

GENERAL LAWS
OF THE
STATE OF IDAHO



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

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

CHAPTER 216
(S.B. No. 1107)

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-306, IDAHO CODE, TO REVISE PROVISIONS REGARDING SKILLS TEST FEES FOR COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-306, IDAHO CODE, AS AMENDED BY SECTