS

See DEBTORS AND CREDITORS

CRIMINAL BACKGROUND CHECKS

H&W, background checks, no federal pilot program.....	Ch.107	-	310
---	--------	---	-----

CRIMINAL OFFENSES & PROCEDURES

Abuse or neglect of a vulnerable adult, definition.....	Ch.147	-	415
Agricultural facilities, biosecurity breach, penalties.	Ch.286	-	789
Alcohol violations, certain records expunged/sealed....	Ch.196	-	551
Alcohol, certain underage violations, penalties.....	Ch.344	-	986
Alcoholic beverages, prohibited acts, licensed premises	Ch.291	-	821
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
Concealed weapons, prohibited conduct.....	Ch.208	-	585
Controlled substance, requirement for withheld judgment	Ch.161	-	444
County elected officers, attorney general investigation	Ch.135	-	399
Court fees to general fund, not specialty courts.....	Ch. 34	-	84
Dangerous and At-Risk Dogs Act.....	Ch.285	-	785
Idaho Unborn Infants Dignity Act.....	Ch.368	-	1078
Juveniles, informal disposition of petition requirement	Ch. 51	-	147
Minors in possession of alcohol, limited immunity.....	Ch.346	-	998
Parole violation hearing, nonviolent/nonsexual conduct.	Ch.267	-	719
Powdered alcohol, definition, prohibition/violations...	Ch.277	-	765
Protection orders, malicious harassment, stalking.....	Ch.270	-	724
Public defense, appropriations from certain funds.....	Ch.214	-	600
Sex offenses, rape gender neutral.....	Ch.296	-	828
Sexual exploitation of child, electronically, penalties	Ch.377	-	1102
State Appellate Public Defender, powers and duties.....	Ch.200	-	560
State Public Defense Com duties, county funds, grants..	Ch.195	-	544

CROPS

See AGRICULTURE

DAMS

Water resources, artificial barriers, embankments..... Ch.206 - 577

DAYS

See HOLIDAYS AND DAYS

DEATH

Cemetery lots, resale of unused lots, compensation..... Ch.171 - 472

Controlled substances database, who may access..... Ch. 72 - 249

H&W Dept, duties include suicide prevention services... Ch. 97 - 293

DEBTORS AND CREDITORS

Appraisal Management Co Registration/Regulation Act.... Ch.131 - 386

Irrigation Dist late assessments, tax deed sale, when.. Ch.134 - 398

Irrigation assessments, delinquency dates clarified.... Ch.133 - 397

School bond guarantee, limitation..... Ch.159 - 442

Tax deed sale proceeds, unclaimed property..... Ch.211 - 594

DEEDS

Foreclosure, trustee sale, nontitled personal property. Ch.364 - 1071

Tax deeds, nonapplication, municipality easements..... Ch.273 - 750

Trust deeds, definition of the term "trustee"..... Ch.227 - 624

DENTISTRY AND DENTISTS

Board, revise provisions regarding membership..... Ch.340 - 930

Patient Freedom of Information Act, certain information Ch. 76 - 252

DENTURISTS

See PROFESSIONS

DEVELOPMENT

Idaho Rural Development Partnership Act, revised..... Ch. 90 - 278

Urban renewal, provisions, requirements, reporting.... Ch.349 - 1014

DISABLED

College scholarship eligibility, funds investment..... Ch. 32 - 77

Developmental Disabilities Council regarding membership Ch. 42 - 92

Foster care/conservators/guardians, legislative study . HCR059 - 1151

Independent Living Council, revise reference..... Ch.224 - 619

State Independent Living Council, approp..... Ch. 66 - 203

Vocational rehabilitation, acceptance of federal acts.. Ch. 41 - 91

DISASTERS

Homeland Security to Office of Emergency Management.... Ch.118 - 330

DISEASES

Investigational drugs, Right To Try Act..... Ch.168 - 466

Livestock removal requirements and trichomoniasis..... Ch. 49 - 143

Workers compensation, firefighter occupational diseases Ch.276 - 759

DISTRICTS

See also SCHOOLS AND SCHOOL DISTRICTS

Cemetery lots, resale of unused lots, compensation..... Ch.171 - 472

Community College Districts, powers of board..... Ch.108 - 312

Community colleges, creation/provisions trustee zones.. Ch.193 - 538

Fire Protection Dist, board requirements and size..... Ch. 89 - 275

Ground Water Dist, assessments, indebtedness..... Ch.112 - 317

Ground Water Dist, certain assessments, indebtedness... Ch.113 - 321

Ground Water Dist, petition/assessments, annexed lands. Ch.109 - 314

Ground Water Districts, participation by nonmembers.... Ch.110 - 315

Hospital Districts, board may appoint certain members..	Ch.287	-	790
Irrigation assessments, delinquency dates clarified....	Ch.133	-	397
Irrigation, hydroelectric plants, when vote unneeded...	Ch.144	-	411
Irrigation, late assessments, sale of rights, tax deeds	Ch.134	-	398
Public Health Trust Fund, approp.....	Ch.233	-	629
Recreational water/sewer districts, annexation.....	Ch.278	-	766
Taxing Districts, formed by certain date to make levy..	Ch. 30	-	73
Watershed Improvement Districts, dissolution.....	Ch.295	-	826
DIVORCE			
See DOMESTIC RELATIONS			
DNA			
See SCIENCE AND TECHNOLOGY			
DOCTORS			
See PHYSICIANS AND SURGEONS			
DOGS			
See ANIMALS			
DOMESTIC RELATIONS			
Community or joint property, clarify characterization .	Ch.363	-	1071
Estates, surviving spouse qualifications.....	Ch.362	-	1068
IRS tax code update, language regarding marriage.....	Ch. 1	-	3
DRINKS			
See BEVERAGES			
DRIVERS			
Electronic voter registration for persons with DMV IDs.	Ch.359	-	1052
Federal REAL ID Act, implement certain provisions.....	Ch.228	-	625
Off-road vehicles, when permitted on highways.....	Ch.237	-	632
DRUG POLICY, OFFICE OF			
Appropriation.....	Ch.234	-	629
EASEMENTS			
Motorbike Recreation Acct funds, recreation easements..	Ch.120	-	352
Tax deeds, nonapplication, municipality easements.....	Ch.273	-	750
EDUCATION			
Advanced opportunities, rulemaking, support program....	Ch.166	-	450
Barber college licensing, student qualifications.....	Ch.169	-	469
Bd, Office of, approp, add'l.....	Ch.323	-	892
Bd, Office of, approp, add'l.....	Ch.334	-	917
Bd, approp, Career Technical Education Div.....	Ch.327	-	908
Bd, approp, Idaho Public Television.....	Ch. 95	-	290
Bd, approp, Office of.....	Ch.311	-	871
Bd, approp, Univ of Idaho, health education	Ch.220	-	609
Bd, approp, Univ of Idaho, special programs.....	Ch.219	-	607
Bd, approp, Vocational Rehabilitation Div.....	Ch.216	-	604
Bd, approp, add'l, Special Programs.....	Ch.375	-	1101
Bd, approp, community colleges.....	Ch.331	-	912
Bd/Univ of Idaho, approp, colleges and universities....	Ch.353	-	1043
Broadband Infrastructure Improvement Grant Fund.....	Ch.183	-	495
Career technical ed, additional allocation for staff..	Ch.352	-	1038
Certificated employees, supplemental duty/day contracts	Ch.288	-	791
Charter School Debt Reserve Fund, approp.....	Ch.338	-	927
Charter holders, petition, replication charter schools.	Ch.271	-	727

Civics test, applicability to special education pupils.	Ch. 98	-	295
College savings accts, unclaimed, responsibilities for.	Ch. 91	-	281
College scholarship eligibility, funds investment.....	Ch. 32	-	77
Community College Districts, powers of board.....	Ch.108	-	312
Community colleges, creation/provisions trustee zones..	Ch.193	-	538
Computer science initiative for public schools.....	Ch.156	-	426
Continuous improvement plans, additional requirement...	Ch.239	-	635
Dept, approp, public schools, Administrators Div.....	Ch.257	-	676
Dept, approp, public schools, Central Service.....	Ch.334	-	917
Dept, approp, public schools, Central Services Div.....	Ch.308	-	867
Dept, approp, public schools, Children's Prog.....	Ch.334	-	917
Dept, approp, public schools, Children's Programs Div..	Ch.307	-	864
Dept, approp, public schools, Facilities Div.....	Ch.259	-	679
Dept, approp, public schools, Operations Div.....	Ch.306	-	861
Dept, approp, public schools, Operations Div.....	Ch.334	-	917
Dept, approp, public schools, Teachers Div.....	Ch.258	-	678
Dept, approp, public schools, educational services.....	Ch.260	-	680
Education Bd opportunity scholarship rules rejected....	HCR045	-	1145
Education Bd/Dept Rule Docket 08-0203-1503 rejected....	SCR139	-	1121
Education Bd/Dept Rule Docket 08-0203-1506 rejected....	SCR140	-	1122
Education Bd/Dept Rule Docket 08-0203-1509 rejected....	HCR044	-	1145
Education Bd/Dept Rule Docket 08-0203-1511 rejected....	SCR141	-	1122
Education Opportunity Resource Act.....	Ch.182	-	492
Education, professional-technical to career technical .	Ch. 25	-	33
Educational support program, calculations, grades 8-12.	Ch.351	-	1029
Educational support program, literacy intervention....	Ch.186	-	498
Governor, Office of, STEM Action Center, approp, add'l.	Ch.323	-	892
Higher Ed Stabilization Fund,community college start-up	Ch.125	-	359
Idaho School Safety and Security Act.....	Ch.192	-	534
Industry Partner Fund, professional-technical colleges.	Ch.266	-	718
Insulin & blood glucose supplies, district policy.....	Ch.184	-	496
Leadership premiums, revise provisions.....	Ch.350	-	1027
Local Innovation School Act.....	Ch.305	-	858
Mastery-based education, activity provisions.....	Ch. 45	-	95
Parental rights in education, responsibility, notice...	Ch.143	-	410
Postsecondary credit scholarship, requirements, funds..	Ch.374	-	1091
Public School Income Fund, approp, add'l.....	Ch.334	-	917
Public school funding formula, legislative study comm..	HCR033	-	1138
Residency requirements for public higher education....	Ch.114	-	324
STEM Action Center Board, provisions.....	Ch. 37	-	87
STEM Action Center, approp.....	Ch.320	-	890
STEM education fund, creation, provisions.....	Ch.140	-	406
School bond guarantee, limitation.....	Ch.159	-	442
School district professional personnel, evaluations....	Ch.191	-	526
School employee career ladder, compensation, indicators	Ch.245	-	642
School employment contracts, remove state form approval	Ch. 54	-	150
Staff allowance, determination provisions.....	Ch.348	-	1010
State educational agency employees, sick leave transfer	Ch.199	-	556
Statewide average class size, calculation of.....	Ch.123	-	356
Supporting progress toward Idaho's "60 by 20" goal....	SCR134	-	1115
Tax Com, certain school dist reports, availability....	Ch. 87	-	273
Tax Com, no taxable value report to Dept of Education..	Ch. 13	-	15
Third grade reading instruction, intervention plan....	Ch.187	-	509
Trustees, provisions regarding elections.....	Ch.261	-	681
Univ of Idaho, approp, Agricultural Research/Extension.	Ch.321	-	890
Youth Education Account, repeal.....	Ch. 88	-	274

ELDERLY

See SENIOR CITIZENS

ELECTIONS

Absentee ballot application deadline revised.....	Ch.137	-	402
Early voting, eligible counties, tabulation system.....	Ch.138	-	403
Election results posting at polling place not required.	Ch.272	-	749
Electronic voter registration for persons with DMV IDs.	Ch.359	-	1052
Hydroelectric plant, when Irrigation Dist vote unneeded	Ch.144	-	411
Political statements, identity of person responsible...	Ch.304	-	858
School trustees, provisions regarding elections.....	Ch.261	-	681

ELECTRICITY AND ELECTRICIANS

Board, revise provisions regarding membership.....	Ch.340	-	930
Hydroelectric plant, when Irrigation Dist vote unneeded	Ch.144	-	411
Idaho Power's 100th anniversary, recognize and honor...	HCR043	-	1144
Solar production of energy, taxation.....	Ch.189	-	513
Submersible well pumps, approved locations.....	Ch.355	-	1046
Water diversion, incidental hydropower use, conditions.	Ch.139	-	404

ELECTRONIC TECHNOLOGY

Administrative Code, certain electronic copies.....	Ch.185	-	497
Broadband Infrastructure Improvement Grant Fund.....	Ch.183	-	495
Broadband Infrastructure Improvement Grant Fund, approp	Ch.323	-	892
Career technical ed, additional allocation for staff...	Ch.352	-	1038
City records, historical preservation, nonpaper mediums	Ch.226	-	621
Education Opportunity Resource Act.....	Ch.182	-	492
Electronic voter registration for persons with DMV IDs.	Ch.359	-	1052
Patient Freedom of Information Act, certain information	Ch. 76	-	252
Public records exemption, critical infrastructure.....	Ch.164	-	446
Public schools, computer science initiative.....	Ch.156	-	426
Sexual exploitation of child, electronically, penalties	Ch.377	-	1102
Uniform Fiduciary Access to Digital Assets Act.....	Ch.263	-	685

ELK (DOMESTIC CERVIDAE)

See ANIMALS

EMERGENCIES

EMS Personnel Licensure Interstate Compact, enact.....	Ch. 60	-	183
EMT/paramedic scholarship eligibility, funds investment	Ch. 32	-	77
Homeland Security to Office of Emergency Management....	Ch.118	-	330
Minors in possession of alcohol, limited immunity.....	Ch.346	-	998
Public Safety Communications Commission, established...	Ch.127	-	363

EMERGENCY MEDICAL TECHNICIANS

See EMERGENCIES

EMINENT DOMAIN

Regulatory takings, request by owner for analysis.....	Ch.225	-	620
--	--------	---	-----

EMPLOYERS AND EMPLOYEES

See also LABOR

Employment security law, notice and appeal provisions..	Ch.158	-	429
Industry Partner Fund, professional-technical colleges.	Ch.266	-	718
Minimum wage, political subdivision no higher than Code	Ch.145	-	412
National Apprenticeship Week, recognize.....	HCR036	-	1139
National Guard activation, re-employment rights.....	Ch.122	-	355
Noncompete clause violation, key employee, breach.....	Ch.281	-	779
School employee career ladder, compensation, indicators	Ch.245	-	642

School employment contracts, remove state form approval	Ch. 54	-	150
State educational agency employees, sick leave transfer	Ch.199	-	556
State employee group insurance plan, legislative study.	HCR061	-	1153
State personnel, add to list of nonclassified employees	Ch. 33	-	82
Teacher leadership premiums, revise provisions.....	Ch.350	-	1027
Unemployment benefits, expanded claims notice provision	Ch.126	-	360
Unemployment, benefit formula, taxable wage rate.....	Ch.280	-	772
Withholding tax, certain employers to pay monthly.....	Ch. 12	-	12
Withholding tax, employer payment/correction deadlines.	Ch. 31	-	74
Workers compensation, firefighter occupational diseases	Ch.276	-	759
EMPLOYMENT SECURITY LAW			
Employment security law, notice and appeal provisions..	Ch.158	-	429
Taxable wage rate, unemployment benefit formula.....	Ch.280	-	772
Unemployment benefits, expanded claims notice provision	Ch.126	-	360
Workforce Development Training Fund, transfer and uses.	Ch.105	-	305
ENDOWMENT FUNDS AND LANDS			
Endowment Fund Investment Board, approp.....	Ch.230	-	626
Endowment and other fund investments by State Treasurer	Ch.167	-	461
Environmental Protection Trust Fund, uses, investment..	Ch.130	-	386
Opportunity scholarship program, funds investment.....	Ch. 32	-	77
School District Bond Credit Enhancement Program, limits	Ch.136	-	400
ENERGY			
Allow INL research quantities of spent fuel, urge AG...	HCR060	-	1152
Office of Energy Resources, approp.....	Ch.235	-	630
Solar production of energy, taxation.....	Ch.189	-	513
Water diversion, incidental hydropower use, conditions.	Ch.139	-	404
ENGINEERS AND SURVEYORS			
Board, revise provisions regarding membership.....	Ch.340	-	930
Licensure board, to hire certain persons.....	Ch.341	-	966
Retired professional engineer/land surveyor, defined...	Ch. 61	-	195
Revise provisions regarding exams, restricted licensure	Ch.142	-	409
ENVIRONMENT			
Aquatic invasive species, continued federal funding....	SJM104	-	1109
DEQ, IPDES permits, appeals, enforcement authority....	Ch.128	-	373
DEQ, approp.....	Ch.336	-	923
Dept of Agriculture/DEQ, management of cattle byproduct	Ch.129	-	375
Eastern Snake Plain Aquifer agreement, support.....	SCR138	-	1120
Eastern Snake Plain Aquifer recharge target.....	SCR136	-	1117
Environmental Protection Trust Fund, uses, investment..	Ch.130	-	386
Oil well, Lands Dept duties, track integration, appeals	Ch. 48	-	129
Sage-grouse, protect state conservation plans.....	HJM013	-	1111
State or federal land, catastrophic public nuisance....	Ch.366	-	1075
Underground storage tank program, funding, fees.....	Ch. 52	-	148
Water Resource Bd, evaluate/manage aquifer shortage....	SCR137	-	1118
Water body classifications, risk levels.....	Ch.111	-	316
Water quality, authorizing access to certain records...	Ch.146	-	412
EQUIPMENT			
Farm equipment repurchase requirements, charges.....	Ch.213	-	597
Sales/use tax, exempt certain hand tools.....	Ch. 9	-	8
ESCROW			
See REAL ESTATE			

ESTATES

Estates, remove reference to a family allowance.....	Ch.262 -	681
Surviving spouse, qualifications, revocation by divorce.	Ch.362 -	1068
Uniform Fiduciary Access to Digital Assets Act.....	Ch.263 -	685

ETHICS

State Procurement Act.....	Ch.289 -	792
----------------------------	----------	-----

ETHNIC

Black History Month, February, commemorate in Idaho....	SCR133 -	1114
Hispanic Affairs Com, approp.....	Ch.244 -	641

EUTHANASIA

Humane Euthanasia Committee instead of task force.....	Ch.119 -	343
--	----------	-----

EXECUTIVE ORDERS

2015-04.....	1159
2015-05.....	1164
2015-06.....	1165
2015-07.....	1167
2015-08.....	1168
2015-09.....	1172
2015-10.....	1173
2015-11.....	1177
2015-12.....	1179
2015-13.....	1180
2016-01.....	1181

FARMS AND FARMING

See AGRICULTURE

FEDERAL LAWS AND RELATIONS

2016 U.S. Capitol Christmas tree, Idaho participation..	HCR046 -	1146
Aquatic invasive species, continued federal funding....	SJM104 -	1109
Federal REAL ID Act, implement certain provisions.....	Ch.228 -	625
Firearm sales, federally required records not public...	Ch.279 -	769
Food safety modernization, Dept of Agriculture regulate	Ch.172 -	474
H&W, background checks, no federal pilot program.....	Ch.107 -	310
Independent Living Council, revise reference.....	Ch.224 -	619
Sage-grouse, protect state conservation plans.....	HJM013 -	1111
State or federal land, catastrophic public nuisance....	Ch.366 -	1075
USPS budget priorities, urge restructure.....	SJM105 -	1110
Vocational rehabilitation, acceptance of federal acts..	Ch. 41 -	91

FEES

Agency fee rules approved, except ISP and H&W.....	SCR153 -	1130
Compromise claim of minor, petition, priority, approval	Ch.238 -	633
Court fees to general fund, not specialty courts.....	Ch. 34 -	84
Farm equipment repurchase requirements, charges.....	Ch.213 -	597
Homeowner associations, when legal fees/costs allowed..	Ch.365 -	1074
Irrigation Dist late assessments, tax deed sale, when..	Ch.134 -	398
Irrigation assessments, delinquency dates clarified....	Ch.133 -	397
Irrigation corporations, maximum administrative charge.	Ch.132 -	396
Mental disease institution, Medicaid reimbursement.....	Ch.173 -	476
Protection orders, malicious harassment, stalking.....	Ch.270 -	724

FINANCE

Appraisal Management Co Registration/Regulation Act....	Ch.131 -	386
Dept, approp.....	Ch.101 -	297

Endowment and other fund investments by State Treasurer	Ch.167	-	461
Financial Management Division, approp.....	Ch.300	-	851

FINANCIAL INSTITUTIONS

See BANKS AND FINANCIAL INSTITUTIONS

FINES

Agricultural facilities, biosecurity breach, penalties.	Ch.286	-	789
Alcohol, certain underage violations, penalties.....	Ch.344	-	986
Alcoholic beverages, prohibited acts, licensed premises	Ch.291	-	821
Court fees to general fund, not specialty courts.....	Ch. 34	-	84

FIRE AND FIREFIGHTERS

College scholarship eligibility, funds investment.....	Ch. 32	-	77
Fire Protection Dist, board requirements and size.....	Ch. 89	-	275
Fire Suppression Deficiency Fund, approp.....	Ch.229	-	626
Fire Suppression Deficiency Fund, approp, add'l.....	Ch.330	-	911
Tax exemption, certain aircraft for wildfire activity..	Ch.326	-	907
Taxing Districts, budgeting forgone increases.....	Ch. 69	-	241
Workers compensation, firefighter occupational diseases	Ch.276	-	759

FIREARMS

See WEAPONS

FISH AND GAME

Acct transfers, UI Animal/Veterinary Science Dept.....	Ch. 57	-	178
Compensation for damage to bees/beebees by bears.....	Ch.104	-	304
Controlled hunt drawings, contract with private entity.	Ch.103	-	300
Dept Rule Docket 13-0116-1501 rejected.....	HCR055	-	1149
Dept education programs, trapping.....	Ch.203	-	573
Dept, approp.....	Ch.332	-	913
Dept, approp, add'l.....	Ch. 4	-	5
Dept, approp, add'l.....	Ch.356	-	1047
Hunting, prohibit use of unmanned aircraft.....	Ch. 26	-	65
Upland game bird permit, revised age provision.....	Ch.207	-	583
Wolf Control Fund, approp.....	Ch.313	-	876

FLAGS

Fly US, Idaho flags on 3/4, 7/3 & 7/4, encourage.....	HCR057	-	1150
---	--------	---	------

FOOD

Apple Commission, nomination and appointment of members	Ch. 93	-	284
Commemorating pulse crop for singular recognition.....	HCR032	-	1137
Dairy Products Commission, membership provisions.....	Ch. 38	-	88
Food safety modernization, Dept of Agriculture regulate	Ch.172	-	474
Wheat Commission rules rejected.....	HCR049	-	1148

FORESTS AND FORESTRY

2016 U.S. Capitol Christmas tree, Idaho participation..	HCR046	-	1146
Appeal process if no longer assessed as forest land....	Ch. 16	-	21

FOSTER HOMES

Child Protective Act, revise certain requirements.....	Ch.265	-	699
Foster care/conservators/guardians, legislative study .	HCR059	-	1151
Foster children, limitations on caregiver liability....	Ch.360	-	1061
H&W, reporting requirements, foster care program.....	Ch.284	-	784
Juvenile proceedings, adoption, placement.....	Ch.347	-	999

FRACKING

See OIL

FRAUD

Public assistance, provisions for monetary penalties... Ch.106 - 307

FUELS

Fuels, special fuels, distribution of revenues from tax Ch.152 - 419

FUNDS

Broadband Infrastructure Improvement Grant Fund..... Ch.183 - 495
 Catastrophic Health Care Cost Fund, approp..... Ch.292 - 822
 Catastrophic Health Care Cost Fund, approp, revised.... Ch.275 - 759
 Charter School Debt Reserve Fund, approp..... Ch.338 - 927
 College savings accts, unclaimed, responsibilities for. Ch. 91 - 281
 Constitutional Defense Fund, approp..... Ch.317 - 884
 Educational support program, calculations, grades 8-12. Ch.351 - 1029
 Educational support program, literacy intervention.... Ch.186 - 498
 Endowment Fund Investment Board, approp..... Ch.230 - 626
 Endowment and other fund investments by State Treasurer Ch.167 - 461
 Environmental Protection Trust Fund, uses, investment.. Ch.130 - 386
 Global Entrepreneurial Mission Program, provisions.... Ch. 84 - 266
 Higher Ed Stabilization Fund,community college start-up Ch.125 - 359
 Idaho Bond Bank Authority, funds, costs..... Ch.160 - 443
 Industry Partner Fund, professional-technical colleges. Ch.266 - 718
 Legislative Legal Defense Fund, approp..... Ch.274 - 758
 Local Highway Distribution Fund, transfers to fund.... Ch.328 - 910
 Millennium Income Fund, approp, tobacco/drug programs.. Ch.370 - 1083
 Pest Control Deficiency Fund, approp..... Ch. 5 - 6
 Postsecondary credit scholarship, requirements, funds.. Ch.374 - 1091
 Public Health Trust Fund, approp..... Ch.233 - 629
 Public School Income Fund, approp, add'l..... Ch.334 - 917
 STEM education fund, creation, provisions..... Ch.140 - 406
 School District Bond Credit Enhancement Program, limits Ch.136 - 400
 Workforce Development Training Fund, transfer and uses. Ch.105 - 305
 Youth Education Account, repeal..... Ch. 88 - 274

FUNERALS

Mortician/funeral director trainee license duration... Ch. 79 - 258
 Morticians Bd, revise provisions regarding membership.. Ch.340 - 930
 Prearrangement sales contracts, additional requirements Ch. 80 - 258

GARNISHMENT

See also DEBTORS AND CREDITORS

GASOLINE

See FUELS

GEOLOGY AND GEOLOGISTS

Board, revise provisions regarding membership..... Ch.340 - 930
 Idaho Geological Survey, records, use, availability.... Ch.194 - 541

GIFTS

See CONTRIBUTIONS

GOLD

See PRECIOUS METALS

GOVERNMENT

Agency fee rules approved, except ISP and H&W..... SCR153 - 1130
 Agency rules, continue in full force and effect..... Ch.354 - 1045
 Agency temporary rules approved and extended..... SCR154 - 1132

Amendments to Administrative Rules, requirement.....	Ch.367	-	1077
Civics test, applicability to special education pupils.	Ch. 98	-	295
Fly US, Idaho flags on 3/4, 7/3 & 7/4, encourage.....	HCR057	-	1150
Idaho Rural Development Partnership Act, revised.....	Ch. 90	-	278
Legislative response to administrative rules.....	HJR005	-	1107
Lobbyists, reports by certain state entities.....	Ch.345	-	997
Mitigating bias, contested cases, legislative study ...	SCR151	-	1129
PERSI, approp.....	Ch. 65	-	202
Public procurement, legislative study committee.....	HCR048	-	1147
Regulatory takings, request by owner for analysis.....	Ch.225	-	620
State Procurement Act.....	Ch.289	-	792
State educational agency employees, sick leave transfer	Ch.199	-	556
State employee group insurance plan, legislative study.	HCR061	-	1153
State personnel, add to list of nonclassified employees	Ch. 33	-	82
Urban renewal, provisions, requirements, reporting....	Ch.349	-	1014
Watershed Improvement Districts, dissolution.....	Ch.295	-	826
GOVERNOR			
Executive Order 2015-04.....			1159
Executive Order 2015-05.....			1164
Executive Order 2015-06.....			1165
Executive Order 2015-07.....			1167
Executive Order 2015-08.....			1168
Executive Order 2015-09.....			1172
Executive Order 2015-10.....			1173
Executive Order 2015-11.....			1177
Executive Order 2015-12.....			1179
Executive Order 2015-13.....			1180
Executive Order 2016-01.....			1181
Executive Office of, approp.....	Ch.301	-	851
Joint session, message from the Governor.....	HCR027	-	1133
Office Of, approp, Financial Management Division.....	Ch.300	-	851
Office of, approp, Drug Policy Office.....	Ch.234	-	629
Office of, approp, Energy Resources.....	Ch.235	-	630
Office of, approp, Human Resources Division.....	Ch.115	-	328
Office of, approp, Military Division.....	Ch. 96	-	291
Office of, approp, STEM Action Center.....	Ch.320	-	890
Office of, approp, STEM Action Center, add'l.....	Ch.323	-	892
Office of, approp, Species Conservation Office.....	Ch.243	-	640
Office of, approp, State Liquor Division.....	Ch.100	-	297
Wolf Control Fund, approp.....	Ch.313	-	876
GRAIN			
Wheat Commission rules rejected.....	HCR049	-	1148
GRANTS			
Broadband Infrastructure Improvement Grant Fund.....	Ch.183	-	495
GRAPES			
Tax on production of wine/certain grapes.....	Ch.165	-	449
GUARDIANS AND CONSERVATORS			
Compromise claim of minor, petition, priority, approval	Ch.238	-	633
Foster care/conservators/guardians, legislative study .	HCR059	-	1151
Guardians of minors, modification and termination.....	Ch.148	-	416
Juvenile proceedings, adoption, placement.....	Ch.347	-	999
GUNS			
See WEAPONS			

HANDICAPPED

See DISABLED

HAZARDOUS SUBSTANCES

Allow INL research quantities of spent fuel, urge AG... HCR060 - 1152

HEALTH

Abortion, ultrasound availability information..... Ch.283 - 782
 Catastrophic Health Care Cost Fund, approp..... Ch.292 - 822
 Catastrophic Health Care Cost Fund, approp, revised.... Ch.275 - 759
 Education Bd, Univ of Idaho, approp, health education . Ch.220 - 609
 Health Care Task Force, remove reference..... Ch. 83 - 264
 Insulin & blood glucose supplies, district policy..... Ch.184 - 496
 Millennium Income Fund, approp, tobacco/drug programs.. Ch.370 - 1083
 Nurses, practice of nursing defined..... Ch.215 - 602
 Patient Freedom of Information Act, certain information Ch. 76 - 252
 Public Health Trust Fund, approp..... Ch.233 - 629
 State employee group insurance plan, legislative study. HCR061 - 1153
 Workers compensation, firefighter occupational diseases Ch.276 - 759
 Youth athletes, permission, post-concussion protocol... Ch.293 - 822

HEALTH AND WELFARE DEPARTMENT

Approp, Domestic Violence Council, add'l..... Ch. 23 - 31
 Approp, Medicaid..... Ch.179 - 485
 Approp, Medicaid, add'l..... Ch. 40 - 89
 Approp, State Hospital South, add'l..... Ch. 24 - 32
 Approp, Welfare Div..... Ch.246 - 658
 Approp, child welfare, developmentally disabled..... Ch.223 - 616
 Approp, health care policy initiatives, add'l..... Ch. 39 - 89
 Approp, independent councils/indirect support/license.. Ch.312 - 873
 Approp, mental health, substance abuse..... Ch.250 - 664
 Approp, public health services..... Ch.294 - 824
 Background checks, no federal pilot program..... Ch.107 - 310
 Child Protective Act, revise certain requirements..... Ch.265 - 699
 Dept, duties include suicide prevention services..... Ch. 97 - 293
 Foster care/conservators/guardians, legislative study . HCR059 - 1151
 Health Care Task Force, remove reference..... Ch. 83 - 264
 Legislative reporting requirements, foster care program Ch.284 - 784
 Mental disease institution, Medicaid reimbursement.... Ch.173 - 476
 Public Health Trust Fund, approp..... Ch.233 - 629

HEALTH CARE FACILITIES

Epinephrine auto-injectors, prescribing provisions..... Ch.264 - 693
 Idaho Unborn Infants Dignity Act..... Ch.368 - 1078
 Legend Drug Donation Act, expanded qualifications..... Ch. 81 - 259
 Legend drugs, who may possess..... Ch. 73 - 251
 Sexual assault evidence kits, testing/duties/procedures Ch.175 - 478

HEATING AND COOLING

Bd, Heating, Ventilation & Air Conditioning, membership Ch.340 - 930

HIGHWAYS

Interstates in Idaho, classification based on purpose.. Ch. 36 - 87
 Local Highway Distribution Fund, transfers to fund..... Ch.328 - 910
 Off-road vehicles, when permitted on highways..... Ch.237 - 632
 Review of highway decision, request nonresident judge.. Ch.358 - 1051
 Tax deeds, nonapplication, municipality easements..... Ch.273 - 750
 Taxing Districts, budgeting forgone increases..... Ch. 69 - 241

HISTORICAL SOCIETY

- City records, historical preservation, nonpaper mediums Ch.226 - 621
 Idaho State Historical Society, approp..... Ch.310 - 870

HISTORY

- Black History Month, February, commemorate in Idaho.... SCR133 - 1114
 Civics test, applicability to special education pupils. Ch. 98 - 295
 Idaho day, revise date if March 4th falls on weekend... Ch.162 - 445
 National Women's History Month, recognized..... SCR147 - 1125

HOLIDAYS AND DAYS

- 125th anniversary, Hecla Mining Company, congratulate.. SCR148 - 1126
 2016 U.S. Capitol Christmas tree, Idaho participation.. HCR046 - 1146
 Black History Month, February, commemorate in Idaho.... SCR133 - 1114
 Fly US, Idaho flags on 3/4, 7/3 & 7/4, encourage..... HCR057 - 1150
 Idaho day, revise date if March 4th falls on weekend... Ch.162 - 445
 Music In Our Schools Month, observance in March..... HCR031 - 1136
 National Apprenticeship Week, recognize..... HCR036 - 1139
 National Day of the Cowboy, declared..... HCR038 - 1140
 National Women's History Month, recognized..... SCR147 - 1125
 Purple Heart Day, State of Idaho, designate..... SCR146 - 1124
 Social Work Recognition Month, March 2016, support.... HCR047 - 1147
 Statue of Liberty, commemorating 130th anniversary.... HCR029 - 1134
 Year of Idaho Military Families, observe in 2016..... HCR028 - 1133

HOMELAND SECURITY

- Federal REAL ID Act, implement certain provisions..... Ch.228 - 625
 Homeland Security to Office of Emergency Management.... Ch.118 - 330

HOMES AND HOUSING

- Factory Built Structures Advisory Board..... Ch.342 - 968
 Foreclosure, trustee sale, nontitled personal property. Ch.364 - 1071
 Homeowner associations, prohibited conduct Ch.209 - 592
 Homeowner associations, when legal fees/costs allowed.. Ch.365 - 1074
 Homeowner's exemption, \$100K, no inflation adjuster... Ch. 94 - 287
 Tax deed sale proceeds, unclaimed property..... Ch.211 - 594

HONORS AND AWARDS

- Honoring Idaho author Anthony Doerr for his work..... HCR030 - 1135
 Matt Paradis, Denver Broncos, Super Bowl Championship.. HCR042 - 1143

HORSE RACING

See RACING

HOSPITALS

- Hospital Districts, board may appoint certain members.. Ch.287 - 790
 Idaho Unborn Infants Dignity Act..... Ch.368 - 1078

HOUSE OF REPRESENTATIVES

See also LEGISLATURE

HUMAN RESOURCES DIVISION

- Approp..... Ch.115 - 328
 State personnel, add to list of nonclassified employees Ch. 33 - 82

HUNTING

See FISH AND GAME

HYDROPOWER

- Water diversion, incidental hydropower use, conditions. Ch.139 - 404

IDAHO CODE

See CODES

IDENTITY AND NAMES

Electronic voter registration for persons with DMV IDs. Ch.359 - 1052
Federal REAL ID Act, implement certain provisions..... Ch.228 - 625

IMMUNITY

See LIABILITY

IMMUNIZATION

Pharmacists, prescribe immunizations to age 6 & older.. Ch. 62 - 198

INCOME TAX

See TAX AND TAXATION, INCOME

INDIANS

See NATIVE AMERICANS

INDIGENTS

See PUBLIC ASSISTANCE

INDUSTRIAL COMMISSION

Approp..... Ch.150 - 417
PUC/Tax/Industrial commissioner salary increase..... Ch.247 - 660
Workers compensation, firefighter occupational diseases Ch.276 - 759

INDUSTRY

125th anniversary, Hecla Mining Company, congratulate.. SCR148 - 1126
STEM Action Center Board, provisions..... Ch. 37 - 87

INFRASTRUCTURE

Public records exemption, critical infrastructure..... Ch.164 - 446

INSECTS

Compensation for damage to bees/beebees by bears..... Ch.104 - 304

INSURANCE

Dept, approp..... Ch.151 - 419
Domestic insurer, exception to certain requirements... Ch. 92 - 282
Firefighters, certain occupational diseases..... Ch.276 - 759
Insurance policies, valuation/nonforfeiture standards.. Ch. 68 - 205
Motor vehicle online verification system, alternative.. Ch.141 - 407
Premium tax, portion to high risk reinsurance pool..... Ch.361 - 1067
Producer licensing, nonresidents and after revocation.. Ch. 50 - 144
State employee group insurance plan, legislative study. HCR061 - 1153
Workers compensation insurance, security instruments... Ch.282 - 780

INTERNATIONAL RELATIONS

Global Entrepreneurial Mission Program, provisions..... Ch. 84 - 266

INTERNET

See ELECTRONIC TECHNOLOGY

INTERSTATE COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

INVESTMENTS

Cattle/horses/livestock, capital gains tax deduction... Ch.188 - 511
College savings accts, unclaimed, responsibilities for. Ch. 91 - 281
Endowment and other fund investments by State Treasurer Ch.167 - 461

Environmental Protection Trust Fund, uses, investment..	Ch.130	-	386
Opportunity scholarship program, funds investment.....	Ch. 32	-	77

IRRIGATION

Dist assessments, delinquency dates clarified.....	Ch.133	-	397
Dist delinquent assessments, sale of rights to tax deed	Ch.134	-	398
Dist, hydroelectric plant construction, vote, when.....	Ch.144	-	411
Eastern Snake Plain Aquifer agreement, support.....	SCR138	-	1120
Eastern Snake Plain Aquifer recharge target.....	SCR136	-	1117
Ground Water Dist, assessments, indebtedness.....	Ch.112	-	317
Ground Water Dist, certain assessments, indebtedness...	Ch.113	-	321
Ground Water Dist, petition/assessments, annexed lands.	Ch.109	-	314
Ground Water Districts, participation by nonmembers....	Ch.110	-	315
Ground water management plan, when not on time priority	Ch.297	-	848
Irrigation corporations, maximum administrative charge.	Ch.132	-	396
Water Resource Bd, evaluate/manage aquifer shortage....	SCR137	-	1118
Water diversion, incidental hydropower use, conditions.	Ch.139	-	404

JUDGES

District judges, salary set.....	Ch.371	-	1087
Review of highway decision, request nonresident judge..	Ch.358	-	1051

JUDGMENTS

Controlled substance, requirement for withheld judgment	Ch.161	-	444
Renewal of judgment on liens, increase period of time..	Ch.269	-	724

JUVENILE CORRECTIONS

Alcohol violations, certain records expunged/sealed....	Ch.196	-	551
Dept, approp.....	Ch.241	-	638
Dept, appropriation, add'l.....	Ch. 21	-	27
Informal disposition of petition requirements.....	Ch. 51	-	147
Sexual exploitation of child, electronically, penalties	Ch.377	-	1102

LABOR

See also **EMPLOYERS AND EMPLOYEES**

Dept, approp.....	Ch.221	-	611
Dept, approp, add'l.....	Ch. 7	-	6
Employment security law, notice and appeal provisions..	Ch.158	-	429
Industry Partner Fund, professional-technical colleges.	Ch.266	-	718
Labor of prisoners, community service projects.....	Ch.212	-	597
National Guard activation, re-employment rights.....	Ch.122	-	355
Noncompete clause violation, key employee, breach.....	Ch.281	-	779
School employment contracts, remove state form approval	Ch. 54	-	150
State personnel, add to list of nonclassified employees	Ch. 33	-	82
Unemployment benefits, expanded claims notice provision	Ch.126	-	360
Unemployment, benefit formula, taxable wage rate.....	Ch.280	-	772
Workers compensation, firefighter occupational diseases	Ch.276	-	759
Workforce Development Training Fund, transfer and uses.	Ch.105	-	305

LAKES

Submersible well pumps, approved locations.....	Ch.355	-	1046
---	--------	---	------

LAND USE

Appeal process if no longer assessed as forest land....	Ch. 16	-	21
---	--------	---	----

LANDS

Appeal process if no longer assessed as forest land....	Ch. 16	-	21
Dept, approp.....	Ch.339	-	928
Dept, approp, Fire Suppression Deficiency Fund.....	Ch.229	-	626

Dept, approp, Fire Suppression Deficiency Fund, add'l..	Ch.330	-	911
Dept, approp, add'l.....	Ch.356	-	1047
Dept, approp, add'l.....	Ch. 2	-	3
Ground Water Dist, petition/assessments, annexed lands.	Ch.109	-	314
Idaho Geological Survey, records, use, availability....	Ch.194	-	541
Motorbike Recreation Acct funds, recreation easements..	Ch.120	-	352
Oil well, Lands Dept duties, track integration, appeals	Ch. 48	-	129
State or federal land, catastrophic public nuisance....	Ch.366	-	1075
LANDSCAPE ARCHITECTS			
Board, revise provisions regarding membership.....	Ch.340	-	930
LAW ENFORCEMENT			
College scholarship eligibility, funds investment.....	Ch. 32	-	77
Idaho peace officers, recognize, honor.....	SCR132	-	1113
Local Highway Distribution Fund, transfers to fund....	Ch.328	-	910
Parole violation hearing, nonviolent/nonsexual conduct.	Ch.267	-	719
Protection orders, malicious harassment, stalking.....	Ch.270	-	724
Sexual assault evidence kits, testing/duties/procedures	Ch.175	-	478
LAWYERS			
See ATTORNEYS			
LEGISLATIVE COUNCIL			
Legislative Services Office, approp.....	Ch.376	-	1101
LEGISLATIVE SERVICES			
See LEGISLATIVE COUNCIL			
LEGISLATURE			
Amendments to Administrative Rules, requirement.....	Ch.367	-	1077
Auxiliary containers, regulation only by legislature ..	Ch.204	-	574
Foster care/conservators/guardians, legislative study..	HCR059	-	1151
H&W, reporting requirements, foster care program.....	Ch.284	-	784
Health Care Task Force, remove reference.....	Ch. 83	-	264
Joint Rule 18, statements of purpose, fiscal notes.....	SCR150	-	1128
Joint Rule 20, transmittal of Joint Resolution.....	SCR143	-	1123
Joint Rule 21, certain recorded proceedings.....	SCR144	-	1123
Joint session, message from the Governor.....	HCR027	-	1133
Legislative Legal Defense Fund, approp.....	Ch.274	-	758
Legislative response to administrative rules.....	HJR005	-	1107
Mitigating bias, contested cases, legislative study ...	SCR151	-	1129
Public procurement, legislative study committee.....	HCR048	-	1147
Public school funding formula, legislative study comm..	HCR033	-	1138
State employee group insurance plan, legislative study.	HCR061	-	1153
LEVIES			
Operating property not in taxable value for making levy	Ch. 29	-	70
Taxing Districts, formed by certain date to make levy..	Ch. 30	-	73
LIABILITY			
Foster children, limitations on caregiver liability....	Ch.360	-	1061
LIBRARIES AND LIBRARIANS			
Broadband Infrastructure Improvement Grant Fund.....	Ch.183	-	495
Com, approp.....	Ch.178	-	484
Com, approp, add'l.....	Ch.323	-	892
Education Opportunity Resource Act.....	Ch.182	-	492
Taxing Districts, budgeting forgone increases.....	Ch. 69	-	241

LICENSE PLATES

Commercial vehicle license plates, same/new number.....	Ch.121 -	353
Special, veterans, when surviving spouse may obtain....	Ch. 67 -	204

LICENSES

Alcohol beverage catering permit, two or more wineries.	Ch.181 -	491
Alcohol beverage catering permits, provisions.....	Ch.268 -	721
Appraisal Management Co Registration/Regulation Act....	Ch.131 -	386
Barber college licensing, student qualifications.....	Ch.169 -	469
Concealed weapons, prohibited conduct.....	Ch.208 -	585
Controlled hunt drawings, contract with private entity.	Ch.103 -	300
Cosmetology license renewal/reinstatement.....	Ch.163 -	446
EMS Personnel Licensure Interstate Compact, enact.....	Ch. 60 -	183
Engineers/surveyors, exams, restricted licensure.....	Ch.142 -	409
Insurance producer, nonresidents and after revocation..	Ch. 50 -	144
Licensure boards, certain positions and qualifications.	Ch.341 -	966
Mortician/funeral director trainee license duration....	Ch. 79 -	258
Nurse Licensure Compact.....	Ch. 56 -	165
Optometrists, license renewal provisions.....	Ch.116 -	329
Physical therapy, license renewal, reinstatement.....	Ch.117 -	329
Powdered alcohol, definition, prohibition/violations...	Ch.277 -	765
Residential care facility administrator requirements...	Ch.124 -	358
Retired professional engineer/land surveyor, defined...	Ch. 61 -	195
Upland game bird permit, revised age provision.....	Ch.207 -	583
Veterinarians, alternatives to formal discipline.....	Ch.343 -	980

LIENS

Liens in crops, notice of claim requirements.....	Ch.202 -	572
Nonconsensual common law liens, prohibited, penalties..	Ch.170 -	470
Renewal of judgment on liens, increase period of time..	Ch.269 -	724

LIEUTENANT GOVERNOR

Approp.....	Ch.217 -	605
-------------	----------	-----

LIQUOR

Alcohol beverage catering permit, two or more wineries.	Ch.181 -	491
Alcohol beverage catering permits, provisions.....	Ch.268 -	721
Alcohol violations, certain records expunged/sealed....	Ch.196 -	551
Alcohol, certain underage violations, penalties.....	Ch.344 -	986
Alcoholic beverages, prohibited acts, licensed premises	Ch.291 -	821
Breweries, allows persons under 21 to be on premises...	Ch.357 -	1048
Idaho State Police, alcohol beverage rule rejected....	HCR040 -	1142
Liquor license applications, correct name of act.....	Ch. 77 -	254
Minors, limited immunity, medical emergency.....	Ch.346 -	998
Powdered alcohol, definition, prohibition/violations...	Ch.277 -	765
Retail sale of liquor by the drink, "person" defined...	Ch.153 -	422
State Liquor Division, approp.....	Ch.100 -	297
Tax on production of wine/certain grapes.....	Ch.165 -	449
Youth Education Account, repeal.....	Ch. 88 -	274

LITERACY

Continuous student improvement plans, requirement.....	Ch.239 -	635
Educational support program, literacy intervention....	Ch.186 -	498

LITERATURE

Honoring Idaho author Anthony Doerr for his work.....	HCR030 -	1135
---	----------	------

LIVESTOCK

- Agricultural facilities, biosecurity breach, penalties. Ch.286 - 789
- Cattle/horses/livestock, capital gains tax deduction... Ch.188 - 511
- Livestock removal requirements and trichomoniasis..... Ch. 49 - 143

LOBBYING AND LOBBYISTS

- Lobbyists, reports by certain state entities..... Ch.345 - 997

LOGGING AND LUMBER

- Associated Logging Contractors of Idaho, honor 50 years HCR035 - 1139

LOTTERY, STATE

- Approp..... Ch. 99 - 296

MAGISTRATES

See JUDGES

MAIL AND MAILING

- USPS budget priorities, urge restructure..... SJM105 - 1110

MANUFACTURING AND MANUFACTURERS

- Factory Built Structures Advisory Board..... Ch.342 - 968

MARRIAGE

See DOMESTIC RELATIONS

MASSAGE

- Massage therapy, student tuition credit program..... Ch.174 - 476

MEDALS

See HONORS AND AWARDS

MEDICAL

- Abortion, ultrasound availability information..... Ch.283 - 782
- Biological products, pharmacist report to prescriber... Ch.197 - 552
- Controlled substances, schedule II revised..... Ch. 70 - 245
- EMS Personnel Licensure Interstate Compact, enact..... Ch. 60 - 183
- Idaho Unborn Infants Dignity Act..... Ch.368 - 1078
- Insulin & blood glucose supplies, district policy..... Ch.184 - 496
- Legend Drug Donation Act, expanded qualifications..... Ch. 81 - 259
- Legend drugs, who may possess..... Ch. 73 - 251
- Medical boards, approp..... Ch.254 - 672
- Medical boards, approp, add'l Ch. 3 - 4
- Mental disease institution, Medicaid reimbursement..... Ch.173 - 476
- Nurses, practice of nursing defined..... Ch.215 - 602
- Patient Freedom of Information Act, certain information Ch. 76 - 252
- Pharmacists, prescribe immunizations to age 6 & older.. Ch. 62 - 198
- State employee group insurance plan, legislative study. HCR061 - 1153
- Youth athletes, permission, post-concussion protocol... Ch.293 - 822

MEDICAL ASSISTANCE

See PUBLIC ASSISTANCE

MEDICINE

- Biological products, pharmacist report to prescriber... Ch.197 - 552
- Board, revise provisions regarding membership..... Ch.340 - 930
- Controlled substances database, delegate access..... Ch. 82 - 262
- Controlled substances database, who may access..... Ch. 72 - 249
- Controlled substances, schedule II revised..... Ch. 70 - 245
- Controlled substances, storage requirements..... Ch. 74 - 252

Epinephrine auto-injectors, prescribing provisions.....	Ch.264	-	693
Insulin & blood glucose supplies, district policy.....	Ch.184	-	496
Investigational drugs, Right To Try Act.....	Ch.168	-	466
Legend Drug Donation Act, expanded qualifications.....	Ch. 81	-	259
Legend drugs, who may possess.....	Ch. 73	-	251
Pharmacists, prescribe immunizations to age 6 & older..	Ch. 62	-	198
MEMORIALS			
Aquatic invasive species, continued federal funding....	SJM104	-	1109
Sage-grouse, protect state conservation plans.....	HJM013	-	1111
USPS budget priorities, urge restructure.....	SJM105	-	1110
MENTAL HEALTH			
H&W Dept, approp, mental health, substance abuse.....	Ch.250	-	664
H&W Dept, duties include suicide prevention services...	Ch. 97	-	293
Mental disease institution, Medicaid reimbursement.....	Ch.173	-	476
MENTALLY RETARDED			
See DISABLED			
MILITARY AND MILITIA			
Adjutant General, duties.....	Ch.205	-	575
Division, approp.....	Ch. 96	-	291
Homeland Security to Office of Emergency Management....	Ch.118	-	330
National Guard activation, re-employment rights.....	Ch.122	-	355
Purple Heart Day, State of Idaho, designate.....	SCR146	-	1124
Year of Idaho Military Families, observe in 2016.....	HCR028	-	1133
MINERALS AND MINING			
125th anniversary, Hecla Mining Company, congratulate..	SCR148	-	1126
Idaho Geological Survey, records, use, availability....	Ch.194	-	541
Mining, certain requirements of reclamation activities.	Ch. 22	-	28
Oil well, Lands Dept duties, track integration, appeals	Ch. 48	-	129
MODEL LAWS			
See UNIFORM AND MODEL LAWS			
MONUMENTS			
Statue of Liberty, commemorating 130th anniversary....	HCR029	-	1134
MORTGAGES			
Appraisal Management Co Registration/Regulation Act....	Ch.131	-	386
MORTICIANS			
Board, revise provisions regarding membership.....	Ch.340	-	930
Mortician/funeral director trainee license duration....	Ch. 79	-	258
Prearrangement sales contracts, additional requirements	Ch. 80	-	258
MOSQUITO ABATEMENT			
See PESTS AND PESTICIDES			
MOTOR CARRIERS			
Commercial vehicle license plates, same/new number....	Ch.121	-	353
Interstates in Idaho, classification based on purpose..	Ch. 36	-	87
Vehicles, certain allowable lengths, extensions.....	Ch. 58	-	179
MOTOR FUELS			
See FUELS			
MOTOR VEHICLES			
Electronic voter registration for persons with DMV IDs.	Ch.359	-	1052

Off-road vehicles, when permitted on highways.....	Ch.237 -	632
Online insurance verification system, alternative.....	Ch.141 -	407
Service contracts, driver reimbursement excluded.....	Ch. 59 -	182
Vehicles, certain allowable lengths, extensions.....	Ch. 58 -	179
MOTORBIKES AND MOTORCYCLES		
Motorbike Recreation Acct funds, recreation easements..	Ch.120 -	352
Off-road vehicles, when permitted on highways.....	Ch.237 -	632
MOVIES AND THEATERS		
Alcoholic beverages, prohibited acts, licensed premises	Ch.291 -	821
MULTISTATE COMPACTS AND AGREEMENTS		
Advanced Practice Registered Nurse Compact.....	Ch. 55 -	151
EMS Personnel Licensure Interstate Compact, enact.....	Ch. 60 -	183
Motor vehicle service contracts, reimbursement excluded	Ch. 59 -	182
Nurse Licensure Compact.....	Ch. 56 -	165
MUSIC		
Music In Our Schools Month, observance in March.....	HCR031 -	1136
NAMES		
See IDENTITY AND NAMES		
NATIONAL GUARD		
See MILITARY AND MILITIA		
NATIVE AMERICANS		
Child Protective Act, revise certain requirements.....	Ch.265 -	699
NATURAL RESOURCES		
See also ENVIRONMENT		
125th anniversary, Hecla Mining Company, congratulate..	SCR148 -	1126
Eastern Snake Plain Aquifer agreement, support.....	SCR138 -	1120
Eastern Snake Plain Aquifer recharge target.....	SCR136 -	1117
Idaho Geological Survey, records, use, availability....	Ch.194 -	541
Oil well, Lands Dept duties, track integration, appeals	Ch. 48 -	129
Solar production of energy, taxation.....	Ch.189 -	513
State or federal land, catastrophic public nuisance....	Ch.366 -	1075
Water Resource Bd, evaluate/manage aquifer shortage....	SCR137 -	1118
NUISANCES		
State or federal land, catastrophic public nuisance....	Ch.366 -	1075
NURSING AND NURSES		
Advanced Practice Registered Nurse Compact.....	Ch. 55 -	151
Board, revise provisions regarding membership.....	Ch.340 -	930
Licensure board, executive director qualifications.....	Ch.341 -	966
Nurse Licensure Compact.....	Ch. 56 -	165
Patient Freedom of Information Act, certain information	Ch. 76 -	252
Practice of nursing, definition.....	Ch.215 -	602
NURSING HOMES		
See ASSISTED LIVING AND NURSING HOMES		
OBSCENITY		
Alcoholic beverages, prohibited acts, licensed premises	Ch.291 -	821
OCCUPATIONAL LICENSES BUREAU		
Cosmetology license renewal/reinstatement.....	Ch.163 -	446
Mortician/funeral director trainee license duration....	Ch. 79 -	258

OCCUPATIONAL THERAPY

Board, revise provisions regarding membership..... Ch.340 - 930

OFFICERS

County elected officers, attorney general investigation Ch.135 - 399

OIL

Idaho Geological Survey, records, use, availability.... Ch.194 - 541

Oil well, Lands Dept duties, track integration, appeals Ch. 48 - 129

OLYMPICS

See ATHLETICS

OPTOMETRY AND OPTOMETRISTS

Board, revise provisions regarding membership..... Ch.340 - 930

Optometrists, license renewal provisions Ch.116 - 329

Patient Freedom of Information Act, certain information Ch. 76 - 252

OUTFITTERS AND GUIDES

Board, revise provisions regarding membership..... Ch.340 - 930

PACKAGING

Auxiliary containers, regulation only by legislature .. Ch.204 - 574

PARDONS AND PAROLE

Com, approp..... Ch.369 - 1082

Com, rule rejected..... HCR039 - 1141

Parole violation hearing, nonviolent/nonsexual conduct. Ch.267 - 719

PARENTS

Child Protective Act, revise certain requirements..... Ch.265 - 699

Compromise claim of minor, petition, priority, approval Ch.238 - 633

Juvenile proceedings, adoption, placement..... Ch.347 - 999

Parental rights in education, responsibility, notice... Ch.143 - 410

Third grade reading instruction, intervention plan.... Ch.187 - 509

PARKS AND RECREATION

Dept, approp..... Ch.222 - 614

Lava Hot Springs Foundation, approp..... Ch.231 - 627

PARTNERSHIPS

Idaho Rural Development Partnership Act, revised..... Ch. 90 - 278

PERMITS

See LICENSES

PERSI

See RETIREMENT

PESTS AND PESTICIDES

Aquatic invasive species, continued federal funding.... SJM104 - 1109

Commission on Pesticide Management, repeal..... Ch. 19 - 24

Pest Control Deficiency Fund, approp..... Ch. 5 - 6

PETITIONS

Compromise claim of minor, petition, priority, approval Ch.238 - 633

PETROLEUM

Petroleum Gas Safety Board, membership..... Ch.340 - 930

PETS

Companion animals, torture, definitions, penalties.... Ch.190 - 523

Dangerous and At-Risk Dogs Act.....	Ch.285 -	785
PHARMACIES AND PHARMACISTS		
Biological products, pharmacist report to prescriber...	Ch.197 -	552
Board, revise provisions regarding membership.....	Ch.340 -	930
Board, terms of office and compensation.....	Ch. 71 -	248
Contraceptives and prophylactics, repeal regulations...	Ch. 75 -	252
Controlled substances database, delegate access.....	Ch. 82 -	262
Controlled substances database, who may access.....	Ch. 72 -	249
Controlled substances, schedule II revised.....	Ch. 70 -	245
Controlled substances, storage requirements.....	Ch. 74 -	252
Epinephrine auto-injectors, prescribing provisions.....	Ch.264 -	693
Legend Drug Donation Act, expanded qualifications.....	Ch. 81 -	259
Legend drugs, who may possess.....	Ch. 73 -	251
Licensure board, executive director qualifications	Ch.341 -	966
Pharmacists, prescribe immunizations to age 6 & older..	Ch. 62 -	198
PHYSICAL THERAPISTS		
Board, revise provisions regarding membership.....	Ch.340 -	930
Patient Freedom of Information Act, certain information	Ch. 76 -	252
Physical therapy, license renewal, reinstatement.....	Ch.117 -	329
PHYSICIANS AND SURGEONS		
Abortion, ultrasound availability information.....	Ch.283 -	782
Biological products, pharmacist report to prescriber...	Ch.197 -	552
Epinephrine auto-injectors, prescribing provisions.....	Ch.264 -	693
Idaho Unborn Infants Dignity Act.....	Ch.368 -	1078
Patient Freedom of Information Act, certain information	Ch. 76 -	252
PLUMBING AND PLUMBERS		
Board, revise provisions regarding membership.....	Ch.340 -	930
PODIATRY AND PODIATRISTS		
Board, revise provisions regarding membership.....	Ch.340 -	930
Patient Freedom of Information Act, certain information	Ch. 76 -	252
POLICE, IDAHO STATE		
See also LAW ENFORCEMENT		
Approp.....	Ch.180 -	487
Approp, add'l	Ch.302 -	852
Approp, revised.....	Ch. 15 -	20
College scholarship eligibility, funds investment.....	Ch. 32 -	77
Idaho State Police, alcohol beverage rule rejected.....	HCR040 -	1142
Idaho peace officers, recognize, honor.....	SCR132 -	1113
Protection orders, malicious harassment, stalking.....	Ch.270 -	724
Sexual assault evidence kits, testing/duties/procedures	Ch.175 -	478
POLITICAL PARTIES		
Political statements, identity of person responsible...	Ch.304 -	858
POLLUTION		
Aquatic invasive species, continued federal funding....	SJM104 -	1109
DEQ, IPDES permits, appeals, enforcement authority....	Ch.128 -	373
Dept of Agriculture/DEQ, management of cattle byproduct	Ch.129 -	375
Underground storage tank program, funding, fees.....	Ch. 52 -	148
Water body classifications, risk levels.....	Ch.111 -	316
Water quality, authorizing access to certain records...	Ch.146 -	412
PORNOGRAPHY		
Alcoholic beverages, prohibited acts, licensed premises	Ch.291 -	821

PORT DISTRICTS
See DISTRICTS

POSTAL SYSTEM

USPS budget priorities, urge restructure..... SJM105 - 1110

POWER

See ENERGY

PRECIOUS METALS

125th anniversary, Hecla Mining Company, congratulate.. SCR148 - 1126

PRESCRIPTIONS

Biological products, pharmacist report to prescriber... Ch.197 - 552
Controlled substances database, delegate access..... Ch. 82 - 262
Controlled substances database, who may access..... Ch. 72 - 249
Controlled substances, schedule II revised..... Ch. 70 - 245
Controlled substances, storage requirements..... Ch. 74 - 252
Epinephrine auto-injectors, prescribing provisions..... Ch.264 - 693
Insulin & blood glucose supplies, district policy..... Ch.184 - 496
Investigational drugs, Right To Try Act..... Ch.168 - 466
Legend Drug Donation Act, expanded qualifications..... Ch. 81 - 259
Legend drugs, who may possess..... Ch. 73 - 251

PRISONS AND PRISONERS

Labor of prisoners, community service projects..... Ch.212 - 597
Parole violation hearing, nonviolent/nonsexual conduct. Ch.267 - 719

PROBATE

See also ESTATES

Compromise claim of minor, petition, priority, approval Ch.238 - 633
Estates, remove reference to a family allowance..... Ch.262 - 681
Surviving spouse, qualifications, revocation by divorce. Ch.362 - 1068
Uniform Fiduciary Access to Digital Assets Act..... Ch.263 - 685

PROFESSIONAL TECHNICAL EDUCATION

Barber college licensing, student qualifications..... Ch.169 - 469
Career Technical Education Div, approp..... Ch.327 - 908
Career technical ed, additional allocation for staff... Ch.352 - 1038
Education, professional-technical to career technical . Ch. 25 - 33
Industry Partner Fund, professional-technical colleges. Ch.266 - 718
Vocational rehabilitation, acceptance of federal acts.. Ch. 41 - 91

PROFESSIONS

Accountancy Bd, revise provisions regarding membership. Ch.340 - 930
Acupuncture Bd, revise provisions regarding membership. Ch.340 - 930
Adjutant General, duties..... Ch.205 - 575
Advanced Practice Registered Nurse Compact..... Ch. 55 - 151
Appraisal Management Co Registration/Regulation Act... Ch.131 - 386
Architectural Examiner Bd, membership provisions..... Ch.340 - 930
Architectural Examiners Bd, revise compensation..... Ch.154 - 424
Barber Examiners Bd, provisions regarding membership... Ch.340 - 930
Barber college licensing, student qualifications..... Ch.169 - 469
Contractors Bd, revise provisions regarding membership. Ch.340 - 930
Cosmetology Bd, revise provisions regarding membership. Ch.340 - 930
Cosmetology license renewal/reinstatement..... Ch.163 - 446
Counselors/Marriage/Family Therapists Bd, membership... Ch.340 - 930
Dentistry Bd, revise provisions regarding membership... Ch.340 - 930
Dentistry Bd, revise provisions regarding membership.. Ch.340 - 930

EMS Personnel Licensure Interstate Compact, enact.....	Ch. 60	-	183
EMT/paramedic scholarship eligibility, funds investment	Ch. 32	-	77
Education, professional-technical to career technical .	Ch. 25	-	33
Engineers/Land Surveyors Bd, membership provisions.....	Ch.340	-	930
Engineers/surveyors, exams, restricted licensure.....	Ch.142	-	409
Firefighters, certain occupational diseases.....	Ch.276	-	759
Genetic Counselors Licensing Bd, membership	Ch.340	-	930
Heating/Ventilation/Air Conditioning Bd, membership ...	Ch.340	-	930
Idaho peace officers, recognize, honor.....	SCR132	-	1113
Insurance producer, licensing revocation provisions....	Ch. 50	-	144
Landscape Architects Bd, membership provisions.....	Ch.340	-	930
Massage therapy, student tuition credit program.....	Ch.174	-	476
Mortician/funeral director trainee license duration....	Ch. 79	-	258
Morticians Bd, revise provisions regarding membership..	Ch.340	-	930
Nurse Licensure Compact.....	Ch. 56	-	165
Nurses, practice of nursing defined.....	Ch.215	-	602
Nursing Bd, revise provisions regarding membership....	Ch.340	-	930
Nursing Home Administrators Bd, membership provisions..	Ch.340	-	930
Occupational Therapy Licensure Bd, membership.....	Ch.340	-	930
Optometrists, license renewal provisions.....	Ch.116	-	329
Optometry Bd, revise provisions regarding membership...	Ch.340	-	930
Outfitters/Guides Licensing Bd, membership provisions..	Ch.340	-	930
Pharmacists, prescribe immunizations to age 6 & older..	Ch. 62	-	198
Pharmacy Bd, revise provisions regarding membership....	Ch.340	-	930
Physical Therapy Licensure Bd, membership provisions...	Ch.340	-	930
Physical therapy, license renewal, reinstatement.....	Ch.117	-	329
Plumbing Bd, revise provisions regarding membership....	Ch.340	-	930
Podiatry Bd, revise provisions regarding membership....	Ch.340	-	930
Professional Geologists Registration Bd, membership....	Ch.340	-	930
Psychologist Examiners Bd, membership provisions.....	Ch.340	-	930
Public Works Contractor Lic Bd, membership provisions..	Ch.340	-	930
Real Estate Appraisers Bd, membership provisions.....	Ch.340	-	930
Real Estate Appraisers, revise definitions.....	Ch.155	-	425
Residential Care Facility Admin Bd, membership	Ch.340	-	930
Retired professional engineer/land surveyor, defined...	Ch. 61	-	195
School district professional personnel, evaluations....	Ch.191	-	526
School employee career ladder, compensation, indicators	Ch.245	-	642
School employment contracts, remove state form approval	Ch. 54	-	150
Shorthand Reporters Bd, membership provisions.....	Ch.340	-	930
Social Work Examiners Bd, membership provisions.....	Ch.340	-	930
Social Work Recognition Month, March 2016, support....	HCR047	-	1147
State personnel, add to list of nonclassified employees	Ch. 33	-	82
Teacher leadership premiums, revise provisions.....	Ch.350	-	1027
Uniform Athlete Agents Act, revised.....	Ch.201	-	561
Veterinarians, alternatives to formal discipline.....	Ch.343	-	980
Veterinary Medicine Bd, provisions regarding membership	Ch.340	-	930

PROPERTY

See also REAL ESTATE

Cemetery lots, resale of unused lots, compensation.....	Ch.171	-	472
Farm equipment repurchase requirements, charges.....	Ch.213	-	597
Foreclosure, trustee sale, nontitled personal property.	Ch.364	-	1071
Homeowner associations, prohibited conduct	Ch.209	-	592
Homeowner's exemption, \$100K, no inflation adjuster....	Ch. 94	-	287
Motorbike Recreation Acct funds, recreation easements..	Ch.120	-	352
Nonconsensual common law liens, prohibited, penalties..	Ch.170	-	470
Operating property not in taxable value for making levy	Ch. 29	-	70

Real Estate Appraisers, revise definitions.....	Ch.155	-	425
Regulatory takings, request by owner for analysis.....	Ch.225	-	620
Tax deed sale proceeds, unclaimed property.....	Ch.211	-	594
Trust deeds, definition of the term "trustee".....	Ch.227	-	624
PROPERTY TAX			
See TAX AND TAXATION, PROPERTY			
PROSECUTING ATTORNEYS			
See ATTORNEYS			
PSYCHIATRY AND PSYCHIATRISTS			
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
PSYCHOLOGY AND PSYCHOLOGISTS			
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
Psychologist Examiners Bd, membership provisions.....	Ch.340	-	930
PUBLIC ASSISTANCE			
Independent Living Council, revise reference.....	Ch.224	-	619
Legend Drug Donation Act, expanded qualifications.....	Ch. 81	-	259
Legend drugs, who may possess.....	Ch. 73	-	251
Mental disease institution, Medicaid reimbursement.....	Ch.173	-	476
Providers, provisions for civil monetary penalties.....	Ch.106	-	307
State Public Defense Com duties, county funds, grants..	Ch.195	-	544
PUBLIC BROADCASTING			
Idaho Public Television, approp.....	Ch. 95	-	290
PUBLIC EMPLOYEE RETIREMENT SYSTEM			
See RETIREMENT			
PUBLIC RECORDS			
See RECORDS			
PUBLIC UTILITIES			
See UTILITIES			
PUBLIC WORKS			
Div, approp.....	Ch.372	-	1088
Div, approp, add'l.....	Ch.372	-	1088
Public works, award of contracts.....	Ch. 35	-	85
PURCHASING			
Exclusions from local government purchasing laws.....	Ch.290	-	820
Public procurement, legislative study committee.....	HCR048	-	1147
State Procurement Act.....	Ch.289	-	792
RACING			
Horse Racing Com, certain payment to horse council.....	Ch. 63	-	198
RADIO			
See TELECOMMUNICATIONS			
REAL ESTATE			
See also PROPERTY			
Appraisal Management Co Registration/Regulation Act....	Ch.131	-	386
Commission, revise provisions regarding membership.....	Ch.340	-	930
Foreclosure, trustee sale, nontitled personal property.	Ch.364	-	1071
Homeowner associations, prohibited conduct	Ch.209	-	592
Real Estate Appraisers Board, membership.....	Ch.340	-	930
Real Estate Appraisers, revise definitions.....	Ch.155	-	425

REAL PROPERTY

Cemetery lots, resale of unused lots, compensation.....	Ch.171 -	472
Homeowner associations, prohibited conduct	Ch.209 -	592
Homeowner's exemption, \$100K, no inflation adjuster....	Ch. 94 -	287
Nonconsensual common law liens, prohibited, penalties..	Ch.170 -	470
Operating property not in taxable value for making levy	Ch. 29 -	70
Real Estate Appraisers, revise definitions.....	Ch.155 -	425
Trust deeds, definition of the term "trustee".....	Ch.227 -	624

RECLAMATION

Mining, certain requirements of reclamation activities.	Ch. 22 -	28
---	----------	----

RECOGNITION

See HONORS AND AWARDS

RECORDS

City records, historical preservation, nonpaper mediums	Ch.226 -	621
Exemption, firearm sales, federally required records...	Ch.279 -	769
Idaho Geological Survey, records, use, availability....	Ch.194 -	541
Patient Freedom of Information Act, certain information	Ch. 76 -	252
Public records exemption, critical infrastructure.....	Ch.164 -	446
Public records, access to certain water quality records	Ch.146 -	412

RECREATION

Motorbike Recreation Acct funds, recreation easements..	Ch.120 -	352
Recreational water/sewer districts, annexation.....	Ch.278 -	766
Taxing Districts, budgeting forgone increases.....	Ch. 69 -	241

RECREATIONAL VEHICLES

Motorbike Recreation Acct funds, recreation easements..	Ch.120 -	352
---	----------	-----

REGULATORY TAKINGS

See EMINENT DOMAIN

REHABILITATION

Vocational rehabilitation, acceptance of federal acts..	Ch. 41 -	91
---	----------	----

REPORTS

Benefit corporations, annual report filing requirement.	Ch.157 -	428
Continuous student improvement plans, requirement.....	Ch.239 -	635
H&W, reporting requirements, foster care program.....	Ch.284 -	784
Lobbyists, reports by certain state entities.....	Ch.345 -	997
Tax Com, certain school dist reports, availability....	Ch. 87 -	273
Tax Com, no taxable value report to Dept of Education..	Ch. 13 -	15
Urban renewal, provisions, requirements, reporting....	Ch.349 -	1014

RESEARCH

Allow INL research quantities of spent fuel, urge AG...	HCR060 -	1152
Global Entrepreneurial Mission Program, provisions.....	Ch. 84 -	266
Noxious weeds, privately funded research facilities....	Ch.198 -	553

RESERVOIRS

Water resources, artificial barriers, embankments.....	Ch.206 -	577
--	----------	-----

RESIDENTIAL CARE FACILITIES

Administrators license education/training requirements.	Ch.124 -	358
Board, revise provisions regarding membership.....	Ch.340 -	930
Residential care/assisted living facilities, citations.	Ch.210 -	593

RESOLUTIONS, CONCURRENT

125th anniversary, Hecla Mining Company, congratulate..	SCR148	-	1126
2016 U.S. Capitol Christmas tree, Idaho participation..	HCR046	-	1146
Agency fee rules approved, except ISP and H&W.....	SCR153	-	1130
Agency temporary rules approved and extended.....	SCR154	-	1132
Allow INL research quantities of spent fuel, urge AG...	HCR060	-	1152
Associated Logging Contractors of Idaho, honor 50 years	HCR035	-	1139
Black History Month, February, commemorate in Idaho....	SCR133	-	1114
Celebrating 125th anniversary, Great Seal of Idaho....	HCR041	-	1142
Commemorating pulse crop for singular recognition.....	HCR032	-	1137
Commission of Pardons and Parole rule rejected.....	HCR039	-	1141
Eastern Snake Plain Aquifer agreement, support.....	SCR138	-	1120
Eastern Snake Plain Aquifer recharge target.....	SCR136	-	1117
Education Bd opportunity scholarship rules rejected....	HCR045	-	1145
Education Bd/Dept Rule Docket 08-0203-1503 rejected....	SCR139	-	1121
Education Bd/Dept Rule Docket 08-0203-1506 rejected....	SCR140	-	1122
Education Bd/Dept Rule Docket 08-0203-1509 rejected....	HCR044	-	1145
Education Bd/Dept Rule Docket 08-0203-1511 rejected....	SCR141	-	1122
Education, support progress toward "60 by 20" goal.....	SCR134	-	1115
Fish & Game Dept Rule Docket 13-0116-1501 rejected....	HCR055	-	1149
Fly US, Idaho flags on 3/4, 7/3 & 7/4, encourage.....	HCR057	-	1150
Foster care/conservators/guardians, legislative study .	HCR059	-	1151
Honoring Idaho author Anthony Doerr for his work.....	HCR030	-	1135
Idaho Power's 100th anniversary, recognize and honor...	HCR043	-	1144
Idaho State Police, alcohol beverage rule rejected.....	HCR040	-	1142
Idaho peace officers, recognize, honor.....	SCR132	-	1113
Joint Rule 18, statements of purpose, fiscal notes.....	SCR150	-	1128
Joint Rule 20, transmittal of Joint Resolution.....	SCR143	-	1123
Joint Rule 21, certain recorded proceedings.....	SCR144	-	1123
Matt Paradis, Denver Broncos, Super Bowl Championship..	HCR042	-	1143
Mitigating bias, contested cases, legislative study ...	SCR151	-	1129
Music In Our Schools Month, observance in March.....	HCR031	-	1136
National Apprenticeship Week, recognize.....	HCR036	-	1139
National Day of the Cowboy, declared.....	HCR038	-	1140
National Women's History Month, recognized.....	SCR147	-	1125
PUC safety, accident reporting rules rejected.....	HCR051	-	1149
Public procurement, legislative study committee.....	HCR048	-	1147
Public school funding formula, legislative study comm..	HCR033	-	1138
Purple Heart Day, State of Idaho, designate.....	SCR146	-	1124
Social Work Recognition Month, March 2016, support....	HCR047	-	1147
State employee group insurance plan, legislative study.	HCR061	-	1153
Statue of Liberty, commemorating 130th anniversary....	HCR029	-	1134
Veterans cemetery in Eastern Idaho, endorse need	SCR149	-	1127
Water Resource Bd, evaluate/manage aquifer shortage....	SCR137	-	1118
Wheat Commission rules rejected.....	HCR049	-	1148
Year of Idaho Military Families, observe in 2016.....	HCR028	-	1133

RESOLUTIONS, JOINT

Legislative response to administrative rules.....	HJR005	-	1107
---	--------	---	------

RESTAURANTS

See also FOOD

RETIREMENT

PERSI, approp.....	Ch. 65	-	202
Retired professional engineer/land surveyor, defined...	Ch. 61	-	195

REVENUE AND TAXATION
See TAX AND TAXATION

RIGHT-OF-WAY
See EASEMENTS

RIVERS
Submersible well pumps, approved locations..... Ch.355 - 1046

ROADS
See HIGHWAYS

RULES
Administrative Code, certain electronic copies..... Ch.185 - 497
Agency fee rules approved, except ISP and H&W..... SCR153 - 1130
Agency rules, continue in full force and effect..... Ch.354 - 1045
Agency temporary rules approved and extended..... SCR154 - 1132
Amendments to Administrative Rules, requirement..... Ch.367 - 1077
Commission of Pardons and Parole rule rejected..... HCR039 - 1141
Education Bd opportunity scholarship rules rejected.... HCR045 - 1145
Education Bd/Dept Rule Docket 08-0203-1503 rejected.... SCR139 - 1121
Education Bd/Dept Rule Docket 08-0203-1506 rejected.... SCR140 - 1122
Education Bd/Dept Rule Docket 08-0203-1509 rejected.... HCR044 - 1145
Education Bd/Dept Rule Docket 08-0203-1511 rejected.... SCR141 - 1122
Fish & Game Dept Rule Docket 13-0116-1501 rejected.... HCR055 - 1149
Idaho State Police, alcohol beverage rule rejected.... HCR040 - 1142
Joint Rule 18, statements of purpose, fiscal notes..... SCR150 - 1128
Joint Rule 20, transmittal of Joint Resolution..... SCR143 - 1123
Joint Rule 21, certain recorded proceedings..... SCR144 - 1123
Legislative response to administrative rules..... HJR005 - 1107
PUC safety, accident reporting rules rejected..... HCR051 - 1149
Wheat Commission rules rejected..... HCR049 - 1148

SAFETY
Food safety modernization, Dept of Agriculture regulate Ch.172 - 474
Idaho School Safety and Security Act..... Ch.192 - 534
PUC safety, accident reporting rules rejected..... HCR051 - 1149
Protection orders, malicious harassment, stalking..... Ch.270 - 724
Public records exemption, critical infrastructure..... Ch.164 - 446
Underground Facilities Damage Prevention Board..... Ch.325 - 894

SALARIES
See WAGES

SALES
Alcohol beverage catering permits, provisions..... Ch.268 - 721
Cemetery lots, resale of unused lots, compensation.... Ch.171 - 472
Farm equipment repurchase requirements, charges..... Ch.213 - 597
Firearm sales, federally required records not public... Ch.279 - 769
Foreclosure, trustee sale, nontitled personal property. Ch.364 - 1071
Retail sale of liquor by the drink, "person" defined... Ch.153 - 422
Tax deed sale proceeds, unclaimed property..... Ch.211 - 594

SCHOLARSHIPS
Advanced opportunities, rulemaking, support program.... Ch.166 - 450
College scholarship eligibility, funds investment..... Ch. 32 - 77
Education Bd opportunity scholarship rules rejected.... HCR045 - 1145
Postsecondary credit scholarship, requirements, funds.. Ch.374 - 1091

SCHOOLS AND SCHOOL DISTRICTS

Advanced opportunities, rulemaking, support program....	Ch.166	-	450
Broadband Infrastructure Improvement Grant Fund.....	Ch.183	-	495
Career technical ed, additional allocation for staff...	Ch.352	-	1038
Certificated employees, supplemental duty/day contracts	Ch.288	-	791
Charter School Debt Reserve Fund, approp.....	Ch.338	-	927
Charter holders, petition, replication charter schools.	Ch.271	-	727
Civics test, applicability to special education pupils.	Ch. 98	-	295
College and career advisors, provisions, reporting....	Ch. 43	-	93
Community College Districts, powers of board.....	Ch.108	-	312
Community colleges, creation/provisions trustee zones..	Ch.193	-	538
Continuous student improvement plans, requirement.....	Ch.239	-	635
Education Dept, approp, public schools, Central Service	Ch.334	-	917
Education Dept, approp, public schools, Children's Prog	Ch.334	-	917
Education Dept, approp, public schools, Operations Div.	Ch.334	-	917
Education Opportunity Resource Act.....	Ch.182	-	492
Education, professional-technical to career technical .	Ch. 25	-	33
Educational support program, calculations, grades 8-12.	Ch.351	-	1029
Educational support program, literacy intervention....	Ch.186	-	498
Idaho School Safety and Security Act.....	Ch.192	-	534
Insulin & blood glucose supplies, district policy.....	Ch.184	-	496
Leadership premiums, revise provisions.....	Ch.350	-	1027
Local Innovation School Act.....	Ch.305	-	858
Mastery-based education, activity provisions.....	Ch. 45	-	95
Parental rights in education, responsibility, notice...	Ch.143	-	410
Public School Income Fund, approp, add'l.....	Ch.334	-	917
Public school funding formula, legislative study comm..	HCR033	-	1138
Public schools, computer science initiative.....	Ch.156	-	426
STEM Action Center, approp, add'l.....	Ch.323	-	892
School District Bond Credit Enhancement Program, limits	Ch.136	-	400
School bond guarantee, limitation.....	Ch.159	-	442
School district professional personnel, evaluations....	Ch.191	-	526
School employee career ladder, compensation, indicators	Ch.245	-	642
School employment contracts, remove state form approval	Ch. 54	-	150
Staff allowance, determination provisions.....	Ch.348	-	1010
State educational agency employees, sick leave transfer	Ch.199	-	556
Statewide average class size, calculation of.....	Ch.123	-	356
Taxing Districts, budgeting forgone increases.....	Ch. 69	-	241
Third grade reading instruction, intervention plan....	Ch.187	-	509
Trustees, provisions regarding elections.....	Ch.261	-	681
Youth athletes, permission, post-concussion protocol...	Ch.293	-	822

SCIENCE AND TECHNOLOGY

Career technical ed, additional allocation for staff...	Ch.352	-	1038
Noxious weeds, privately funded research facilities....	Ch.198	-	553
Public schools, computer science initiative.....	Ch.156	-	426
STEM Action Center Board, provisions.....	Ch. 37	-	87
STEM Action Center contributions, tax credit.....	Ch. 78	-	255
STEM Action Center, approp.....	Ch.320	-	890
STEM Action Center, approp, add'l.....	Ch.323	-	892
STEM education fund, creation, provisions.....	Ch.140	-	406

SECRETARY OF STATE

Approp.....	Ch.242	-	639
Approp, add'l.....	Ch.315	-	880
Appropriation, add'l, voting system grant program.....	Ch. 14	-	20

Benefit corporations, annual report filing requirement.	Ch.157	-	428
Electronic voter registration for persons with DMV IDs.	Ch.359	-	1052
Liens in crops, notice of claim requirements.....	Ch.202	-	572
SECURITY			
Idaho School Safety and Security Act.....	Ch.192	-	534
SELF-GOVERNING AGENCIES			
Aquaculture Commission, repeal.....	Ch. 85	-	269
Dept, approp, Building Safety Div.....	Ch.149	-	417
Dept, approp, Building Safety Div, add'l.....	Ch. 6	-	6
Dept, approp, Building Safety Div, revised.....	Ch.329	-	910
Dept, approp, Veterans Services Division.....	Ch.236	-	631
Dept, approp, add'l, Public Defense Commission.....	Ch.299	-	850
Dept, approp, medical boards.....	Ch.254	-	672
Dept, approp, medical boards, add'l	Ch. 3	-	4
Dept, approp, regulatory boards.....	Ch.102	-	298
Idaho State Historical Society, approp.....	Ch.310	-	870
Idaho State Lottery, approp.....	Ch. 99	-	296
Library Com, approp.....	Ch.178	-	484
Library Com, approp, add'l.....	Ch.323	-	892
SENATE			
See also LEGISLATURE			
SENIOR CITIZENS			
Nursing Home Admin Bd, provisions regarding membership.	Ch.340	-	930
Residential care/assisted living facilities, citations.	Ch.210	-	593
SENTENCING			
Companion animals, torture, definitions, penalties.....	Ch.190	-	523
SEWERS			
Recreational water/sewer districts, annexation.....	Ch.278	-	766
SEX OFFENSES AND OFFENDERS			
Sex offenses, rape gender neutral.....	Ch.296	-	828
Sexual assault evidence kits, testing/duties/procedures	Ch.175	-	478
Sexual exploitation of child, electronically, penalties	Ch.377	-	1102
SHERIFFS			
Protection orders, malicious harassment, stalking.....	Ch.270	-	724
SILVER			
See PRECIOUS METALS			
SMOKING			
Cigarette taxes, wholesaler bonding requirements.....	Ch. 28	-	69
Millennium Income Fund, approp, tobacco/drug programs..	Ch.370	-	1083
Youth Education Account, repeal.....	Ch. 88	-	274
SOCIAL WORK			
Board, revise provisions regarding membership.....	Ch.340	-	930
Social Work Recognition Month, March 2016, support.....	HCR047	-	1147
SOIL			
Soil and Water Conservation Com, approp.....	Ch.337	-	926
Watershed Improvement Districts, dissolution.....	Ch.295	-	826
SOLAR ENERGY			
Solar production of energy, taxation.....	Ch.189	-	513

SOLID WASTES

See WASTES

SPEED LIMITS

Off-road vehicles, when permitted on highways..... Ch.237 - 632

SPORTS

See ATHLETICS

STATE AGENCIES

See GOVERNMENT

STATE APPELLATE PUBLIC DEFENDER

Approp..... Ch.255 - 673

Provisions related to powers and duties..... Ch.200 - 560

STATE PUBLIC DEFENSE COMMISSION

Approp..... Ch.249 - 664

Approp, add'l..... Ch.299 - 850

State Public Defense Com duties, county funds, grants.. Ch.195 - 544

STATE SYMBOLS

Celebrating 125th anniversary, Great Seal of Idaho..... HCR041 - 1142

Fly US, Idaho flags on 3/4, 7/3 & 7/4, encourage..... HCR057 - 1150

STATEHOUSE

See CAPITOL

STATEMENT OF PURPOSE

Joint Rule 18, statements of purpose, fiscal notes..... SCR150 - 1128

STATUES

See MONUMENTS

STATUTES

See CODES

STREAMS

Submersible well pumps, approved locations..... Ch.355 - 1046

STUDENTS

Advanced opportunities, rulemaking, support program.... Ch.166 - 450

Barber college licensing, student qualifications..... Ch.169 - 469

Civics test, applicability to special education pupils. Ch. 98 - 295

Continuous student improvement plans, requirement..... Ch.239 - 635

Education Dept, approp, public schools, Children's Prog Ch.334 - 917

Education Opportunity Resource Act..... Ch.182 - 492

Educational support program, calculations, grades 8-12. Ch.351 - 1029

Educational support program, literacy intervention..... Ch.186 - 498

Insulin & blood glucose supplies, district policy..... Ch.184 - 496

Massage therapy, student tuition credit program..... Ch.174 - 476

Parental rights in education, responsibility, notice... Ch.143 - 410

Postsecondary credit scholarship, requirements, funds.. Ch.374 - 1091

Residency requirements for public higher education..... Ch.114 - 324

Statewide average class size, calculation of..... Ch.123 - 356

Third grade reading instruction, intervention plan..... Ch.187 - 509

Youth athletes, permission, post-concussion protocol... Ch.293 - 822

STUDIES

Foster care/conservators/guardians, legislative study . HCR059 - 1151

Mitigating bias, contested cases, legislative study ... SCR151 - 1129

Public procurement, legislative study committee.....	HCR048	-	1147
Public school funding formula, legislative study comm..	HCR033	-	1138
State employee group insurance plan, legislative study.	HCR061	-	1153
SUBSTANCE ABUSE			
Millennium Income Fund, approp, tobacco/drug programs..	Ch.370	-	1083
Youth Education Account, repeal.....	Ch. 88	-	274
SUICIDE			
H&W Dept, duties include suicide prevention services...	Ch. 97	-	293
SUPERINTENDENT OF PUBLIC INSTRUCTION			
See also EDUCATION			
Approp.....	Ch.319	-	888
Approp, add'l.....	Ch.323	-	892
Approp, revised.....	Ch.319	-	888
SUPREME COURT			
See COURTS			
SURVEYING AND SURVEYORS			
Engineers/Land Surveyors Bd, membership provisions.....	Ch.340	-	930
Engineers/surveyors, exams, restricted licensure.....	Ch.142	-	409
TAX AND TAXATION			
Cigarette taxes, wholesaler bonding requirements.....	Ch. 28	-	69
Com, no taxable valuation report to Dept of Education..	Ch. 13	-	15
Com, school district report, delete need for submission	Ch. 87	-	273
Fuels, special fuels, distribution of revenues from tax	Ch.152	-	419
IRS tax code update, language regarding marriage.....	Ch. 1	-	3
Insurance premium tax, portion to high risk reinsurance	Ch.361	-	1067
Operating property not in taxable value for making levy	Ch. 29	-	70
PUC/Tax/Industrial commissioner salary increase.....	Ch.247	-	660
Solar production of energy, taxation.....	Ch.189	-	513
Tax Appeals Bd, approp.....	Ch.252	-	669
Tax Com, approp.....	Ch.253	-	670
Tax deed sale proceeds, unclaimed property.....	Ch.211	-	594
Tax on production of wine/certain grapes.....	Ch.165	-	449
Taxing Districts, formed by certain date to make levy..	Ch. 30	-	73
Withholding tax, certain employers to pay monthly.....	Ch. 12	-	12
Withholding tax, employer payment/correction deadlines.	Ch. 31	-	74
TAX AND TAXATION, INCOME			
Deductions, capital gains, cattle/horses/livestock.....	Ch.188	-	511
IRS tax code update, language regarding marriage.....	Ch. 1	-	3
STEM Action Center contributions, tax credit.....	Ch. 78	-	255
Withholding tax, certain employers to pay monthly.....	Ch. 12	-	12
Withholding tax, employer payment/correction deadlines.	Ch. 31	-	74
TAX AND TAXATION, PROPERTY			
Appeal process if no longer assessed as forest land....	Ch. 16	-	21
Homeowner's exemption, \$100K, no inflation adjuster....	Ch. 94	-	287
Operating property not in taxable value for making levy	Ch. 29	-	70
Property tax relief, hardship application deadline.....	Ch. 10	-	10
School dist reports, Tax Com procedures, availability..	Ch. 87	-	273
Tax Com, no taxable value report to Dept of Education..	Ch. 13	-	15
Tax deeds, nonapplication, municipality easements.....	Ch.273	-	750
Taxing Districts, budgeting forgone increases.....	Ch. 69	-	241
Taxing Districts, formed by certain date to make levy..	Ch. 30	-	73

TAX AND TAXATION, SALES AND USE

Aircraft, certain parts exempt, remove sunset.....	Ch. 17 -	23
Exemption, certain aircraft for wildfire activity.....	Ch.326 -	907
Exemption, certain hand tools from certain taxes.....	Ch. 9 -	8
Exemptions, production exemption.....	Ch. 86 -	271
Paddleboards, similar vessels taxable to nonresident...	Ch. 11 -	11

TEACHING AND TEACHERS

Career technical ed, additional allocation for staff...	Ch.352 -	1038
Certificated employees, supplemental duty/day contracts	Ch.288 -	791
Civics test, applicability to special education pupils.	Ch. 98 -	295
College and career advisors, provisions, reporting....	Ch. 43 -	93
Computer science initiative for public schools.....	Ch.156 -	426
Education Dept, approp, public schools, Teachers Div...	Ch.258 -	678
Leadership premiums, revise provisions.....	Ch.350 -	1027
Local Innovation School Act.....	Ch.305 -	858
Parental rights in education, responsibility, notice...	Ch.143 -	410
School district professional personnel, evaluations....	Ch.191 -	526
School employee career ladder, compensation, indicators	Ch.245 -	642
Staff allowance, determination provisions.....	Ch.348 -	1010
Third grade reading instruction, intervention plan....	Ch.187 -	509

TELECOMMUNICATIONS

Public Safety Communications Commission, established...	Ch.127 -	363
---	----------	-----

TELEVISION

Idaho Public Television, approp.....	Ch. 95 -	290
--------------------------------------	----------	-----

THERAPISTS AND THERAPY

Massage therapy, student tuition credit program.....	Ch.174 -	476
Occupational Therapy Licensure Bd, membership.....	Ch.340 -	930
Physical Therapy Licensure Bd, membership provisions...	Ch.340 -	930
Physical therapy, license renewal, reinstatement.....	Ch.117 -	329

TOBACCO

Cigarette taxes, wholesaler bonding requirements.....	Ch. 28 -	69
Millennium Income Fund, approp, tobacco/drug programs..	Ch.370 -	1083
Youth Education Account, repeal.....	Ch. 88 -	274

TRANSPORTATION

Commercial vehicle license plates, same/new number....	Ch.121 -	353
Dept, approp.....	Ch.318 -	885
Dept, approp, add'l.....	Ch.318 -	885
Dept, approp, add'l.....	Ch. 8 -	7
Electronic voter registration for persons with DMV IDs.	Ch.359 -	1052
Federal REAL ID Act, implement certain provisions.....	Ch.228 -	625
Interstates in Idaho, classification based on purpose..	Ch. 36 -	87
License plates, special, veterans surviving spouse....	Ch. 67 -	204
Off-road vehicles, when permitted on highways.....	Ch.237 -	632
Transportation Bd, bases for removal of director.....	Ch. 53 -	149
Vehicles, certain allowable lengths, extensions.....	Ch. 58 -	179

TRAPPING

F&G education programs, trapping.....	Ch.203 -	573
Fish & Game Dept Rule Docket 13-0116-1501 rejected....	HCR055 -	1149

TREASURER, STATE

Approp.....	Ch.256 -	674
Idaho Bond Bank Authority, funds, costs.....	Ch.160 -	443

Investment of endowment funds, other funds, authorized.	Ch.167	-	461
STEM education fund, creation, provisions.....	Ch.140	-	406
Tax deed sale proceeds, unclaimed property.....	Ch.211	-	594
TRUSTS			
Trust deeds, definition of the term "trustee".....	Ch.227	-	624
Trusts, certain persons/trustees don't require charter.	Ch. 44	-	94
TUITION			
Advanced opportunities, rulemaking, support program....	Ch.166	-	450
Community colleges, tuition, out-of-district students..	Ch.303	-	853
Massage therapy, student tuition credit program.....	Ch.174	-	476
UNDERGROUND STORAGE TANKS			
Revises funding, fees regarding state program.....	Ch. 52	-	148
UNEMPLOYMENT			
See EMPLOYMENT SECURITY LAW			
UNFAIR COMPETITION			
Noncompete clause violation, key employee, breach.....	Ch.281	-	779
UNIFORM AND MODEL LAWS			
Uniform Athlete Agents Act, revised.....	Ch.201	-	561
Uniform Fiduciary Access to Digital Assets Act.....	Ch.263	-	685
UNIONS			
See LABOR			
UNIVERSITIES			
See COLLEGES AND UNIVERSITIES			
UNIVERSITY OF IDAHO			
See COLLEGES AND UNIVERSITIES			
URBAN RENEWAL			
Urban renewal, provisions, requirements, reporting....	Ch.349	-	1014
UTILITIES			
PUC safety, accident reporting rules rejected.....	HCR051	-	1149
PUC/Tax/Industrial commissioner salary increase.....	Ch.247	-	660
Public Utilities Commission, approp.....	Ch.232	-	628
Underground Facilities Damage Prevention Board.....	Ch.325	-	894
VEHICLES			
See MOTOR VEHICLES			
VESSELS			
See BOATS			
VETERANS			
Purple Heart Day, State of Idaho, designate.....	SCR146	-	1124
Veteran license plate, when surviving spouse may obtain	Ch. 67	-	204
Veterans Services Division, approp.....	Ch.236	-	631
Veterans cemetery in Eastern Idaho, endorse need	SCR149	-	1127
VETERINARY MEDICINE			
Board, revise provisions regarding membership.....	Ch.340	-	930
Humane Euthanasia Committee instead of task force.....	Ch.119	-	343
UI Animal/Veterinary Science Dept, F&G Acct funds.....	Ch. 57	-	178
Veterinarians, alternatives to formal discipline.....	Ch.343	-	980

VICTIMS

Sexual assault evidence kits, testing/duties/procedures Ch.175 - 478

VIDEOS

Sexual exploitation of child, electronically, penalties Ch.377 - 1102

VISUALLY IMPAIRED

See BLIND

VOCATIONAL REHABILITATION

Acceptance of federal acts, to revise reference..... Ch. 41 - 91

Div, approp..... Ch.216 - 604

VOLUNTEERS

Workers compensation, firefighter occupational diseases Ch.276 - 759

VOTING AND VOTERS

Absentee ballot application deadline revised..... Ch.137 - 402

Early voting, eligible counties, tabulation system.... Ch.138 - 403

Election results posting at polling place not required. Ch.272 - 749

Electronic voter registration for persons with DMV IDs. Ch.359 - 1052

Hydroelectric plant, when Irrigation Dist vote unneeded Ch.144 - 411

Political statements, identity of person responsible... Ch.304 - 858

WAGES

Architectural Examiners Bd, revise compensation..... Ch.154 - 424

Career technical ed, additional allocation for staff... Ch.352 - 1038

District judges, salary set..... Ch.371 - 1087

Minimum wage, political subdivision no higher than Code Ch.145 - 412

PUC/Tax/Industrial commissioner salary increase..... Ch.247 - 660

School employee career ladder, compensation, indicators Ch.245 - 642

Teacher leadership premiums, revise provisions..... Ch.350 - 1027

WASTES

Dept of Agriculture/DEQ, management of cattle byproduct Ch.129 - 375

Recreational water/sewer districts, annexation..... Ch.278 - 766

WATER

Aquatic invasive species, continued federal funding... SJM104 - 1109

Dept of Agriculture/DEQ, management of cattle byproduct Ch.129 - 375

Eastern Snake Plain Aquifer agreement, support..... SCR138 - 1120

Eastern Snake Plain Aquifer recharge target..... SCR136 - 1117

Ground Water Dist, assessments, indebtedness..... Ch.112 - 317

Ground Water Dist, certain assessments, indebtedness... Ch.113 - 321

Ground Water Dist, petition/assessments, annexed lands. Ch.109 - 314

Ground Water Districts, participation by nonmembers.... Ch.110 - 315

Ground water management plan, when not on time priority Ch.297 - 848

Irrigation corporations, maximum administrative charge. Ch.132 - 396

Recreational water/sewer districts, annexation..... Ch.278 - 766

Soil and Water Conservation Com, approp..... Ch.337 - 926

Submersible well pumps, approved locations..... Ch.355 - 1046

Water Resource Bd, evaluate/manage aquifer shortage.... SCR137 - 1118

Water body classifications, risk levels..... Ch.111 - 316

Water diversion, incidental hydropower use, conditions. Ch.139 - 404

Water quality, authorizing access to certain records... Ch.146 - 412

Water resources, artificial barriers, embankments..... Ch.206 - 577

WATER RESOURCES DEPARTMENT

Approp..... Ch.176 - 481

Appropriation, add'l.....	Ch. 18 -	23
Eastern Snake Plain Aquifer recharge target.....	SCR136 -	1117
Water Resource Bd, evaluate/manage aquifer shortage....	SCR137 -	1118
Water body classifications, risk levels.....	Ch.111 -	316
Water resources, artificial barriers, embankments.....	Ch.206 -	577
WATERSHEDS		
Watershed Improvement Districts, dissolution.....	Ch.295 -	826
WEAPONS		
Concealed weapons, prohibited conduct.....	Ch.208 -	585
Firearm sales, federally required records not public...	Ch.279 -	769
WEEDS		
Noxious weeds, privately funded research facilities....	Ch.198 -	553
WELFARE		
See PUBLIC ASSISTANCE		
WELLS		
Oil well, Lands Dept duties, track integration, appeals	Ch. 48 -	129
Submersible well pumps, approved locations.....	Ch.355 -	1046
WHEAT		
Wheat Commission rules rejected.....	HCR049 -	1148
WIDOWS AND WIDOWERS		
Estates, surviving spouse qualifications.....	Ch.362 -	1068
Veteran license plate, when surviving spouse may obtain	Ch. 67 -	204
WILDERNESS		
Tax exemption, certain aircraft for wildfire activity..	Ch.326 -	907
WILDLIFE		
See also ANIMALS		
Compensation for damage to bees/beeives by bears.....	Ch.104 -	304
Controlled hunt drawings, contract with private entity.	Ch.103 -	300
Fish & Game Dept Rule Docket 13-0116-1501 rejected....	HCR055 -	1149
Hunting, prohibit use of unmanned aircraft.....	Ch. 26 -	65
Sage-grouse, protect state conservation plans.....	HJM013 -	1111
Upland game bird permit, revised age provision.....	Ch.207 -	583
Wolf Control Fund, approp.....	Ch.313 -	876
WILLS		
Estates, remove reference to a family allowance.....	Ch.262 -	681
Surviving spouse, qualifications, revocation by divorce.	Ch.362 -	1068
Uniform Fiduciary Access to Digital Assets Act.....	Ch.263 -	685
WINE		
See LIQUOR		
WOLVES		
See WILDLIFE		
WOMEN		
Abortion, ultrasound availability information.....	Ch.283 -	782
Idaho Unborn Infants Dignity Act.....	Ch.368 -	1078
National Women's History Month, recognized.....	SCR147 -	1125
WORKERS COMPENSATION		
Firefighters, certain occupational diseases.....	Ch.276 -	759
Workers compensation insurance, security instruments...	Ch.282 -	780

CODE INDEX

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

Code citation, action, session law chapter number, and page number are shown for bills which passed

TITLE 1				
1-1625	Amended	Ch. 34	-	84
TITLE 5				
5-330	Referred to	Ch. 264	-	698
5-343	Amended	Ch. 25	-	35
TITLE 6				
6-902	Referred to	Ch. 145	-	412
TITLE 10				
10-1111	Amended	Ch. 269	-	724
TITLE 14				
Ch. 5	Referred to	Ch. 91	-	281
Ch. 5	Referred to	Ch. 211	-	595
TITLE 15				
15-2-203	Amended	Ch. 262	-	682
15-2-206	Amended	Ch. 262	-	682
15-2-208	Amended	Ch. 262	-	682
15-2-802	Amended	Ch. 362	-	1068
15-2-804	New Section Added	Ch. 362	-	1069
15-3-906	Amended	Ch. 262	-	683
15-3-1004	Amended	Ch. 262	-	684
Ch. 5	Referred to	HCR 59	-	1151
15-5-210	Amended	Ch. 148	-	416
15-5-212	Amended	Ch. 148	-	416
Pt. 4	Referred to	Ch. 263	-	690
15-5-409a	Amended	Ch. 238	-	633
15-6-114	New Section Added	Ch. 363	-	1071
15-12-213	Amended	Ch. 25	-	35
15-14-101	New Section Added	Ch. 263	-	685
15-14-102	New Section Added	Ch. 263	-	686
15-14-103	New Section Added	Ch. 263	-	687
15-14-104	New Section Added	Ch. 263	-	687
15-14-105	New Section Added	Ch. 263	-	687
15-14-106	New Section Added	Ch. 263	-	688
15-14-107	New Section Added	Ch. 263	-	688
15-14-108	New Section Added	Ch. 263	-	689
15-14-109	New Section Added	Ch. 263	-	689
15-14-110	New Section Added	Ch. 263	-	689
15-14-111	New Section Added	Ch. 263	-	690
15-14-112	New Section Added	Ch. 263	-	690
15-14-113	New Section Added	Ch. 263	-	690
15-14-114	New Section Added	Ch. 263	-	690
15-14-115	New Section Added	Ch. 263	-	691
15-14-116	New Section Added	Ch. 263	-	692
15-14-117	New Section Added	Ch. 263	-	692

15-14-118	New Section Added	Ch.263 -	692
15-14-119	New Section Added	Ch.263 -	692
TITLE 16			
16-1506	Amended	Ch.347 -	999
16-1602	Amended	Ch.265 -	700
16-1602	Amended	Ch.296 -	831
16-1602	Amended	Ch.360 -	1061
16-1615	Amended	Ch.265 -	704
16-1619	Amended	Ch.265 -	705
16-1619	Amended	Ch.347 -	1001
16-1620	Amended	Ch.265 -	707
16-1620	Amended	Ch.347 -	1002
16-1621	Amended	Ch.265 -	709
16-1621	Amended	Ch.347 -	1004
16-1622	Amended	Ch.265 -	712
16-1622	Amended	Ch.347 -	1005
16-1623	Amended	Ch.265 -	716
16-1629	Amended	Ch.347 -	1007
16-1644	New Section Added	Ch.284 -	784
16-1644	New Section Added	Ch.347 -	1009
16-1644	New Section Added	Ch.360 -	1064
16-2002	Amended	Ch.265 -	716
16-2002	Amended	Ch.360 -	1065
16-2005	Amended	Ch.296 -	834
TITLE 18			
18-310	Amended	Ch.296 -	836
18-604	Referred to	Ch.368 -	1079
18-609	Amended	Ch.283 -	782
18-1359	Amended	Ch.289 -	805
18-1502	Amended	Ch.196 -	551
18-1502	Amended	Ch.344 -	987
18-1505	Amended	Ch.147 -	415
18-1507	Amended	Ch.377 -	1103
18-1507A	New Section Added	Ch.377 -	1103
18-2202	Referred to	Ch.263 -	691
18-3302	Amended	Ch.208 -	585
18-3302C	Amended	Ch.208 -	591
18-3302K	Referred to	Ch.208 -	590
18-3309	Amended	Ch. 25 -	36
Ch.41	Referred to	Ch.291 -	821
18-6101	Amended	Ch.296 -	828
18-6107	Amended	Ch.296 -	829
18-6108	Repealed	Ch.296 -	829
18-6109	Repealed	Ch.296 -	829
18-6710	Referred to	Ch.270 -	725
18-7043	New Section Added	Ch.286 -	789
18-7902	Referred to	Ch.270 -	725
18-7905	Referred to	Ch.270 -	725
18-7906	Referred to	Ch.270 -	725
18-7907	New Section Added	Ch.270 -	725
18-7908	New Section Added	Ch.270 -	726
18-7909	New Section Added	Ch.270 -	727
18-8303	Amended	Ch.296 -	838
18-8304	Amended	Ch.296 -	829
18-8304	Amended	Ch.377 -	1105

18-8502	Amended	Ch. 296	-	839
TITLE 19				
19-401	Amended	Ch. 296	-	840
19-849	Referred to	Ch. 195	-	547
19-850	Amended	Ch. 195	-	544
19-851	Amended	Ch. 195	-	547
19-853	Amended	Ch. 47	-	98
19-853	Amended	Ch. 195	-	547
19-859	Referred to	Ch. 195	-	547
19-860	Amended	Ch. 47	-	99
19-862	Amended	Ch. 195	-	548
19-862	Amended	Ch. 214	-	600
19-862A	New Section Added	Ch. 195	-	548
19-864	Amended	Ch. 195	-	551
19-870	Amended	Ch. 200	-	560
19-5307	Amended	Ch. 296	-	841
TITLE 20				
20-229B	Amended	Ch. 267	-	719
20-505	Amended	Ch. 344	-	988
20-505	Referred to	Ch. 377	-	1103
20-509	Amended	Ch. 296	-	842
20-511	Amended	Ch. 51	-	147
20-516	Amended	Ch. 344	-	988
20-525A	Amended	Ch. 296	-	843
20-617	Amended	Ch. 212	-	597
TITLE 21				
21-104	Amended	Ch. 118	-	331
TITLE 22				
22-113	New Section Added	Ch. 172	-	474
22-1801	Repealed	Ch. 19	-	24
22-1802	Repealed	Ch. 19	-	24
22-1803	Repealed	Ch. 19	-	24
22-1804	Repealed	Ch. 19	-	24
22-1805	Repealed	Ch. 19	-	24
22-2402	Amended	Ch. 198	-	553
22-2727	Referred to	Ch. 337	-	927
22-3601	Amended	Ch. 93	-	284
22-3603	Amended	Ch. 93	-	285
22-3604	New Section Added	Ch. 93	-	285
22-3604	Repealed	Ch. 93	-	285
22-3605	Amended	Ch. 93	-	286
22-4401	Repealed	Ch. 85	-	269
22-4402	Repealed	Ch. 85	-	269
22-4403	Repealed	Ch. 85	-	269
22-4404	Repealed	Ch. 85	-	269
22-4405	Repealed	Ch. 85	-	269
22-4406	Repealed	Ch. 85	-	269
22-4407	Repealed	Ch. 85	-	269
22-4408	Repealed	Ch. 85	-	269
22-4409	Repealed	Ch. 85	-	269
22-4902	Amended	Ch. 129	-	376
22-4903	Amended	Ch. 129	-	377
22-4904	Amended	Ch. 129	-	377
22-4907	Amended	Ch. 129	-	378
22-4909A	Amended	Ch. 129	-	379

TITLE 23

23-217	Amended	Ch. 268 -	723
23-504	Referred to	Ch. 277 -	765
23-604	Amended	Ch. 344 -	990
23-604	Referred to	Ch. 196 -	552
23-604	Referred to	Ch. 346 -	998
23-604A	New Section Added	Ch. 346 -	998
23-614	Amended	Ch. 291 -	821
23-616	Amended	Ch. 277 -	765
23-902	Amended	Ch. 153 -	422
23-902	Amended	Ch. 268 -	721
23-902	Amended	Ch. 357 -	1048
23-907	Amended	Ch. 77 -	254
23-934A	Amended	Ch. 268 -	722
23-934B	Amended	Ch. 268 -	723
23-944	Amended	Ch. 357 -	1050
23-949	Amended	Ch. 344 -	990
23-949	Referred to	Ch. 346 -	998
23-1337	Amended	Ch. 181 -	491

TITLE 25

25-239	New Section Added	Ch. 49 -	143
25-240	New Section Added	Ch. 49 -	143
25-2805	Amended	Ch. 285 -	785
25-2808	Amended	Ch. 285 -	786
25-2809	New Section Added	Ch. 285 -	786
25-2810	New Section Added	Ch. 285 -	786
25-2811	New Section Added	Ch. 285 -	788
25-2812	New Section Added	Ch. 285 -	789
25-3102	Amended	Ch. 38 -	88
25-3107	Amended	Ch. 38 -	88
25-3502	Amended	Ch. 190 -	523
25-3504A	New Section Added	Ch. 190 -	524
25-3514	Referred to	Ch. 190 -	524
25-3520A	Amended	Ch. 190 -	524

TITLE 26

26-106	Amended	Ch. 47 -	99
26-1115	Referred to	Ch. 47 -	105
26-31-109	Referred to	Ch. 101 -	298
26-3203	Amended	Ch. 47 -	102
26-3203	Referred to	Ch. 44 -	95
26-3205	Amended	Ch. 44 -	94
26-3205	Amended	Ch. 47 -	105

TITLE 27

27-301	New Section Added	Ch. 171 -	472
27-302	New Section Added	Ch. 171 -	473
27-303	New Section Added	Ch. 171 -	473
27-304	New Section Added	Ch. 171 -	473

TITLE 28

Ch. 9	Referred to	Ch. 202 -	573
28-9-502	Referred to	Ch. 202 -	572
28-23-101	Amended	Ch. 213 -	597
28-23-102	Amended	Ch. 213 -	598

TITLE 30

30-2002	Referred to	Ch. 153 -	423
30-2003	Amended	Ch. 47 -	106

30-2004	Amended	Ch. 47	-	106
30-2005	Amended	Ch. 47	-	106
30-2006	Amended	Ch. 47	-	107
30-2007	Amended	Ch. 47	-	107
30-2008	Amended	Ch. 47	-	108
30-2009	Amended	Ch. 47	-	109
30-2013	Amended	Ch. 157	-	428
30-21-102	Referred to	Ch. 153	-	423
30-21-804	Amended	Ch. 47	-	109
Pt. 2	Referred to	Ch. 47	-	106
30-29-301	Referred to	Ch. 47	-	107
30-29-803 thru				
30-29-809	Referred to	Ch. 47	-	108
30-29-830	Referred to	Ch. 47	-	108
30-29-841	Referred to	Ch. 47	-	109
30-29-842	Referred to	Ch. 47	-	109
30-29-1105	Referred to	Ch. 47	-	106
TITLE 31				
31-709	Amended	Ch. 47	-	109
31-808	Amended	Ch. 211	-	594
31-808	Amended	Ch. 273	-	751
31-831	New Section Added	Ch. 366	-	1075
31-832	New Section Added	Ch. 366	-	1076
31-833	New Section Added	Ch. 366	-	1077
31-834	New Section Added	Ch. 366	-	1077
31-871A	Referred to	Ch. 47	-	109
31-1408	Amended	Ch. 89	-	275
31-1409	Amended	Ch. 89	-	276
31-1410	Amended	Ch. 89	-	276
31-1410A	Referred to	Ch. 89	-	277
31-1410B	New Section Added	Ch. 89	-	277
31-1412	Referred to	Ch. 89	-	277
31-2002	Amended	Ch. 135	-	399
31-2202	Referred to	Ch. 366	-	1076
31-2229	Amended	Ch. 118	-	331
31-3201	Amended	Ch. 344	-	990
31-3201A	Amended	Ch. 344	-	991
31-3201H	Amended	Ch. 34	-	84
31-3201H	Amended	Ch. 344	-	995
31-3204	Amended	Ch. 344	-	996
Ch. 34	Referred to	Ch. 214	-	600
31-3403	Amended	Ch. 214	-	600
31-4602	Referred to	Ch. 214	-	600
31-4801	Amended	Ch. 127	-	364
31-4802	Amended	Ch. 127	-	365
31-4803	Referred to	Ch. 127	-	364
31-4804	Amended	Ch. 127	-	367
31-4804A	Amended	Ch. 127	-	368
31-4815	Amended	Ch. 127	-	369
31-4816	Amended	Ch. 127	-	370
31-4817	Amended	Ch. 127	-	371
31-4819	Amended	Ch. 127	-	372
31-4820	New Section Added	Ch. 127	-	373
31-4821	New Section Added	Ch. 127	-	373

TITLE 33

33-107B	Amended	Ch. 25 -	37
33-107D	Amended	Ch. 25 -	39
33-119	Referred to	Ch.114 -	325
33-119	Referred to	Ch.305 -	859
33-122	Referred to	Ch.305 -	859
33-123	Amended	Ch. 25 -	39
33-125	Amended	Ch.182 -	494
33-125A	Amended	Ch.182 -	494
33-125B	Amended	Ch.289 -	807
33-130	Referred to	Ch.305 -	859
33-301	Referred to	Ch.108 -	312
33-315	Referred to	Ch.271 -	739
33-316	Referred to	Ch.271 -	739
33-320	Amended	Ch.239 -	635
33-502B	Amended	Ch.261 -	681
33-513	Amended	Ch.191 -	526
33-514	Amended	Ch.191 -	530
33-515	Amended	Ch.191 -	531
33-515	Amended	Ch.245 -	655
33-515A	Amended	Ch.288 -	791
33-520	Amended	Ch.184 -	496
33-520A	Referred to	Ch.264 -	698
33-601	Referred to	Ch.108 -	312
33-910	New Section Added	Ch.183 -	495
33-1001	Amended	Ch.245 -	642
33-1002	Amended	Ch.166 -	453
33-1002	Amended	Ch.166 -	457
	(as amended by Sec. 2, Ch. 229, Laws of 2015)		
33-1002	Amended	Ch.186 -	498
33-1002	Amended	Ch.186 -	503
	(as amended by Sec. 2, Ch. 229, Laws of 2015)		
33-1002	Amended	Ch.351 -	1029
33-1002	Amended	Ch.351 -	1033
	(as amended by Sec. 2, Ch. 229, Laws of 2015)		
33-1002	Amended	Ch.374 -	1093
33-1002	Amended	Ch.374 -	1097
	(as amended by Sec. 2, Ch. 229, Laws of 2015)		
33-1002	Referred to	Ch.123 -	358
33-1002G	Amended	Ch. 25 -	39
33-1004	Amended	Ch.123 -	356
33-1004	Amended	Ch.348 -	1010
33-1004	New Section Added	Ch.348 -	1012
33-1004	Referred to	Ch.245 -	653
33-1004	Referred to	Ch.306 -	862
33-1004	Repealed	Ch.348 -	1012
33-1004A	Amended	Ch.245 -	644
33-1004A	Referred to	Ch.306 -	862
33-1004B	Amended	Ch.245 -	646
33-1004B	Amended	Ch.245 -	649
	(as enacted by Sec. 6, Ch. 229, Laws of 2015)		
33-1004B	Amended	Ch.352 -	1038
33-1004B	Amended	Ch.352 -	1041
	(as amended by Sec. 6, Ch. 229, Laws of 2015)		
33-1004B	Referred to	Ch.306 -	862

33-1004C	Amended	Ch.245 -	651
33-1004E	Amended	Ch.245 -	651
33-1004E	Amended	Ch.257 -	676
33-1004E	Amended	Ch.306 -	862
33-1004E	New Section Added	Ch.245 -	653
33-1004E	Repealed	Ch.245 -	653
33-1004J	Amended	Ch.350 -	1027
33-1009	Referred to	Ch.348 -	1010
33-1018	Referred to	Ch.306 -	863
33-1018	Referred to	Ch.308 -	868
33-1018	Referred to	Ch.348 -	1010
33-1021	Amended and Redesignated 33-1023	Ch. 47 -	110
	(as amended by Sec. 1, Ch. 310, Laws of 2011)		
33-1023	Redesignated from 33-1021	Ch. 47 -	110
33-1201	Referred to	Ch.245 -	654
33-1201A	Amended	Ch.245 -	654
33-1208	Amended	Ch.296 -	844
33-1212A	Amended	Ch. 43 -	93
33-1217	Amended	Ch.199 -	560
33-1252	Amended	Ch. 25 -	40
Ch.16	Referred to	Ch.307 -	866
33-1602	Amended	Ch. 98 -	295
33-1612	Referred to	Ch.271 -	749
33-1614	New Section Added	Ch.187 -	509
33-1614	Repealed	Ch.186 -	507
33-1614	Repealed	Ch.187 -	509
33-1615	New Section Added	Ch.186 -	507
33-1615	Referred to	Ch.187 -	509
33-1615	Repealed	Ch.186 -	507
33-1616	New Section Added	Ch.186 -	508
33-1616	Referred to	Ch.187 -	509
33-1616	Repealed	Ch.186 -	508
33-1625	Amended	Ch.293 -	822
33-1629	Amended	Ch. 25 -	41
33-1630	Amended and Redesignated 33-1632	Ch. 45 -	95
	(as enacted by Sec. 1, Ch. 68, Laws of 2015)		
33-1630	Amended and Redesignated 33-1631	Ch. 47 -	110
	(as enacted by Sec. 2, Ch. 289, Laws of 2015)		
33-1630	Amended and Redesignated 33-1632	Ch. 47 -	111
	(as enacted by Sec. 1, Ch. 68, Laws of 2015)		
33-1631	Redesignated from 33-1630	Ch. 47 -	110
33-1632	Redesignated from 33-1630	Ch. 45 -	95
33-1632	Redesignated from 33-1630	Ch. 47 -	111
33-1633	New Section Added	Ch.156 -	427
Ch.21	Referred to	Ch.193 -	541
33-2104A	New Section Added	Ch.193 -	538
33-2105	Referred to	Ch.193 -	538
33-2106	Amended	Ch.193 -	539
33-2107	Amended	Ch.108 -	312
33-2110	Amended	Ch. 25 -	42
33-2110A	Amended	Ch.303 -	853
33-2110B	Amended	Ch.303 -	855
33-2117	Amended	Ch.303 -	857
33-2202	Amended	Ch. 25 -	43
33-2203	Amended	Ch. 25 -	44

33-2204	Amended	Ch. 25	-	44
33-2205	Amended	Ch. 25	-	44
33-2206	Amended	Ch. 25	-	45
33-2207	Amended	Ch. 25	-	45
33-2208	Amended	Ch. 25	-	45
33-2209	Amended	Ch. 25	-	46
33-2210	Amended	Ch. 25	-	46
33-2211	Amended	Ch. 25	-	46
33-2211	Amended	Ch.108	-	313
33-2212	Amended	Ch. 25	-	47
33-2213	New Section Added	Ch.266	-	719
33-2301	Amended	Ch. 41	-	91
33-2303	Amended	Ch. 25	-	47
33-2306	Amended	Ch. 25	-	48
33-2503	Amended	Ch.289	-	808
33-3406	Amended	Ch.289	-	809
33-3717B	Amended	Ch.114	-	324
33-3726	Amended	Ch. 25	-	48
33-3726	Amended	Ch.125	-	359
33-3727	Amended	Ch. 25	-	49
33-4302	Amended	Ch. 32	-	77
33-4303	Amended	Ch. 25	-	49
33-4303	Amended	Ch. 32	-	79
33-4601	Amended	Ch.166	-	450
33-4601A	New Section Added	Ch.374	-	1091
33-4602	New Section Added	Ch.166	-	451
33-4602	Repealed	Ch.166	-	451
33-4603	Amended	Ch. 25	-	51
33-4603	Repealed	Ch.166	-	453
33-4604	Repealed	Ch.166	-	453
33-4605	New Section Added	Ch.374	-	1091
33-4605	Repealed	Ch.166	-	453
33-4605	Repealed	Ch.374	-	1091
33-4701	Repealed	Ch. 88	-	274
33-4702	Repealed	Ch. 88	-	274
33-4703	Repealed	Ch. 88	-	274
33-4704	Repealed	Ch. 88	-	274
33-4803	Amended	Ch. 25	-	52
33-4901	Amended	Ch. 25	-	53
33-4902	Amended	Ch. 25	-	53
33-4903	Amended	Ch. 25	-	53
33-4904	Amended	Ch. 25	-	54
33-4905	Amended	Ch. 25	-	54
33-4906	Amended	Ch. 25	-	54
Ch.52	Referred to	Ch.271	-	728
33-5202A	Amended	Ch. 25	-	54
33-5202A	Amended	Ch.271	-	728
33-5203	Amended	Ch.271	-	729
33-5204	Amended	Ch.271	-	730
33-5204	Amended	Ch.271	-	732
	(as amended by Sec. 71, Ch. 141, Laws of 2015)			
33-5204	Referred to	Ch.305	-	859
33-5205	Amended	Ch.271	-	733
33-5205C	New Section Added	Ch.271	-	739
33-5206	Amended	Ch. 54	-	150

33-5206	Amended	Ch.271	-	739
33-5207	Amended	Ch.271	-	741
33-5208	Amended	Ch.271	-	743
33-5209A	Amended	Ch.271	-	746
33-5209B	Amended	Ch.271	-	746
33-5209C	Amended	Ch.271	-	747
33-5210	Amended	Ch.271	-	748
33-5215	Amended	Ch. 25	-	55
33-5215	Amended	Ch.245	-	655
33-5217	Referred to	Ch.338	-	927
Ch.53	Referred to	Ch.136	-	401
33-5303	Amended	Ch.159	-	442
33-5402	Amended	Ch.289	-	810
33-5409	Referred to	Ch.167	-	465
33-5410	Amended	Ch. 91	-	281
33-5504	Amended	Ch.289	-	811
Ch.56	Referred to	Ch.323	-	892
33-5601	New Section Added	Ch.143	-	410
33-5601	New Section Added	Ch.182	-	492
33-5602	New Section Added	Ch.143	-	411
33-5602	New Section Added	Ch.182	-	492
33-5603	New Section Added	Ch.182	-	493
33-5604	New Section Added	Ch.182	-	493
33-5605	New Section Added	Ch.182	-	494
33-5801	New Section Added	Ch.192	-	534
33-5801	New Section Added	Ch.305	-	859
33-5802	New Section Added	Ch.192	-	534
33-5802	New Section Added	Ch.305	-	859
33-5803	New Section Added	Ch.192	-	534
33-5803	New Section Added	Ch.305	-	859
33-5804	New Section Added	Ch.192	-	534
33-5804	New Section Added	Ch.305	-	859
33-5805	New Section Added	Ch.192	-	535
33-5806	New Section Added	Ch.192	-	536
TITLE 34				
Ch.1	Referred to	Ch.349	-	1023
34-106	Referred to	Ch.349	-	1015
34-404	Amended	Ch.359	-	1054
34-408	Amended	Ch.359	-	1055
34-408A	Amended	Ch.359	-	1055
34-409	New Section Added	Ch.359	-	1052
34-416	Amended	Ch.359	-	1055
34-419	Amended	Ch.359	-	1056
34-420	Amended	Ch.359	-	1056
34-439A	Amended	Ch. 47	-	111
34-616	Amended	Ch. 47	-	112
34-901	Referred to	Ch.138	-	404
34-1002	Amended	Ch.137	-	402
34-1012	Amended	Ch.138	-	403
34-1113	Referred to	Ch.359	-	1053
34-1114	Referred to	Ch.359	-	1053
34-1203	Amended	Ch.272	-	749
TITLE 36				
36-104	Amended	Ch.103	-	300
36-104A	New Section Added	Ch.103	-	303

36-107	Amended	Ch. 57 -	178
36-409	Amended	Ch. 207 -	583
36-412	Amended	Ch. 203 -	573
36-1101	Amended	Ch. 26 -	65
36-1109	Amended	Ch. 104 -	304
36-1402	Amended	Ch. 47 -	113
36-2106	Amended	Ch. 340 -	931
TITLE 37			
37-602	New Section Added	Ch. 129 -	379
37-602	Repealed	Ch. 129 -	379
37-603	Amended	Ch. 129 -	380
37-604	Amended	Ch. 129 -	381
37-605	New Section Added	Ch. 129 -	383
37-605	Repealed	Ch. 129 -	383
37-606	Amended	Ch. 129 -	383
37-606A	New Section Added	Ch. 129 -	384
37-607	Amended	Ch. 129 -	384
37-608	New Section Added	Ch. 129 -	385
37-608	Repealed	Ch. 129 -	384
37-609	New Section Added	Ch. 129 -	385
37-609	Repealed	Ch. 129 -	385
37-2707	Amended	Ch. 70 -	245
37-2720	Amended	Ch. 74 -	252
37-2726	Amended	Ch. 72 -	249
37-2726	Amended	Ch. 82 -	262
37-2738	Amended	Ch. 161 -	444
TITLE 38			
38-131	Referred to	Ch. 330 -	911
38-131A	Referred to	Ch. 330 -	911
TITLE 39			
Title.39	Referred to	Ch. 129 -	376
Ch.1	Referred to	Ch. 129 -	377
39-101 thru			
39-130	Referred to	Ch. 128 -	374
39-107C	Amended	Ch. 130 -	386
39-108	Referred to	Ch. 128 -	374
39-109	Referred to	Ch. 128 -	374
39-117	Referred to	Ch. 128 -	374
39-118	Referred to	Ch. 129 -	383
39-130	Amended	Ch. 289 -	812
39-175A thru			
39-175C	Referred to	Ch. 128 -	374
39-175D	New Section Added	Ch. 128 -	373
39-175E	New Section Added	Ch. 128 -	374
39-241	Referred to	Ch. 368 -	1079
39-801	Repealed	Ch. 75 -	252
39-802	Repealed	Ch. 75 -	252
39-803	Repealed	Ch. 75 -	252
39-804	Repealed	Ch. 75 -	252
39-1113	Amended	Ch. 296 -	846
Ch.12	Referred to	Ch. 347 -	1009
39-1326	Amended	Ch. 287 -	790
39-1329	Amended	Ch. 287 -	791
39-1602	Amended	Ch. 172 -	474
Ch.31	Referred to	Ch. 81 -	260

39-3357	Amended	Ch. 210	-	593
39-3609	Amended	Ch. 111	-	316
39-3630	Referred to	Ch. 336	-	926
Ch. 40	Referred to	Ch. 342	-	970
39-4001	Amended	Ch. 342	-	968
39-4003	Amended	Ch. 342	-	968
39-4011	Amended	Ch. 342	-	969
Ch. 41	Referred to	Ch. 47	-	126
39-4105	Referred to	Ch. 342	-	970
39-4301	Amended	Ch. 342	-	969
39-4302	Amended	Ch. 342	-	970
39-4303	Amended	Ch. 342	-	971
39-4306	Amended	Ch. 342	-	971
39-5002	Amended	Ch. 25	-	56
39-5009	Amended	Ch. 25	-	56
Ch. 63	Referred to	Ch. 270	-	726
39-6304	Referred to	Ch. 270	-	726
39-7103	Amended	Ch. 118	-	331
39-7104	Amended	Ch. 118	-	333
39-7114A	Amended	Ch. 118	-	334
39-8008	Referred to	Ch. 192	-	535
39-8802	Amended	Ch. 52	-	148
39-8807	Amended	Ch. 52	-	149
39-8808	Amended	Ch. 52	-	149
39-9301	New Section Added	Ch. 168	-	466
39-9301	New Section Added	Ch. 368	-	1078
39-9302	New Section Added	Ch. 168	-	466
39-9302	New Section Added	Ch. 368	-	1078
39-9303	New Section Added	Ch. 168	-	466
39-9303	New Section Added	Ch. 368	-	1079
39-9304	New Section Added	Ch. 168	-	467
39-9304	New Section Added	Ch. 368	-	1079
39-9305	New Section Added	Ch. 168	-	468
39-9305	New Section Added	Ch. 368	-	1080
39-9306	New Section Added	Ch. 168	-	468
39-9306	New Section Added	Ch. 368	-	1080
39-9307	New Section Added	Ch. 168	-	468
39-9307	New Section Added	Ch. 368	-	1080
39-9308	New Section Added	Ch. 168	-	468
39-9308	New Section Added	Ch. 368	-	1081
39-9309	New Section Added	Ch. 168	-	468
39-9309	New Section Added	Ch. 368	-	1081
39-9310	New Section Added	Ch. 368	-	1081
39-9311	New Section Added	Ch. 368	-	1081
TITLE 40				
40-208	Amended	Ch. 358	-	1051
40-322	Amended	Ch. 228	-	625
40-503	Amended	Ch. 53	-	149
40-709	Referred to	Ch. 152	-	422
TITLE 41				
41-228	Referred to	Ch. 92	-	284
41-327	Referred to	Ch. 141	-	408
41-342	Amended	Ch. 92	-	282
41-406	Amended	Ch. 361	-	1067
41-503	Referred to	Ch. 68	-	205

41-612	Amended	Ch. 68 -	205
41-1016	Amended	Ch. 50 -	144
41-1026	Amended	Ch. 50 -	146
41-1108	Amended	Ch. 50 -	146
41-1338	New Section Added	Ch.141 -	408
41-1927	Amended	Ch. 68 -	226
41-2839	Amended	Ch. 92 -	283
Ch.55	Referred to	Ch.361 -	1068
TITLE 42			
42-201	Amended	Ch.139 -	405
42-233b	Amended	Ch.297 -	848
42-1709	Amended	Ch.206 -	578
42-1711	Amended	Ch.206 -	578
42-1712	Amended	Ch.206 -	580
42-1715	Amended	Ch.206 -	582
42-2201	Amended	Ch.132 -	396
42-3202A	Amended	Ch.278 -	766
42-3210	Amended	Ch.278 -	767
42-3211b	New Section Added	Ch.278 -	767
42-3240	New Section Added	Ch.278 -	767
42-3717	Amended	Ch.295 -	826
42-5232	Amended	Ch.112 -	317
42-5233	Amended	Ch.112 -	318
42-5233	Amended	Ch.113 -	321
42-5234	Amended	Ch.112 -	319
42-5234	Amended	Ch.113 -	322
42-5235	Amended	Ch.113 -	323
42-5245	Amended	Ch.109 -	314
42-5248	Amended	Ch.109 -	314
42-5259	Amended	Ch.110 -	315
TITLE 43			
43-314	Amended	Ch.144 -	411
43-707	Amended	Ch.133 -	397
43-714A	Amended	Ch.273 -	753
43-715	Amended	Ch.134 -	398
43-720	Amended	Ch.273 -	754
43-1510	Amended	Ch.189 -	522
Ch.23	Referred to	Ch.144 -	411
TITLE 44			
44-1502	Amended	Ch.145 -	412
Ch.21	Referred to	Ch.342 -	970
44-2101A	Amended	Ch.342 -	971
44-2103	Amended	Ch.342 -	972
44-2104	Amended	Ch.342 -	973
44-2107	Amended	Ch.342 -	973
Ch.22	Referred to	Ch.342 -	970
Ch.25	Referred to	Ch.342 -	970
44-2704	Amended	Ch.281 -	779
TITLE 45			
45-308	Amended	Ch.202 -	572
45-318	Amended	Ch.202 -	572
45-811	New Section Added	Ch.170 -	471
45-1502	Amended	Ch.227 -	624
45-1506	Amended	Ch.364 -	1071
45-1506	Referred to	Ch.227 -	624

45-1514	Referred to	Ch.227 -	624
45-1701	Repealed	Ch.170 -	470
45-1702	Repealed	Ch.170 -	470
45-1703	Repealed	Ch.170 -	470
45-1704	Repealed	Ch.170 -	470
45-1705	Repealed	Ch.170 -	470
TITLE 46			
46-112	New Section Added	Ch.205 -	575
46-112	Repealed	Ch.205 -	575
46-314	Amended	Ch. 25 -	56
46-409	Amended	Ch.122 -	355
46-801	Referred to	HCR 57 -	1150
46-805	Referred to	Ch.205 -	577
Ch.10	Referred to	Ch.205 -	575
46-1002	Amended	Ch.118 -	334
46-1003	Amended	Ch.118 -	334
46-1004	Amended	Ch.118 -	335
46-1005	Amended	Ch.118 -	335
46-1006	Amended	Ch.118 -	335
46-1008	Amended	Ch.118 -	337
46-1009	Amended	Ch.118 -	338
46-1012	Amended	Ch.118 -	339
46-1013	Amended	Ch.118 -	339
46-1014	Amended	Ch.118 -	340
46-1015	Amended	Ch.118 -	340
46-1017	Amended	Ch.118 -	340
46-1025	Amended	Ch.118 -	340
46-1027	Amended	Ch.118 -	341
46-1201	Repealed	Ch.127 -	373
46-1202	Repealed	Ch.127 -	373
46-1203	Repealed	Ch.127 -	373
46-1204	Repealed	Ch.127 -	373
46-1205	Repealed	Ch.127 -	373
46-1206	Repealed	Ch.127 -	373
46-1207	Repealed	Ch.127 -	373
46-1208	Repealed	Ch.127 -	373
46-1209	Repealed	Ch.127 -	373
46-1210	Repealed	Ch.127 -	373
46-1211	Amended	Ch.118 -	342
46-1211	Repealed	Ch.127 -	373
46-1212	Repealed	Ch.127 -	373
TITLE 47			
47-306	Amended	Ch.194 -	541
47-307	Amended	Ch.194 -	542
47-317	Amended	Ch. 48 -	129
47-318	Amended	Ch. 48 -	131
47-319	Amended	Ch. 47 -	115
47-319	Amended	Ch.194 -	542
47-320	Amended	Ch. 48 -	132
47-321	Amended	Ch. 48 -	133
47-322	Amended	Ch. 48 -	135
47-323	Amended	Ch. 48 -	137
47-324	Amended	Ch. 48 -	141
47-325	Referred to	Ch. 48 -	141
47-1509	Amended	Ch. 22 -	28

47-1512	Amended	Ch. 22 -	29
TITLE 49			
49-102	Amended	Ch. 47 -	116
49-304	Amended	Ch. 25 -	57
49-313	Amended	Ch. 25 -	57
49-314	Amended	Ch. 25 -	59
49-321	Amended	Ch. 359 -	1053
49-402	Amended	Ch. 47 -	118
49-418	Amended	Ch. 67 -	204
49-420N	Amended and Redesignated 49-4200	Ch. 47 -	120
	(as enacted by Sec. 2, Ch. 8, Laws of 2015)		
49-4200	Redesignated from 49-420N	Ch. 47 -	120
49-4200	Referred to	Ch. 47 -	120
49-426	Amended	Ch. 237 -	632
49-434	Referred to	Ch. 121 -	354
49-435	Referred to	Ch. 121 -	354
49-443	Amended	Ch. 121 -	353
49-1001	Referred to	Ch. 36 -	87
49-1004	Referred to	Ch. 36 -	87
49-1004B	New Section Added	Ch. 36 -	87
49-1010	Amended	Ch. 58 -	179
49-1234	Amended	Ch. 141 -	407
49-2802	Amended	Ch. 59 -	182
TITLE 50			
50-420	Referred to	Ch. 349 -	1015
50-907	Amended	Ch. 226 -	621
50-909	Repealed	Ch. 226 -	624
50-1823	Amended	Ch. 273 -	754
50-2006	Amended	Ch. 349 -	1014
50-2008	Referred to	Ch. 349 -	1023
50-2033	Amended	Ch. 349 -	1016
50-2903	Amended	Ch. 349 -	1017
50-2903A	New Section Added	Ch. 349 -	1021
50-2905	Amended	Ch. 349 -	1022
50-2905A	New Section Added	Ch. 349 -	1023
50-2908	Referred to	Ch. 349 -	1021
50-2913	New Section Added	Ch. 349 -	1023
TITLE 54			
54-203	Amended	Ch. 340 -	932
54-312	Amended	Ch. 154 -	424
54-312	Amended	Ch. 340 -	933
54-313	Amended	Ch. 340 -	933
54-314	Amended	Ch. 340 -	934
54-507	Amended	Ch. 169 -	469
54-521	Amended	Ch. 340 -	934
54-604	Amended	Ch. 340 -	935
54-815	Amended	Ch. 163 -	446
54-828	Amended	Ch. 340 -	936
54-829	Amended	Ch. 340 -	936
54-907	Amended	Ch. 340 -	936
54-908	Amended	Ch. 340 -	937
54-1001A	New Section Added	Ch. 355 -	1046
54-1006	Amended	Ch. 340 -	938
54-1007	Amended	Ch. 25 -	59
54-1105	Amended	Ch. 340 -	939

54-1112	Amended	Ch. 79	-	258
54-1132	Amended	Ch. 80	-	259
Ch.12	Referred to	Ch.206	-	580
54-1202	Amended	Ch. 61	-	195
54-1203	Amended	Ch.340	-	939
54-1204	Amended	Ch.340	-	940
54-1206	Amended	Ch.340	-	940
54-1207	Amended	Ch.341	-	966
54-1214	Amended	Ch.142	-	409
54-1402	Amended	Ch.215	-	603
54-1403	Amended	Ch.340	-	940
54-1404	Amended	Ch.341	-	966
54-1418	New Section Added	Ch. 56	-	165
54-1418	Repealed	Ch. 56	-	165
54-1419	New Section Added	Ch. 55	-	152
54-1503	Amended	Ch.340	-	941
54-1522	Amended	Ch.116	-	329
54-1603	Amended	Ch.340	-	942
54-1704	Amended	Ch. 62	-	198
54-1704	Amended	Ch.264	-	693
54-1709	Amended	Ch.340	-	943
54-1710	Amended	Ch. 71	-	248
54-1712	Amended	Ch.340	-	943
54-1713	Amended	Ch. 71	-	248
54-1713	Amended	Ch.341	-	967
54-1714	Amended	Ch. 71	-	249
54-1732	Amended	Ch.264	-	694
54-1733	Amended	Ch.264	-	696
54-1733C	New Section Added	Ch.264	-	697
54-1733D	New Section Added	Ch.264	-	699
54-1734	Amended	Ch. 73	-	251
54-1734	Amended	Ch.264	-	699
54-1761	Amended	Ch. 81	-	259
54-1762	Amended	Ch. 81	-	260
54-1769	New Section Added	Ch.197	-	553
54-1805	Amended	Ch.340	-	943
54-1902	Referred to	Ch. 35	-	86
54-1905	Amended	Ch.340	-	944
54-2005	Amended	Ch.340	-	945
54-2006	Amended	Ch.340	-	945
54-2013	Amended	Ch.289	-	812
54-2103	Amended	Ch.119	-	343
54-2105	Amended	Ch.119	-	348
54-2105	Amended	Ch.340	-	945
54-2118	Amended	Ch.343	-	980
54-2205	Amended	Ch.340	-	949
54-2214	Repealed	Ch.117	-	329
54-2215	Amended	Ch.117	-	329
54-2304	Amended	Ch.340	-	949
54-2404	Amended	Ch.340	-	950
54-2507A	New Section Added	Ch. 63	-	199
54-2605	Amended	Ch.340	-	951
54-2803	Amended	Ch.340	-	952
54-2804	Amended	Ch.340	-	952
54-2806	Amended	Ch.340	-	952

54-3003	Amended	Ch. 340	-	952
54-3105	Amended	Ch. 340	-	956
54-3203	Amended	Ch. 340	-	956
54-3307	Amended	Ch. 340	-	957
54-3403	Amended	Ch. 340	-	957
54-3610	Amended	Ch. 165	-	449
54-3714	Amended	Ch. 340	-	958
54-4002	Amended	Ch. 174	-	477
54-4007	Amended	Ch. 174	-	477
54-4104	Amended	Ch. 155	-	425
54-4106	Amended	Ch. 340	-	959
54-4106	Referred to	Ch. 131	-	388
54-4120	New Section Added	Ch. 131	-	387
54-4121	New Section Added	Ch. 131	-	387
54-4122	New Section Added	Ch. 131	-	387
54-4123	New Section Added	Ch. 131	-	389
54-4124	New Section Added	Ch. 131	-	389
54-4125	New Section Added	Ch. 131	-	391
54-4126	New Section Added	Ch. 131	-	391
54-4127	New Section Added	Ch. 131	-	392
54-4128	New Section Added	Ch. 131	-	392
54-4129	New Section Added	Ch. 131	-	393
54-4130	New Section Added	Ch. 131	-	393
54-4131	New Section Added	Ch. 131	-	393
54-4132	New Section Added	Ch. 131	-	394
54-4133	New Section Added	Ch. 131	-	395
54-4134	New Section Added	Ch. 131	-	395
54-4204	Amended	Ch. 340	-	961
54-4208	Repealed	Ch. 124	-	358
54-4209	Amended	Ch. 124	-	358
54-4511	Amended	Ch. 35	-	85
54-4601	Amended	Ch. 76	-	253
54-4602	Amended	Ch. 76	-	253
54-4603	New Section Added	Ch. 76	-	253
54-4603	Repealed	Ch. 76	-	253
54-4604	Repealed	Ch. 76	-	254
54-4704	Amended	Ch. 340	-	961
54-4801	New Section Added	Ch. 201	-	562
54-4801	Repealed	Ch. 201	-	562
54-4802	New Section Added	Ch. 201	-	562
54-4802	Repealed	Ch. 201	-	562
54-4803	New Section Added	Ch. 201	-	564
54-4803	Repealed	Ch. 201	-	562
54-4804	New Section Added	Ch. 201	-	564
54-4804	Repealed	Ch. 201	-	562
54-4805	New Section Added	Ch. 201	-	564
54-4805	Repealed	Ch. 201	-	562
54-4806	New Section Added	Ch. 201	-	566
54-4806	Repealed	Ch. 201	-	562
54-4807	New Section Added	Ch. 201	-	567
54-4807	Repealed	Ch. 201	-	562
54-4808	New Section Added	Ch. 201	-	567
54-4808	Repealed	Ch. 201	-	562
54-4809	New Section Added	Ch. 201	-	568
54-4809	Repealed	Ch. 201	-	562

54-4810	New Section Added	Ch.201 -	568
54-4810	Repealed	Ch.201 -	562
54-4811	New Section Added	Ch.201 -	569
54-4811	Repealed	Ch.201 -	562
54-4812	New Section Added	Ch.201 -	570
54-4812	Repealed	Ch.201 -	562
54-4813	New Section Added	Ch.201 -	570
54-4813	Repealed	Ch.201 -	562
54-4814	New Section Added	Ch.201 -	570
54-4814	Repealed	Ch.201 -	562
54-4815	New Section Added	Ch.201 -	571
54-4815	Repealed	Ch.201 -	562
54-4816	New Section Added	Ch.201 -	571
54-4816	Repealed	Ch.201 -	562
54-4817	New Section Added	Ch.201 -	571
54-4817	Repealed	Ch.201 -	562
54-4818	New Section Added	Ch.201 -	571
54-4818	Repealed	Ch.201 -	562
54-4819	New Section Added	Ch.201 -	571
54-4819	Repealed	Ch.201 -	562
54-4820	New Section Added	Ch.201 -	571
54-4820	Repealed	Ch.201 -	562
54-5003	Amended	Ch. 25 -	60
54-5004	Amended	Ch.340 -	962
Ch.52	Referred to	Ch.325 -	897
54-5206	Amended	Ch.340 -	963
54-5309	Amended	Ch.340 -	964
54-5507	Referred to	Ch. 73 -	251
Ch.56	Heading Amended and Redesignated Ch.57.	Ch. 47 -	121
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5601	Amended and Redesignated 54-5701	Ch. 47 -	121
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5602	Amended and Redesignated 54-5702	Ch. 47 -	121
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5603	Amended and Redesignated 54-5703	Ch. 47 -	122
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5604	Amended and Redesignated 54-5704	Ch. 47 -	122
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5605	Amended and Redesignated 54-5705	Ch. 47 -	122
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5606	Amended	Ch.340 -	965
54-5606	Amended and Redesignated 54-5706	Ch. 47 -	123
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5607	Amended and Redesignated 54-5707	Ch. 47 -	123
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5608	Amended and Redesignated 54-5708	Ch. 47 -	123
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5609	Amended and Redesignated 54-5709	Ch. 47 -	123
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5610	Amended and Redesignated 54-5710	Ch. 47 -	123
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5611	Amended and Redesignated 54-5711	Ch. 47 -	124
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
54-5612	Amended and Redesignated 54-5712	Ch. 47 -	124
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		

54-5613	Amended and Redesignated 54-5713	Ch. 47 -	124
	(as enacted by Sec. 1, Ch. 121, Laws of 2015)		
Ch. 57	Redesignated from Ch. 56	Ch. 47 -	121
54-5701	Redesignated from 54-5601	Ch. 47 -	121
54-5702	Redesignated from 54-5602	Ch. 47 -	121
54-5703	Redesignated from 54-5603	Ch. 47 -	122
54-5704	Redesignated from 54-5604	Ch. 47 -	122
54-5705	Redesignated from 54-5605	Ch. 47 -	122
54-5706	Redesignated from 54-5606	Ch. 47 -	123
54-5707	Redesignated from 54-5607	Ch. 47 -	123
54-5708	Redesignated from 54-5608	Ch. 47 -	123
54-5709	Redesignated from 54-5609	Ch. 47 -	123
54-5710	Redesignated from 54-5610	Ch. 47 -	123
54-5711	Redesignated from 54-5611	Ch. 47 -	124
54-5712	Redesignated from 54-5612	Ch. 47 -	124
54-5713	Redesignated from 54-5613	Ch. 47 -	124
TITLE 55			
55-115	Amended	Ch. 209 -	592
55-115	Amended	Ch. 365 -	1074
55-2201	Amended	Ch. 325 -	894
55-2202	Amended	Ch. 325 -	895
55-2203	Amended and Redesignated 55-2205	Ch. 325 -	899
55-2203	New Section Added	Ch. 325 -	896
55-2204	Amended and Redesignated 55-2206	Ch. 325 -	900
55-2204	New Section Added	Ch. 325 -	899
55-2205	Amended and Redesignated 55-2207	Ch. 325 -	901
55-2205	Redesignated from 55-2203	Ch. 325 -	899
55-2206	Amended and Redesignated 55-2208	Ch. 325 -	901
55-2206	Redesignated from 55-2204	Ch. 325 -	900
55-2207	Amended and Redesignated 55-2209	Ch. 325 -	902
55-2207	Redesignated from 55-2205	Ch. 325 -	901
55-2208	Amended and Redesignated 55-2210	Ch. 325 -	902
55-2208	Redesignated from 55-2206	Ch. 325 -	901
55-2209	Amended and Redesignated 55-2211	Ch. 325 -	902
55-2209	Redesignated from 55-2207	Ch. 325 -	902
55-2210	Amended and Redesignated 55-2212	Ch. 325 -	904
55-2210	Redesignated from 55-2208	Ch. 325 -	902
55-2211	Redesignated from 55-2209	Ch. 325 -	902
55-2211	Referred to	Ch. 325 -	899
55-2212	Redesignated from 55-2210	Ch. 325 -	904
TITLE 56			
56-209h	Amended	Ch. 106 -	307
56-265	Amended	Ch. 173 -	476
56-1003	Amended	Ch. 97 -	293
56-1004A	Amended	Ch. 107 -	310
56-1013B	New Section Added	Ch. 60 -	183
56-1013C	New Section Added	Ch. 60 -	183
56-1013D	New Section Added	Ch. 60 -	184
56-1013E	New Section Added	Ch. 60 -	185
56-1013F	New Section Added	Ch. 60 -	185
56-1013G	New Section Added	Ch. 60 -	186
56-1013H	New Section Added	Ch. 60 -	186
56-1013I	New Section Added	Ch. 60 -	186
56-1013J	New Section Added	Ch. 60 -	186
56-1013K	New Section Added	Ch. 60 -	187

56-1013L	New Section Added	Ch. 60	-	187
56-1013M	New Section Added	Ch. 60	-	191
56-1013N	New Section Added	Ch. 60	-	191
56-1013O	New Section Added	Ch. 60	-	193
56-1013P	New Section Added	Ch. 60	-	194
56-1013Q	New Section Added	Ch. 60	-	195
56-1054	Amended	Ch. 83	-	264
56-1203	Amended	Ch. 224	-	619
56-1204	Amended	Ch. 224	-	619
56-1205	Amended	Ch. 224	-	619
TITLE 57				
57-504	Referred to	Ch. 159	-	443
Ch. 7	Referred to	Ch. 130	-	386
57-721	Referred to	Ch. 167	-	463
57-723A	Referred to	Ch. 167	-	463
57-728	Amended	Ch. 136	-	400
TITLE 59				
59-502	Amended	Ch. 371	-	1087
59-509	Referred to	Ch. 37	-	87
59-509	Referred to	Ch. 192	-	536
59-509	Referred to	Ch. 325	-	897
Ch. 8	Referred to	Ch. 289	-	795
59-1604	Amended	Ch. 47	-	124
TITLE 60				
60-101	Referred to	Ch. 289	-	796
60-103	Amended	Ch. 289	-	813
TITLE 61				
61-215	Amended	Ch. 247	-	660
61-332A	Referred to	Ch. 355	-	1047
61-1702	Amended	Ch. 47	-	125
TITLE 63				
63-102	Amended	Ch. 247	-	660
63-201	Amended	Ch. 29	-	70
63-201	Amended	Ch. 273	-	755
63-201	Amended	Ch. 342	-	977
63-301A	Amended	Ch. 349	-	1025
63-315	Amended	Ch. 87	-	273
63-511	Referred to	Ch. 16	-	22
63-602G	Amended	Ch. 94	-	287
63-602N	Amended	Ch. 189	-	522
63-602AA	Amended	Ch. 10	-	10
63-602JJ	New Section Added	Ch. 189	-	513
63-602JJ	Repealed	Ch. 189	-	513
63-802	Amended	Ch. 69	-	241
63-802	Amended	Ch. 69	-	243
	(as amended by Sec. 2, Ch. 10, Laws of 2015)			
63-802	Amended	Ch. 189	-	514
63-802	Amended	Ch. 189	-	515
	(as amended by Sec. 2, Ch. 10, Laws of 2015)			
63-802	Referred to	Ch. 349	-	1022
63-802	Referred to	Ch. 349	-	1024
63-803	Referred to	Ch. 29	-	72
63-803	Referred to	Ch. 189	-	519
63-805	Amended	Ch. 214	-	601
63-805	Referred to	Ch. 214	-	600

63-807	Amended	Ch. 30 -	73
63-1005	Referred to	Ch.273 -	758
63-1009	Amended	Ch.273 -	758
63-1312	Amended	Ch. 13 -	15
63-1701	Referred to	Ch. 16 -	21
63-1703	Amended	Ch. 16 -	21
63-2402	Referred to	Ch.152 -	422
63-2402	Referred to	Ch.328 -	910
63-2412	Amended	Ch.152 -	420
63-2418	Amended	Ch.152 -	421
63-2424	Referred to	Ch.152 -	422
63-2510A	Amended	Ch. 28 -	69
63-3004	Amended	Ch. 1 -	3
63-3022H	Amended	Ch.188 -	511
63-3029A	Amended	Ch. 78 -	255
63-3029A	Amended	Ch. 78 -	256
	(as amended by Sec. 5, Ch. 209, Laws of 2015)		
63-3029A	Repealed	Ch. 78 -	256
63-3035	Amended	Ch. 12 -	12
63-3035	Amended	Ch. 31 -	74
63-3045	Referred to	Ch.289 -	798
63-3067D	Amended	Ch. 32 -	81
Ch.35	Referred to	Ch.189 -	514
63-3501	Amended	Ch.189 -	517
63-3502	Amended	Ch.189 -	518
63-3502A	Amended	Ch.189 -	519
63-3502B	Amended	Ch.189 -	519
63-3503	Amended	Ch.189 -	519
63-3503A	Amended	Ch.189 -	520
63-3503B	Amended	Ch.189 -	520
63-3504	Amended	Ch.189 -	521
63-3505	Amended	Ch.189 -	521
63-3506	Amended	Ch.189 -	521
63-3622D	Amended	Ch. 86 -	271
63-3622R	Amended	Ch. 11 -	11
63-3622S	Amended	Ch. 9 -	8
63-3622T	Amended	Ch. 9 -	8
63-3622W	Amended	Ch. 9 -	9
63-3622GG	Amended	Ch.326 -	907
63-3622JJ	Amended	Ch. 9 -	9
63-3638	Amended	Ch. 13 -	16
63-3638	Referred to	Ch.195 -	550
63-3638	Referred to	Ch.349 -	1024
TITLE 66			
Ch.4	Referred to	HCR 59 -	1151
TITLE 67			
67-450D	Amended	Ch. 19 -	24
67-450D	Amended	Ch. 85 -	269
67-454	Referred to	Ch.367 -	1078
67-455A	Amended	Ch.289 -	813
67-802	Referred to	Ch.127 -	366
67-823	Referred to	Ch.140 -	407
67-824	New Section Added	Ch.140 -	406
67-825	New Section Added	Ch. 37 -	87
67-1027	Referred to	Ch.289 -	801

67-1201	Amended	Ch.167	-	462
67-1202	Amended	Ch.167	-	462
67-1210	Amended	Ch.167	-	463
67-1227	New Section Added	Ch.167	-	465
67-1228	New Section Added	Ch.167	-	465
67-2302	Referred to	Ch.289	-	798
67-2320	Referred to	Ch. 35	-	85
67-2340	New Section Added	Ch.204	-	574
67-2345A	Amended and Redesignated 74-206A	Ch. 47	-	125
	(as enacted by Sec. 2, Ch. 271, Laws of 2015)			
67-2349	Referred to	Ch.289	-	796
67-2601	Amended	Ch.342	-	974
67-2601	Referred to	Ch.131	-	388
67-2601A	Amended	Ch. 47	-	126
67-2601A	Amended	Ch.192	-	536
67-2601A	Amended	Ch.325	-	905
67-2601A	Amended	Ch.342	-	976
67-2614	Referred to	Ch.117	-	330
67-2614	Referred to	Ch.131	-	390
67-2803	Amended	Ch.290	-	820
67-2919	New Section Added	Ch.175	-	478
67-3502	Referred to	Ch.205	-	576
67-4126	Referred to	Ch.226	-	622
67-4725	Amended	Ch. 84	-	266
67-4726	Amended	Ch. 84	-	267
67-4729	Amended	Ch. 84	-	267
67-4730	Amended	Ch. 84	-	268
67-4731	Amended	Ch. 84	-	268
67-4740	Amended	Ch. 47	-	128
Ch.52	Referred to	Ch.128	-	374
Ch.52	Referred to	Ch.182	-	494
Ch.52	Referred to	Ch.201	-	564
Ch.52	Referred to	Ch.289	-	801
Ch.52	Referred to	Ch.325	-	898
Ch.52	Referred to	Ch.342	-	974
67-5205	Amended	Ch.185	-	497
67-5223	Amended	Ch.367	-	1077
67-5302	Amended	Ch.199	-	556
67-5303	Amended	Ch. 25	-	61
67-5303	Amended	Ch. 33	-	82
67-5333A	Amended	Ch.199	-	559
67-5701	Referred to	Ch.289	-	794
67-5711C	Amended	Ch.289	-	814
67-5711D	Amended	Ch.289	-	816
67-5714	Repealed	Ch.289	-	793
67-5715	Repealed	Ch.289	-	793
67-5716	Repealed	Ch.289	-	793
67-5717	Repealed	Ch.289	-	793
67-5718	Repealed	Ch.289	-	793
67-5718A	Repealed	Ch.289	-	793
67-5719	Repealed	Ch.289	-	793
67-5720	Repealed	Ch.289	-	793
67-5721	Repealed	Ch.289	-	793
67-5722	Amended	Ch.289	-	819
67-5723	Repealed	Ch.289	-	793

67-5724	Repealed	Ch. 289	-	793
67-5724A	Repealed	Ch. 289	-	793
67-5725	Repealed	Ch. 289	-	793
67-5726	Repealed	Ch. 289	-	793
67-5727	Repealed	Ch. 289	-	793
67-5727A	Repealed	Ch. 289	-	793
67-5728	Repealed	Ch. 289	-	793
67-5729	Repealed	Ch. 289	-	793
67-5730	Repealed	Ch. 289	-	793
67-5732	Repealed	Ch. 289	-	793
67-5733	Repealed	Ch. 289	-	793
67-5734	Repealed	Ch. 289	-	793
67-5735	Repealed	Ch. 289	-	793
67-5736	Repealed	Ch. 289	-	793
67-5737	Amended	Ch. 289	-	819
67-5745D	Repealed	Ch. 182	-	492
67-5745E	Repealed	Ch. 182	-	492
67-5806	Amended	Ch. 118	-	343
67-6614A	Amended	Ch. 304	-	858
67-6619	Referred to	Ch. 345	-	997
67-6619A	New Section Added	Ch. 345	-	997
67-6704	Amended	Ch. 42	-	92
67-7113	Amended	Ch. 120	-	352
67-7127	Amended	Ch. 120	-	352
67-7129	Repealed	Ch. 120	-	352
67-7133	Amended	Ch. 120	-	353
67-7421	Referred to	Ch. 47	-	128
67-7428	Referred to	Ch. 99	-	297
67-7441	Amended	Ch. 47	-	128
67-7451	Amended	Ch. 289	-	819
67-8003	Amended	Ch. 225	-	620
67-8729	Amended	Ch. 160	-	443
67-8729	Referred to	Ch. 167	-	465
67-9003	Amended	Ch. 90	-	278
67-9005	Amended	Ch. 90	-	279
67-9006	Amended	Ch. 90	-	279
67-9007	Amended	Ch. 90	-	280
67-9008	Amended	Ch. 90	-	280
67-9201	New Section Added	Ch. 289	-	793
67-9202	New Section Added	Ch. 289	-	793
67-9203	New Section Added	Ch. 289	-	793
67-9204	New Section Added	Ch. 289	-	794
67-9205	New Section Added	Ch. 289	-	794
67-9206	New Section Added	Ch. 289	-	795
67-9207	New Section Added	Ch. 289	-	795
67-9208	New Section Added	Ch. 289	-	796
67-9209	New Section Added	Ch. 289	-	796
67-9210	New Section Added	Ch. 289	-	796
67-9211	New Section Added	Ch. 289	-	796
67-9212	New Section Added	Ch. 289	-	797
67-9213	New Section Added	Ch. 289	-	797
67-9214	New Section Added	Ch. 289	-	797
67-9215	New Section Added	Ch. 289	-	797
67-9216	New Section Added	Ch. 289	-	797
67-9217	New Section Added	Ch. 289	-	798

67-9218	New Section Added	Ch.289	-	798
67-9219	New Section Added	Ch.289	-	798
67-9220	New Section Added	Ch.289	-	799
67-9221	New Section Added	Ch.289	-	799
67-9222	New Section Added	Ch.289	-	799
67-9223	New Section Added	Ch.289	-	800
67-9224	New Section Added	Ch.289	-	800
67-9225	New Section Added	Ch.289	-	800
67-9226	New Section Added	Ch.289	-	800
67-9227	New Section Added	Ch.289	-	801
67-9228	New Section Added	Ch.289	-	801
67-9229	New Section Added	Ch.289	-	801
67-9230	New Section Added	Ch.289	-	801
67-9231	New Section Added	Ch.289	-	802
67-9232	New Section Added	Ch.289	-	802
67-9233	New Section Added	Ch.289	-	805
67-9234	New Section Added	Ch.289	-	805
TITLE 68				
Ch.1	Referred to	Ch.263	-	690
68-10-201	Amended	Ch.262	-	684
Ch.14	Referred to	Ch.238	-	635
TITLE 72				
72-102	Amended	Ch.276	-	759
72-301	Amended	Ch.282	-	780
72-438	Amended	Ch.276	-	763
72-501A	Amended	Ch.25	-	63
72-503	Amended	Ch.247	-	661
72-1025	Amended	Ch.296	-	847
72-1025	Amended	Ch.344	-	996
72-1105	Amended	Ch.344	-	996
72-1347B	Amended	Ch.25	-	64
72-1347B	Amended	Ch.105	-	305
72-1349A	Amended	Ch.158	-	429
72-1350	Amended	Ch.158	-	431
72-1350	Amended	Ch.280	-	772
72-1351	Amended	Ch.158	-	434
72-1351A	Amended	Ch.158	-	437
72-1353	Amended	Ch.158	-	439
72-1357	Amended	Ch.158	-	440
72-1358	Amended	Ch.158	-	440
72-1359	Amended	Ch.158	-	441
72-1361	Amended	Ch.158	-	441
72-1362	Amended	Ch.158	-	441
72-1367	Amended	Ch.280	-	775
72-1368	Amended	Ch.126	-	361
72-1368	Referred to	Ch.158	-	431
72-1372	Amended	Ch.280	-	777
TITLE 73				
73-108C	Amended	Ch.162	-	445
73-108C	Referred to	HCR 57	-	1150
TITLE 74				
Title.74	Referred to	Ch.35	-	85
Ch.1	Referred to	Ch.47	-	116
Ch.1	Referred to	Ch.68	-	225
Ch.1	Referred to	Ch.194	-	542

Ch.1	Referred to	Ch.289 - 797
74-103	Referred to	Ch.146 - 414
74-105	Amended	Ch.164 - 446
74-105	Amended	Ch.279 - 769
74-106	Amended	Ch.343 - 982
74-106	Amended	Ch.359 - 1056
74-106	Referred to	Ch.245 - 649
74-107	Amended	Ch. 68 - 237
74-107	Referred to	Ch. 47 - 116
74-107	Referred to	Ch.129 - 384
74-114	Amended	Ch.146 - 413
Ch.2	Referred to	Ch.119 - 349
Ch.2	Referred to	Ch.135 - 399
Ch.2	Referred to	Ch.182 - 493
74-206A	Redesignated from 67-2345A	Ch. 47 - 125
74-511	Amended	Ch.289 - 820

IDAHO CONSTITUTION

Art.III, Sec.29	New Section Proposed	HJR 5 - 1107
Art.IV, Sec.4	Referred to	Ch.205 - 575
Art.IV, Sec.10	Referred to	HJR 5 - 1107

LAWS OF 2006

Ch.280, Sec.1	Repealed	Ch. 83 - 266
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LAWS OF 2012

Ch.47, Sec.2	Amended	Ch. 17 - 23
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LAWS OF 2015

HCR 23	Referred to	HCR 48 - 1147
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RULES

Commission of Pardons and Parole

IDAPA 50.01.01

Section 250.

Subsection 05.	Rejected	HCR 39 - 1141
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Department of Fish and Game

IDAPA 13.01.16

Rejected	HCR 55 - 1149
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Department of Health and Welfare

IDAPA 16.03.19

Rejected	SCR153 - 1131
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Idaho State Police

IDAPA 11.05.01

Rejected	SCR153 - 1131
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IDAPA 11.05.01

Rejected	HCR 40 - 1142
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Idaho Wheat Commission

IDAPA 42.01.01

Section 301.

Subsection 01.	Rejected	HCR 49 - 1148
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Subsection 02.	Rejected	HCR 49 - 1148
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Subsection 03.	Rejected	HCR 49 - 1148
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Joint

Rule 18

Amended	SCR150 - 1128
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Rule 20	Amended	SCR143	- 1123
Rule 21	Amended	SCR144	- 1123
Public Utilities Commission			
IDAPA 31.11.01			
Section 202	Rejected	HCR 51	- 1149
Section 202	Rejected	HCR 51	- 1149
Section 203	Rejected	HCR 51	- 1149
Section 203	Rejected	HCR 51	- 1149
State Board of Education			
IDAPA 08.01.13			
Section 010.			
Subsection 01.	Rejected	HCR 45	- 1145
Section 101.			
Subsection 02.a.	Rejected	HCR 45	- 1145
State Board of and State Department of Education			
IDAPA 08.02.03	Rejected	SCR139	- 1121
IDAPA 08.02.03	Rejected	SCR141	- 1122
IDAPA 08.02.03	Rejected	SCR140	- 1122
IDAPA 08.02.03	Rejected	HCR 44	- 1145

FEDERAL LAWS

5 CFR 731.202	Referred to	Ch. 60	- 185
12 CFR 1026.32	Referred to	Ch.131	- 388
38 CFR 39	Referred to	SCR149	- 1127
40 CFR 2.302	Referred to	Ch.146	- 413
40 CFR 123.25	Referred to	Ch.128	- 374
40 CFR 403.10	Referred to	Ch.128	- 374
Civil Rights Act of 1964	Referred to	SCR133	- 1114
Consolidated Appropriations Act of 2016			
	Referred to	HJM 13	- 1111
Endangered Species Act	Referred to	HJM 13	- 1111
Federal Clean Water Act, Section 402			
	Referred to	Ch.129	- 382
Federal food, drug and cosmetic act			
	Referred to	Ch.172	- 474
Indian Child Welfare Act	Referred to	Ch.347	- 1009
National Electrical Code	Referred to	Ch.355	- 1046
Patient Protection and Affordable Care Act			
	Referred to	HCR 61	- 1153
P.L. 106-402	Referred to	Ch. 42	- 92
P.L. 113-128	Referred to	Ch. 41	- 91
Rehabilitation Act of 1973			
	Referred to	Ch.224	- 619
Shelley-Maloney Apprentice Labor Standards Act of 1939			
	Referred to	HCR 36	- 1139
12 USC 1813	Referred to	Ch.131	- 388
15 USC 1639e	Referred to	Ch.131	- 391
15 USC 7001 et seq.	Referred to	Ch.201	- 571
15 USC 7001 et seq.	Referred to	Ch.263	- 692
15 USC 7003	Referred to	Ch.201	- 571
15 USC 7003	Referred to	Ch.263	- 692
18 USC 2510	Referred to	Ch.263	- 686
18 USC 2701 et seq.	Referred to	Ch.263	- 688

18 USC 2702	Referred to	Ch.263 -	692
26 U.S.C. 5845	Referred to	Ch.279 -	772
38 USC 101	Referred to	Ch. 67 -	205
42 USC 262	Referred to	Ch.197 -	553
42 USC 1320a	Referred to	Ch. 42 -	92
47 USC 222	Referred to	Ch.263 -	688
50 USC 3901 et seq.	Referred to	Ch.122 -	355
50 USC 4012	Referred to	Ch.122 -	356
Water Resources Reform and Development Act	Referred to	SJM104 -	1109

MISCELLANEOUS

Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan	Referred to	SCR136 -	1117
Forest Practices Act	Referred to	HCR 35 -	1139
Idaho Human Rights Act	Referred to	SCR133 -	1114
Idaho State Water Plan	Referred to	SCR136 -	1117
Idaho State Water Plan	Referred to	SCR137 -	1118
Idaho State Water Plan	Referred to	SCR138 -	1120
Syringa Networks, LLC vs. Idaho Department of Administration, et al.	Referred to	Ch.317 -	884

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1197	Mines, reclamation activities	Ch. 22	- 28
S 1199	Approp, medical boards, add'l	Ch. 3	- 4
S 1200	Approp, lands dept, add'l	Ch. 2	- 3
S 1201	Approp, catastrophic health, reduce	Ch.275	- 759
S 1202	Personnel system/nonclassified empl	Ch. 33	- 82
S 1206	Approp, H&W indirect support, add'l	Ch. 23	- 31
S 1207	Approp, H&W psych hosp, add'l	Ch. 24	- 32
S 1208	Scholarships, housing/investment	Ch. 32	- 77
S 1210	Professional-technical education	Ch. 25	- 33
S 1212	Emergency communications act, rev'd	Ch.127	- 363
S 1213	F&G, unmanned aircraft and wildlife	Ch. 26	- 65
S 1214	Livestock, removal requirements	Ch. 49	- 143
S 1215	Pesticide management comm, repealed	Ch. 19	- 24
S 1216	Approp, blind com, add'l	Ch. 27	- 68
S 1217	Approp, administration, add'l	Ch. 20	- 26
S 1218	Codifier's corrections	Ch. 47	- 98
S 1219	Public works contracts	Ch. 35	- 85
S 1221	Insurance producer licensing	Ch. 50	- 144
S 1222	Ground water, petitions, annexation	Ch.109	- 314
S 1223	Ground water, nonmembers	Ch.110	- 315
S 1224	Ground water, alternative means	Ch.112	- 317
S 1225	Ground water, debt, elections	Ch.113	- 321
S 1229	Motor vehicles, noninterstate hwys	Ch. 36	- 87
S 1232	Vocational rehab, federal acts	Ch. 41	- 91
S 1233	Approp, juvenile corrections, add'l	Ch. 21	- 27
S 1234	Admin proced act, electronic copies	Ch.185	- 497
S 1235	Juv corrections, hearings, applics	Ch. 51	- 147
S 1237	Water body priority classification	Ch.111	- 316
S 1238	Water quality records	Ch.146	- 412
S 1239	IPDES permit decisions	Ch.128	- 373
S 1240	Irrigation, admin charges levied	Ch.132	- 396
S 1241	Irrigation, delinquency assesments	Ch.133	- 397
S 1242	Irrigation, unredeemed delinquency	Ch.134	- 398
S 1244	Underground storage tanks	Ch. 52	- 148
S 1246	Transporation dept/director removal	Ch. 53	- 149
S 1248	Pub charter schls/written contracts	Ch. 54	- 150
S 1249	STEM action center board	Ch. 37	- 87
S 1250	Adv practic registerd nurse compact	Ch. 55	- 151
S 1251	Nursing licensure compact	Ch. 56	- 165
S 1253	Child protection, caregivers	Ch.360	- 1061
S 1255	Attny general/county elect officers	Ch.135	- 399
S 1257aaH	Ed, school district brd trustees	Ch.261	- 681
S 1258	F&G, U of I/animal and vet sci dept	Ch. 57	- 178

S 1259	Dairy products comm, ex officio mem	Ch. 38 -	88
S 1260aa	Beef cattle/dairy farms/environment	Ch.129 -	375
S 1261	Vehicles, allowable lengths/loads	Ch. 58 -	179
S 1262	Motor vehicle service contracts	Ch. 59 -	182
S 1265aaH	Insuranc premium tax/high risk pool	Ch.361 -	1067
S 1267	Ed, mastery-based, cohort	Ch. 45 -	95
S 1268	Dev disabilities council membership	Ch. 42 -	92
S 1269	Environmental protection trust	Ch.130 -	386
S 1270	Approp, H&W benefit payments, add'l	Ch. 39 -	89
S 1271	Approp, H&W medicaid, chg	Ch. 40 -	89
S 1272	School dist bond credit enhancement	Ch.136 -	400
S 1274	Absentee voting, app deadline	Ch.137 -	402
S 1275	Absentee voting, early	Ch.138 -	403
S 1278	Water rights, incidental use, hydro	Ch.139 -	404
S 1279	Stem education fund	Ch.140 -	406
S 1280aa	Education, studnt resid requiremnts	Ch.114 -	324
S 1281	EMS personl licensr interstat cmpct	Ch. 60 -	183
S 1283	Motor vehicle insuranc verification	Ch.141 -	407
S 1285aa	Engineers/surveyors, exams	Ch.142 -	409
S 1286	Engineers/surveyors, term defined	Ch. 61 -	195
S 1288	Workforce dev, training fund approp	Ch.105 -	305
S 1290	Ed, college and career advisors	Ch. 43 -	93
S 1293aa	Ed, parental rights in education	Ch.143 -	410
S 1294	Pharmacists, immunizations	Ch. 62 -	198
S 1295	Public assistnc/provider penalties	Ch.106 -	307
S 1296	Background checks/fed pilot project	Ch.107 -	310
S	Elections/electronic voter reg	Ch.359 -	1052
1297aa, aa, aaH			
S 1298	Racing comm/horse council/payment	Ch. 63 -	198
S 1300aa	Estates, divorce, probate transfers	Ch.362 -	1068
S 1301	Community property	Ch.363 -	1071
S 1302	Estates, family allowances	Ch.262 -	681
S 1303aa	Estates, uniform fiduciary access	Ch.263 -	685
S 1304	Irrigation distr, election, hydro	Ch.144 -	411
S 1314	Trust institutions, trustees	Ch. 44 -	94
S 1315aa,aa	Trustee's sale, property disposal	Ch.364 -	1071
S 1317aa	Homeowner's assoc, attorney's fees	Ch.365 -	1074
S 1318	Appraisal management companies	Ch.131 -	386
S 1320	Ed, comm coleg brd trustees/powers	Ch.108 -	312
S 1322aaH	Epinephrine auto-injectors	Ch.264 -	693
S 1323	State independent living council	Ch.224 -	619
S 1325	Regulatory takings, written request	Ch.225 -	620
S 1326	Suicide preventn/diretor authority	Ch. 97 -	293
S 1327	Vulnerable adults/definition rvised	Ch.147 -	415
S 1328aa	Child protect act/hearing requirmnt	Ch.265 -	699
S 1330	Ed, school district trustees/meds	Ch.184 -	496
S 1332aa	Ed, industry partner fund	Ch.266 -	718
S 1333	Ed, broadband infrastructure grants	Ch.183 -	495
S 1334	Education opportunity resource	Ch.182 -	492
S 1336	Ed, civics test, individual ed plan	Ch. 98 -	295
S 1338	Public nuisance abatement/procedure	Ch.366 -	1075
S 1339	Oil and gas, wells, permits	Ch. 48 -	129
S 1340	F&G, damage claims from bears/bees	Ch.104 -	304
S 1341aa	Residential care, citations	Ch.210 -	593
S 1343	Parole, violation allegations	Ch.267 -	719
S 1344	F&G, controlled hunts, drawings	Ch.103 -	300

S 1347aa	Tax deed sales, state treasurer	Ch.211 -	594
S 1351	Prisoners, community service	Ch.212 -	597
S 1352	Guardians of minors, terminat/resig	Ch.148 -	416
S 1353	Approp, correction dept, chg	Ch. 64 -	199
S 1354aaH	Alcohol beverage catering permits	Ch.268 -	721
S 1356	Alcohol beverg/winery licens permit	Ch.181 -	491
S 1359	Farm implements/equip, repurchase	Ch.213 -	597
S 1360	Admin proced act/admin rule amends	Ch.367 -	1077
S 1361	Public defense, funding admin	Ch.214 -	600
S 1362	Liens, renewed judgmnts, time	Ch.269 -	724
S 1363	Approp, PERSI, orig	Ch. 65 -	202
S 1364	Approp, st indpend liv cncl, orig	Ch. 66 -	203
S 1365	Approp, lottery, state, orig	Ch. 99 -	296
S 1366	Approp, liquor div, state, orig	Ch.100 -	297
S 1367	Approp, human resources div, orig	Ch.115 -	328
S 1369	Approp, military division	Ch. 96 -	291
S 1370	Approp, public television, orig	Ch. 95 -	290
S 1371	Approp, finance dept, orig	Ch.101 -	297
S 1372	Approp, regulatory boards, orig	Ch.102 -	298
S 1373	Protections orders, harassmnt/stalk	Ch.270 -	724
S 1376	Public charter schools	Ch.271 -	727
S 1377	Elections/judges posting requiremnt	Ch.272 -	749
S 1379	Approp, bld safety div, orig	Ch.149 -	417
S 1380	Approp, industrial com, orig	Ch.150 -	417
S 1381	Approp, insurance dept, orig	Ch.151 -	419
S 1382	Nursing, definition revised	Ch.215 -	602
S 1388aa	Tax deeds/ party of interest defind	Ch.273 -	750
S 1389	Concealed weapons/prohibitd conduct	Ch.208 -	585
S 1390	Approp, Idaho state police, orig	Ch.180 -	487
S 1391	Approp, H&W medicaid, orig	Ch.179 -	485
S 1392	Approp, libraries com, orig	Ch.178 -	484
S 1393	Approp, catastrophic hth care, orig	Ch.292 -	822
S 1394	Approp, blind com, orig	Ch.177 -	483
S 1395	Approp, voc rehab div, orig	Ch.216 -	604
S 1396	Approp, lieutenant gov, orig	Ch.217 -	605
S 1397	Approp, controller state, orig	Ch.218 -	606
S 1398	Approp, edu bd, special prgrm, orig	Ch.219 -	607
S 1399	Approp, edu bd, hlth ed prgrm, orig	Ch.220 -	609
S 1400	Approp, labor dept, orig	Ch.221 -	611
S 1401	Approp, parks & rec, orig	Ch.222 -	614
S 1402	Approp, water resources, orig	Ch.176 -	481
S 1403	Approp, H&W chld wlfr DDS srv, orig	Ch.223 -	616
S 1404aa	Unborn infants dignity act	Ch.368 -	1078
S 1405	Approp, pardons parole, orig	Ch.369 -	1082
S 1406	Approp, capitol com, orig	Ch.309 -	869
S 1407	Approp, historical society, orig	Ch.310 -	870
S 1408	Approp, bond payment program, orig	Ch.324 -	893
S 1409	Approp, correction dept, orig	Ch.335 -	918
S 1410	Approp, millennium fund, orig	Ch.370 -	1083
S 1411	Approp, legislative branch, orig	Ch.376 -	1101
S 1412	Approp, edu bd, off of, orig	Ch.311 -	871
S 1413	Approp, H&W indirect support, orig	Ch.312 -	873
S 1414	Approp, wolf control fund transfer	Ch.313 -	876
S 1415	Approp, environmental quality, orig	Ch.336 -	923
S 1416	Approp, soil & water conserv, orig	Ch.337 -	926
S 1417	Approp, agriculture, add'l, orig	Ch.314 -	877

S 1418	Approp, secretary of state, trailer	Ch.315 -	880
S 1419	Approp, administration, add'l, orig	Ch.316 -	881
S 1420	District judges, salaries	Ch.371 -	1087
S 1421	Approp, legal costs leg/admin, add'	Ch.317 -	884
S 1422	Approp, perm bldg fund, add'l, orig	Ch.372 -	1088
S 1423	Approp, transportation, add'l, orig	Ch.318 -	885
S 1424	Approp, public instruc, reduc, orig	Ch.319 -	888
S 1425	Approp, STEM action center, orig	Ch.320 -	890
S 1426	Approp, edu bd, ag research, orig	Ch.321 -	890
S 1427	Approp, supreme court, trailer	Ch.322 -	891
S 1428	Approp, legislature, addl	Ch.274 -	758
S 1429	Approp, education, trailers	Ch.323 -	892
S 1430	Approp, pub schls, debt reserve	Ch.338 -	927

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
H 331aa	Alcoholic bevs, powdered alcohol	Ch.277	- 765
H 332	Residential care, license renewal	Ch.124	- 358
H 333	Optometrists, license renewal	Ch.116	- 329
H 334	Physical therapy license renewal	Ch.117	- 329
H 335	Controlled substances, sched II	Ch. 70	- 245
H 336	Pharmacy board terms	Ch. 71	- 248
H 337	Prescriptions, med examiners/dbase	Ch. 72	- 249
H 338	Legend drug possession	Ch. 73	- 251
H 339	Controlled substance storage	Ch. 74	- 252
H 340	Pharm brd, contraceptives	Ch. 75	- 252
H 341	Patient freedom of info act	Ch. 76	- 252
H 342	Approp, deficiency fund transfer	Ch. 5	- 6
H 343	Fuels, revenue distribution	Ch.152	- 419
H 344	Tax hardship application deadline	Ch. 10	- 10
H 345	Forest land designation appeals	Ch. 16	- 21
H 346	Alcoholic beverages, income tax act	Ch. 77	- 254
H 347	Sales and use tax, hand tools	Ch. 9	- 8
H 348	Sales and use tax, paddleboards	Ch. 11	- 11
H 349	Approp, Fish & Game, add'l	Ch. 4	- 5
H 350	F&G, upland game bird permits	Ch.207	- 583
H 351	Water resources, design criteria	Ch.206	- 577
H 352	Income tax, employer reports	Ch. 31	- 74
H 353	Income tax withholding, employers	Ch. 12	- 12
H 355	Mil div/emergency management division	Ch.118	- 330
H 356aa	Military div, adjutant gen duties	Ch.205	- 575
H 357	STEM action center/incom tax credit	Ch. 78	- 255
H 358	Tax commission, requirement removed	Ch. 13	- 15
H 359	Operating property, taxable value	Ch. 29	- 70
H 360	Taxing district date requirement	Ch. 30	- 73
H 361	Sales and use tax, aircraft	Ch. 17	- 23
H 362aaS	Retail sale/liquor by the drink	Ch.153	- 422
H 363	Approp, transportation, add'l	Ch. 8	- 7
H 364	Approp, labor dept, add'l	Ch. 7	- 6
H 365	Approp, bld safety div, add'l	Ch. 6	- 6
H 366	Arch examiners board, compensation	Ch.154	- 424
H 367	Morticians, resid training license	Ch. 79	- 258
H 368	Real estate appraisers	Ch.155	- 425
H 369	Funeral establishments	Ch. 80	- 258
H 371aaS	Factory built structrs, advis brd	Ch.342	- 968
H 372	Auxiliary containers	Ch.204	- 574
H 373	Legend drugs, clinic donat/dispense	Ch. 81	- 259
H 374	Control subs prescription database	Ch. 82	- 262
H 375	Health care task force	Ch. 83	- 264

H 376	Cigarette tax, wholesaler bonding	Ch. 28 -	69
H 377	Global entreprenrl mission program	Ch. 84 -	266
H 378	F&G, trapping ed programs	Ch.203 -	573
H 379aaS	Computer sci initiative/pub schools	Ch.156 -	426
H 381	Veterinarians/humane euthanasia com	Ch.119 -	343
H 382aaS	Veterinarians, formal discipline	Ch.343 -	980
H 383	Aquaculture commission, repealed	Ch. 85 -	269
H 384	Approp, secretary of state, add'l	Ch. 14 -	20
H 385	Veterans plates, surviving spouse	Ch. 67 -	204
H 386	Production exemption, term	Ch. 86 -	271
H 389	Ag liens, notice of lien claims	Ch.202 -	572
H 390	Benefit corporation report, filing	Ch.157 -	428
H 391	Adjusted market value report	Ch. 87 -	273
H 392	Education, youth ed acct, repealed	Ch. 88 -	274
H 396	Employment security law/notice	Ch.126 -	360
H 397	Employmnt security, notice/appeal	Ch.158 -	429
H 398	Rev'd uniform athlete agents act	Ch.201 -	561
H 403	Approp, state police, chg	Ch. 15 -	20
H 405	Fire protection, residence req	Ch. 89 -	275
H 406aa	Water sewer districts, zones, annex	Ch.278 -	766
H 417	Rural developmtn partnership act	Ch. 90 -	278
H 425	Taxes, internal rev code, marriage	Ch. 1 -	3
H 426	Bond guaranty	Ch.159 -	442
H 427	Bond bank authority	Ch.160 -	443
H 428	College savings accounts, unclaimed	Ch. 91 -	281
H 429	Controlled subs, withheld judgment	Ch.161 -	444
H 431	Taxation, exempt property	Ch. 94 -	287
H 432	Insurance policies, valuation	Ch. 68 -	205
H 436	Idaho day celebration, weekday	Ch.162 -	445
H 439	Appellate pub defendr/appeals	Ch.200 -	560
H 440	Insurance, principal place	Ch. 92 -	282
H 441	Cosmeticians, license renewal	Ch.163 -	446
H 443aa	Municipal records, retentn/storage	Ch.226 -	621
H 445	Approp, agriculture, chg	Ch. 46 -	96
H 446	Approp, water resources, add'l	Ch. 18 -	23
H 447aaS	Public records/ disclosure exemptio	Ch.164 -	446
H 451	Ed/reading instruction/intervention	Ch.187 -	509
H 452aaS	Education, employee accrued sick lv	Ch.199 -	556
H 454	Underground, damage prevent board	Ch.325 -	894
H 455	Apple commission	Ch. 93 -	284
H 456	Grapes/wine, tax provision revised	Ch.165 -	449
H 458aaS	Education, advanced opp/rulemaking	Ch.166 -	450
H 459	Ed, comm college start-up account	Ch.125 -	359
H 461	Fees/surcharge general fund deposit	Ch. 34 -	84
H 463	Minimum wage	Ch.145 -	412
H 464	Treasurer/duties/pub endowmnt funds	Ch.167 -	461
H 469	Noxious weeds, research facility	Ch.198 -	553
H 471	Rec activities, motorbikes, enforce	Ch.120 -	352
H 472	License plates/same number request	Ch.121 -	353
H 473	Military, definitions revised	Ch.122 -	355
H 474	Taxing district budgets, pub notice	Ch. 69 -	241
H 476	Ed, statewide avg class size estab	Ch.123 -	356
H 477aa, aaS	Ed, postsecondary credit scholarshp	Ch.374 -	1091
H 478	Pub records, firearm, disclosure	Ch.279 -	769
H 480	Exec directors, licensure	Ch.341 -	966
H 481	Right to try act	Ch.168 -	466

H 482	Boards/qualifications/consumr membr	Ch.340 -	930
H 483	Pharmacy, communicatn, bio products	Ch.197 -	552
H 485	Employment security act/benefits	Ch.280 -	772
H 486	Barbers, schools/add'l requirmnts	Ch.169 -	469
H 487	Agreement/covenants/employee breach	Ch.281 -	779
H 491aa	Lien/ nonconsensual common law lien	Ch.170 -	470
H 494aaS	Alcohol, age infractions	Ch.344 -	986
H 495	Alcohol violation, expunged/sealed	Ch.196 -	551
H 496	Cemeteries, lots, recover/resell	Ch.171 -	472
H 497aaS	Lobbyists, state entity reports	Ch.345 -	997
H 499	Food regulation, dept of ag	Ch.172 -	474
H 500	Medicare reimbursement rate	Ch.173 -	476
H 501	Worker's comp, security instrument	Ch.282 -	780
H 503	Trust deeds, trustees	Ch.227 -	624
H 504	Public defense	Ch.195 -	544
H 509	Oil and gas	Ch.194 -	541
H 511	Homeowner's assoc, prohibit conduct	Ch.209 -	592
H 512	Community college trustee zones	Ch.193 -	538
H 513aa,aaS	Real ID act, 2015, implementation	Ch.228 -	625
H 514	Ed, school safety and security	Ch.192 -	534
H 515	School districts/writn perform eval	Ch.191 -	526
H 516	Abortion, ultrasounds	Ch.283 -	782
H 519	Massage therapy/studnt tuitn credit	Ch.174 -	476
H 521aaS	Alcoholic bevs, minor/med emegency	Ch.346 -	998
H 523	Foster care program, annual report	Ch.284 -	784
H 524	Animal cruelty, companion animals	Ch.190 -	523
H 525aa	Dangerous, at-risk dogs	Ch.285 -	785
H 526	Educational support program	Ch.186 -	498
H 527	Comm colleges/out-of-district studn	Ch.303 -	853
H 528	Sexual assault evidence kits	Ch.175 -	478
H 531	Ag facilities/ops, penalties	Ch.286 -	789
H 532	Approp, fire deficiency transfer	Ch.229 -	626
H 533	Hospital districts, board trustees	Ch.287 -	790
H 534	Energy tax, solar enegy	Ch.189 -	513
H 535	Income tax, cap gain deduct/cattle	Ch.188 -	511
H 536	Highways, out-of-county judges	Ch.358 -	1051
H 537	Ed, supplemental contracts	Ch.288 -	791
H 538	Procurement act, established	Ch.289 -	792
H 540	Sales/use tax, aircraft, wildfire	Ch.326 -	907
H 541	Puchasing laws/local govt exclusion	Ch.290 -	820
H 542	Election ads, precinct committeeman	Ch.304 -	858
H 544	Alcohol, films, indecency/obscenity	Ch.291 -	821
H 546	Approp, endow fund invest, orig	Ch.230 -	626
H 547	Approp, lava hot springs, orig	Ch.231 -	627
H 548	Approp, public utilities com, orig	Ch.232 -	628
H 549	Approp, public hlth districts, orig	Ch.233 -	629
H 550	Approp, drug policy office, orig	Ch.234 -	629
H 551	Approp, energy resources, orig	Ch.235 -	630
H 552	Approp, veterans srvcs div	Ch.236 -	631
H 553	ATV, UTV, SOHV, motorbikes/hwy use	Ch.237 -	632
H 554	Worker's compensation, firefighters	Ch.276 -	759
H 555aaS	Sexual exploitation of a child	Ch.377 -	1102
H 556aaS	Juvenile, adoptions, foster	Ch.347 -	999
H 557	Ed/youth athletes/concussion monitr	Ch.293 -	822
H 558	Uniform probate, minor's claim	Ch.238 -	633
H 560	Ed, add'l requirement, term defined	Ch.239 -	635

H 561	Approp, aging com, orig	Ch.240 -	637
H 562	Approp, juvenile corrections, orig	Ch.241 -	638
H 563	Approp, secretary of state, orig	Ch.242 -	639
H 564	Approp, species conservation, orig	Ch.243 -	640
H 566	Approp, H&W public hlth srvcs, orig	Ch.294 -	824
H 567	Approp, Hispanic affairs com, orig	Ch.244 -	641
H 569	Watershed improvement, dissolution	Ch.295 -	826
H 570	Local innovation schools	Ch.305 -	858
H 571	Ed, career ladder/ed multiplier	Ch.245 -	642
H 574	Approp, H&W welfare division, orig	Ch.246 -	658
H 575	Approp, PUC/tax/industrial salaries	Ch.247 -	660
H 576	Approp, supreme court, orig	Ch.248 -	662
H 577	Approp, attorney gen, orig	Ch.373 -	1090
H 578	Approp, public defense com, orig	Ch.249 -	664
H 579	Approp, H&W mental hlth, orig	Ch.250 -	664
H 580	Sex crimes, rape	Ch.296 -	828
H 587	Approp, commerce, orig	Ch.251 -	668
H 588	Approp, rev&tax, tax appeals, orig	Ch.252 -	669
H 589	Approp, rev&tax, tax com, orig	Ch.253 -	670
H 595	Ground water management areas	Ch.297 -	848
H 598	Approp, medical boards, orig	Ch.254 -	672
H 600	Approp, appellate defender, orig	Ch.255 -	673
H 601	Approp, treasurer, state, orig	Ch.256 -	674
H 603	Ed, staff allowance	Ch.348 -	1010
H	Urban renewal	Ch.349 -	1014
606aa, aaS, aaS			
H 608	Approp, supreme court, trailer	Ch.298 -	849
H 609	Approp, public defense com, trailer	Ch.299 -	850
H 610	Approp, financial mgmt div, orig	Ch.300 -	851
H 611	Approp, Gov, exec office, orig	Ch.301 -	851
H 612	Approp, idaho state police, trailer	Ch.302 -	852
H 617	Approp, pub schls admin, orig	Ch.257 -	676
H 618	Approp, pub schls teachers, orig	Ch.258 -	678
H 619	Approp, pub schls operations, orig	Ch.306 -	861
H 620	Approp, pub schls children's, orig	Ch.307 -	864
H 621	Approp, pub schls facilities, orig	Ch.259 -	679
H 622	Approp, pub schls deaf blind, orig	Ch.260 -	680
H 623	Approp, pub schls cntrl srvs, orig	Ch.308 -	867
H 625	Approp, edu bd, career tech, orig	Ch.327 -	908
H 626	Approp, special fuels, trailer	Ch.328 -	910
H 627	Ed, leadership premiums	Ch.350 -	1027
H 629	Ed support program, calculation	Ch.351 -	1029
H 630	Career tech ed instructional staff	Ch.352 -	1038
H 635	Approp, bld safety div, trailer	Ch.329 -	910
H 636	Approp, future fire suppression	Ch.330 -	911
H 637	Approp, edu bd, college univ, orig	Ch.353 -	1043
H 638	Approp, edu bd, comm college, orig	Ch.331 -	912
H 639	Administrative rules extended	Ch.354 -	1045
H 640	Approp, lands dept, orig	Ch.339 -	928
H 641	Approp, fish & game, orig	Ch.332 -	913
H 642	Approp, arts com, orig	Ch.333 -	916
H 643	Submersible well pumps	Ch.355 -	1046
H 645	Approp, edu bd, specl prgm, trailer	Ch.375 -	1101
H 646	Approp, lands/ fish & game, add'l	Ch.356 -	1047
H 647	Approp, pub schls, trailers	Ch.334 -	917
H 649	Breweries/persons under 21 years	Ch.357 -	1048

NUMERICAL LIST OF SENATE AND HOUSE JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SCR 132	Peace officers	1113
SCR 133	Black history month	1114
SCR 134	Ed, support goal/postsecondary grad	1115
SCR 136	ESPA managed recharge goals	1117
SCR 137	Aquifers, managed recharge	1118
SCR 138	Water, settlement agreement	1120
SCR 139	Education brd, rule rejected	1121
SCR 140	Education brd, rule rejected	1122
SCR 141	Education brd, rule rejected	1122
SCR 143	Joint rule 20, amended	1123
SCR 144	Joint rule 21, amended	1123
SCR 146	Purple heart state/day, designated	1124
SCR 147	Women's history month/commemorating	1125
SCR 148	Hecla mining co, 125th anniversary	1126
SCR 149	Veterans cemetery, eastern Idaho	1127
SCR 150	Joint rule 18, amended, sop/fn	1128
SCR 151	Admin hearing officer interim comm	1129
SCR 153	Administrative fee rules	1130
SCR 154	Administrative temporary rules	1132
SJM 104	Aquatic invasive species prevention	1109
SJM 105	USPS, budget priorities restructurd	1110
HCR 27	State of the state address	1133
HCR 28aa	Military families, recognized	1133
HCR 29	Statue of liberty/130th anniversary	1134
HCR 30	Anthony Doerr, honored	1135
HCR 31	Music in schools month/recognized	1136
HCR 32	Pulse crops, recognizing	1137
HCR 33	Ed study/pub school funding formula	1138
HCR 35	Assoc logging contractors	1139
HCR 36	Nat apprenticeship week, recognized	1139
HCR 38	Nationl day of the cowboy, recogniz	1140
HCR 39	Pardons and parole comm/rule reject	1141
HCR 40	Rule rejection, Idaho state police	1142
HCR 41	Idaho great seal, 125th anniversary	1142
HCR 42	Matt Paradis, congratulated	1143
HCR 43	Idaho power co, 100 anniv, honored	1144
HCR 44	Education, rule docket rejection	1145
HCR 45	Ed, rule rejection	1145
HCR 46	U.S. Capitol Christmas tree 2016	1146
HCR 47	Social work recognition month	1147
HCR 48	Public procurement/study committee	1147
HCR 49	Wheat commission, rules rejected	1148
HCR 51	Public utilities comm/rules rejectd	1149
HCR 55	F&G, rule rejected	1149
HCR 57	Flags of Idaho and U.S.	1150

HCR 59	Foster care, study committee	1151
HCR 60	Attorney gen, INL/spent fuels waivr	1152
HCR 61	Empl group insurance, compensation	1153
HJM 13	Sage-grouse conservation plan	1111

NUMERICAL LIST OF CONSTITUTIONAL AMENDMENTS

HJR 5	Administrative rules, const amendmt	1107
-------	---	------

NUMERICAL LIST OF EXECUTIVE ORDERS

2015-04	Adopting Idaho's Sage-Grouse Plan	1159
2015-05	IHFA - National Housing Trust Fund	1164
2015-06	Federal Insurance Administration - Flood Insurance ...	1165
2015-07	Idaho Cybersecurity Cabinet Task Force	1167
2015-08	Governor's Commission on Service and Volunteerism	1168
2015-09	Idaho War on Terrorism Memorial	1172
2015-10	Idaho Criminal Justice Commission	1173
2015-11	Juvenile Justice and Delinquency Prevention Act	1177
2015-12	Idaho Medal of Achievement	1179
2015-13	Waiver of Division of Building Safety Permit Fees	1180
2016-01	Early Childhood Coordinating Council	1181

APPENDIX

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Senator James E. Risch (R)
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GOVERNOR C.L. "Butch" Otter (R)

LIEUTENANT GOVERNOR Brad Little (R)

SECRETARY OF STATE Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

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 Joint Millennium Fund Committee

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 514 S. El Blanco Dr., Boise 83709
 Home 375-8254 Bus 343-0022 FAX 375-0501
 Email: lluker@house.idaho.gov
 Attorney Spouse - Helen
 CHAIR-Local Government
 Judiciary, Rules, & Administration; State Affairs

Patrick McDonald (R) House Seat B 2nd Term
 13359 West Annabrook Dr., Boise 83713
 Home 938-1329
 Email: pmcdonald@house.idaho.gov
 Retired Law Enforcement Executive Spouse - Sarah Jane
 Education; Judiciary, Rules, & Administration; Transportation &
 Defense

16 - ADA COUNTY

Grant Burgoyne (D) Senate 1st Term
 Served 3 terms, House 2008-2014
 MINORITY CAUCUS CHAIR
 2203 Mountain View Dr., Boise 83706
 Home 377-5729 Bus 859-8828
 Email: gburgoyne@senate.idaho.gov
 Attorney, Mediator, and Arbitrator Spouse - Christy
 Agricultural Affairs; Judiciary & Rules; Legislative Council; Local
 Government & Taxation

John McCrostie (D) House Seat A 1st Term
 7820 W. Riverside Drive, Garden City 83714
 Home 440-8317
 Email: jmccrostie@house.idaho.gov
 Teacher Spouse - Dave Navarro
 Judiciary, Rules, & Administration; Local Government; State
 Affairs

Hy Kloc (D) House Seat B 2nd Term
 3932 Oak Park Pl., Boise 83703
 Home 343-8465
 Email: hkloc@house.idaho.gov
 Retired, Boise State Public Radio Spouse - Joan L. Wallace
 Education; Local Government

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Maryanne Jordan (D) Senate 1st Term
 312 N. Atlantic St., Boise 83706
 Home 859-1931
 Email: mjordan@senate.idaho.gov

Health & Welfare; Judiciary & Rules

Spouse - Rocky

John Gannon (D) House Seat A 2nd Term
 Served 1 term, House 1991-1992
 2104 S. Pond Street, Boise 83705
 Home 343-1608 Bus 433-0629
 Email: jgannon@house.idaho.gov

Attorney
 Appropriations/JFAC; Judiciary, Rules, & Administration

Spouse - Bev

Sue Chew (D) House Seat B 5th Term
 1304 Lincoln Ave., Boise 83706
 Home 332-1049
 Email: schew@house.idaho.gov

Adjunct Professor/Licensed Pharmacist
 Commerce & Human Resources; Health & Welfare

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 2nd Term
 Served 1 term, House 2012-2013
 3578 S. Crosspoint Ave., Boise 83706
 Home 385-9564
 Email: jwardengelking@senate.idaho.gov

Retired Teacher
 Agricultural Affairs; Change in Employee Compensation Committee; Commerce & Human Resources; Education; Joint Millennium Fund Committee

Spouse - Kay Frank Engelking

Iana Rubel (D) House Seat A 2nd Term
 2750 Migratory Dr., Boise 83706
 Home 866-4776
 Email: irubel@house.idaho.gov

Attorney
 Education; Environment, Energy, & Technology; Resources & Conservation

Phylis K. King (D) House Seat B 5th Term
 2107 Palouse, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pking@house.idaho.gov

Commercial Photographer
 Appropriations/JFAC; Change in Employee Compensation Committee; Commerce & Human Resources; Joint Millennium Fund Committee; Legislative Council; Transportation & Defense

19 - ADA COUNTY

Cherie Buckner-Webb (D) Senate 2nd Term
 Served 1 term, House 2010-2012
 ASSISTANT MINORITY LEADER

2304 W. Bella St., Boise 83702
 Home 861-5482 Bus 861-5482
 Email: cbucknerwebb@senate.idaho.gov

Owner/Principal, Sojourner Coaching
 Education; Joint Legislative Oversight/JLOC; Legislative Council; State Affairs; Transportation

Spouse - Henry Webb

Mathew W. "Mat" Erpelding (D) House Seat A 2nd Term
 ASSISTANT MINORITY LEADER
 P.O. Box 1697, Boise 83701
 Home 856-0291
 Email: merpelding@house.idaho.gov

Owner, Leadership Development Firm/Outfitter and Guide
 Agricultural Affairs; Economic Outlook and Revenue Assessment Committee; Joint Millennium Fund Committee; Legislative Conference Committee; Resources & Conservation; Revenue & Taxation; Ways & Means

Spouse - Elizabeth

Melissa Wintrow (D) House Seat B 1st Term
 1711 Ridenbaugh, Boise 83702
 Home 332-1076
 Email: mwintrow@house.idaho.gov

Education
 Judiciary, Rules, & Administration; State Affairs; Transportation & Defense

20 - ADA COUNTY

Chuck Winder (R) Senate 4th Term
 ASSISTANT MAJORITY LEADER
 5528 N. Ebbetts Ave., Boise 83713
 Home 853-9090
 Email: cwinder@senate.idaho.gov

Businessman
 State Affairs; Transportation

Spouse - Dianne

Joe Palmer (R) House Seat A 4th Term
 1524 N. Meridian Rd., Meridian 83642
 Bus 887-9488
 Email: jpalmer@house.idaho.gov

Self-employed
 CHAIR-Transportation & Defense
 CO-CHAIR-Legislative Conference Committee
 Business; Economic Outlook and Revenue Assessment Committee; State Affairs

Spouse - Leslie

James Holtzclaw (R) House Seat B 2nd Term
 3720 N. Heritage View Ave., Meridian 83646
 Home 284-9542
 Email: jholtzclaw@house.idaho.gov

Real Estate Broker
 Change in Employee Compensation Committee; Commerce & Human Resources; State Affairs; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Clifford R. Bayer (R) Senate 2nd Term
 Served 5 terms, House 2002-2012
 592 E. St. Kitts Dr., Meridian 83642
 Home 362-5058 FAX 362-5058
 Email: cbayer@senate.idaho.gov
 Medical Research Scientist Spouse - Nicole
 CO-CHAIR-Joint Legislative Oversight/JLOC
 VICE CHAIR-Agricultural Affairs
 Economic Outlook and Revenue Assessment Committee;
 Legislative Council; Local Government & Taxation; Resources &
 Environment

Steven Harris (R) House Seat A 2nd Term
 851 E. Martinique Dr., Meridian 83642
 Home 861-8638
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 Commerce & Human Resources; Education; Transportation &
 Defense

Thomas Dayley (R) House Seat B 2nd Term
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 VICE CHAIR-Judiciary, Rules, & Administration
 Agricultural Affairs; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 1st Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: ldenhartog@senate.idaho.gov
 Homemaker Spouse - Scott
 Agricultural Affairs; Education; Transportation

John Vander Woude (R) House Seat A 3rd Term
 Served 1 term, House 2006-2008
 MAJORITY CAUCUS CHAIR
 5311 Ridgewood Rd., Nampa 83687
 Home 888-4210 FAX 888-9268
 Email: jvanderwoude@house.idaho.gov
 Farmer Spouse - Judy
 Environment, Energy, & Technology; Health & Welfare;
 Legislative Conference Committee; Resources & Conservation;
 Ways & Means

Jason A. Monks (R) House Seat B 2nd Term
 1280 W. Clarinda, Meridian 83642
 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 Appropriations/JFAC; Business; Legislative Council;
 Transportation & Defense

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 5th Term
 Served 2 terms, House 2005-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 CO-CHAIR-Legislative Conference Committee
 Finance/JFAC;

Richard "Rich" Wills (R) House Seat A 7th Term
 P.O. Box 602, Glens Ferry 83623
 Home 366-7408 Bus 484-0403 FAX 366-2457
 Email: rwills@house.idaho.gov
 Business Owner, Opera Theatre/
 Communications Consulting Business Spouse - Connie
 CHAIR-Judiciary, Rules, & Administration
 Education; Transportation & Defense

Pete Nielsen (R) House Seat B 7th Term
 4303 S.W. Easy St., Mountain Home 83647
 Home 832-4382 Bus 832-4382 FAX 832-4382
 Email: pnielsen@house.idaho.gov
 Life & Health Insurance Agent Spouse - Connie
 Commerce & Human Resources; Environment, Energy, &
 Technology; State Affairs

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 3rd Term
 1631 Richmond Dr., Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Retired, Contractor/Broker Spouse - Jan
 CHAIR-Health & Welfare
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Lance Clow (R) House Seat A 2nd Term
 2170 Bitterroot Dr., Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Retired, Personal Financial Advisor Spouse - DeeDee
 VICE CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Stephen Hartgen (R) House Seat B 4th Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic Spouse - Linda
 Development
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Environment,
 Energy, & Technology; Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim Patrick (R) Senate 2nd Term
 Served 3 terms, House 2006-2012
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 733-6897
 Email: jpatrick@senate.idaho.gov
 Farmer Spouse - Afton
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Agricultural Affairs; Education

Maxine T. Bell (R) House Seat A 14th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Retired Farmer/School Librarian Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Agricultural Affairs; Joint Legislative Oversight/JLOC

Clark Kauffman (R) House Seat B 2nd Term
 3791 N. 2100 East, Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckauffman@house.idaho.gov
 Farmer Spouse - Debbie
 Business; Revenue & Taxation; Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 3rd Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed
 Joint Legislative Oversight/JLOC; Legislative Council; Local
 Government & Taxation; Resources & Environment; State Affairs

Steven Miller (R) House Seat A 2nd Term
 1208 E. 200 North, Fairfield 83327
 Home 764-2560
 Email: smiller@house.idaho.gov
 Farmer/Rancher Spouse - Cheryl
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Donna Pence (D) House Seat B 6th Term
 MINORITY CAUCUS CHAIR
 1960 U.S. Highway 26, Gooding 83330
 Home 934-5302
 Email: dpence@house.idaho.gov
 Retired Teacher/Tree Farmer Spouse - Lew
 Agricultural Affairs; Education; Resources & Conservation; Ways
 & Means

27 - CASSIA & MINIDOKA COUNTIES

Kelly A. Anthon (R) Senate 1st Term
 725 East 300 South, Burley 83318
 Home 654-4099
 Email: kanthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Education; Judiciary & Rules

Scott Bedke (R) House Seat A 8th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 5th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056 FAX 677-3136
 Email: fwood@house.idaho.gov
 Physician (retired) Spouse - Amy
 CHAIR-Health & Welfare
 Joint Millennium Fund Committee; Resources & Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 2nd Term
 Served 1 term, House 2010-2012
 P.O. Box 12, Inkom 83245
 Home 251-9303
 Email: jguthrie@senate.idaho.gov
 Rancher/Business Owner
 VICE CHAIR-Local Government & Taxation
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Finance/JFAC;

Ken Andrus (R) House Seat A 6th Term
 6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
 Home 776-5380 Bus 244-2057
 Email: kandrus@house.idaho.gov
 Cattle & Sheep Rancher Spouse - Colleen
 CHAIR-Agricultural Affairs
 Resources & Conservation; State Affairs

Kelley Packer (R) House Seat B 2nd Term
 P.O. Box 147, McCammon 83250
 Home 241-3350 Bus 478-4522 FAX 478-2935
 Email: kpacker@house.idaho.gov
 Office Manager Spouse - Duane
 VICE CHAIR-Health & Welfare
 Commerce & Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Roy Lacey (D) Senate 2nd Term
 Served 1 term, House 2010-2012
 13774 W. Trail Creek Rd., Pocatello 83204
 Home 406-4216
 Email: rlacey@senate.idaho.gov
 Retired Spouse - Renée
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Legislative Conference Committee; Resources &
 Environment; Transportation

Mark Nye (D) House Seat A 1st Term
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: mnye@house.idaho.gov
 Country Lawyer Spouse - Eva
 Judiciary, Rules, & Administration; Local Government; Revenue &
 Taxation

Elaine Smith (D) House Seat B 8th Term
 3759 Heron Ave., Pocatello 83201
 Home 237-1462
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy, & Technology; Joint Legislative
 Oversight/JLOC; State Affairs

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 4th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 528-6377 Bus 524-9000 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC;

Jeff Thompson (R) House Seat A 4th Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 CHAIR-Environment, Energy, & Technology
 Business; Economic Outlook and Revenue Assessment Committee;
 Revenue & Taxation

Wendy Horman (R) House Seat B 2nd Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 Appropriations/JFAC; Commerce & Human Resources; Local
 Government

31 - BINGHAM COUNTY

Steve Bair (R) Senate 5th Term
 947 W. 200 South, Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Agri-service Manager, Retired Farmer Spouse - Lori Kae
 CHAIR-Resources & Environment
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Legislative Council

Neil A. Anderson (R) House Seat A 2nd Term
 71 S. 700 West, Blackfoot 83221
 Home 684-3723
 Email: nananderson@house.idaho.gov
 Retired Financial Advisor, Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Environment, Energy, & Technology; Revenue & Taxation

Julie VanOrden (R) House Seat B 2nd Term
 425 S. 1100 W., Pingree 83262
 Home 684-4052
 Email: jvanorden@house.idaho.gov
 Agribusiness Co-owner/Homemaker Spouse - Garth
 VICE CHAIR-Education
 Agricultural Affairs; Resources & Conservation

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

Mark Harris (R) Senate 1st Term
 1619 8-Mile Creek Rd., Soda Springs 83276
 Home 547-3360
 Email: mharris@senate.idaho.gov
 Spouse - Cheryl
 Agricultural Affairs; Health & Welfare

Marc Gibbs (R) House Seat A 4th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337 FAX 425-3329
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Resources & Conservation

Thomas F. Loertscher (R) House Seat B 6th Term
 Served 8 terms, House 1986-2002
 1357 Bone Rd., Iona 83427
 Home 522-3072
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs
 Change in Employee Compensation Committee; Local Government

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 9th Term
 MAJORITY LEADER
 2638 Bellin Circle, Idaho Falls 83402
 Home 529-4993 Bus 522-8100 FAX 522-1334
 Email: bmdavis@senate.idaho.gov
 Attorney Spouse - Marion
 Judiciary & Rules; Legislative Council; State Affairs

Janet Trujillo (R) House Seat A 2nd Term
 3144 Disney Dr., Idaho Falls 83404
 Home 419-8266
 Email: jtrujillo@house.idaho.gov
 Certified Property Tax Appraiser Spouse - Lowell
 VICE CHAIR-Revenue & Taxation
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration

Linden B. Bateman (R) House Seat B 3rd Term
 Served 5 terms, House 1977-1986
 170 E. 23rd St., Idaho Falls 83404
 Home 524-0927
 Email: lbateman@house.idaho.gov
 Semi-retired Educator Spouse - Deann
 Resources & Conservation; State Affairs; Transportation & Defense

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 8th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd E., Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Economic Outlook and Revenue Assessment Committee;
 Legislative Council; State Affairs

Ronald Nate (R) House Seat A 1st Term
 2139 Ferris Lane, Rexburg 83440
 Home 403-3609
 Email: nater@house.idaho.gov
 Economics Professor Spouse - Maria
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration; Revenue & Taxation

Dell Raybould (R) House Seat B 8th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Resources & Conservation
 Environment, Energy, & Technology; Revenue & Taxation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Jeff C. Siddoway (R) Senate 5th Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 CHAIR-Local Government & Taxation
 Resources & Environment; State Affairs

Van T. Burtenshaw (R) House Seat A 1st Term
 1329 E. 1500 North, Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: vburtenshaw@house.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Paul Romrell (R) House Seat B 2nd Term
 512 Park St., St. Anthony 83445
 Home 624-4304
 Email: promrell@house.idaho.gov
 Retired Farmer/Rancher, Hospital Spouse - Ellen
 Administrator, County Commissioner and
 Coroner
 Agricultural Affairs; Change in Employee Compensation
 Committee; Commerce & Human Resources; Health & Welfare

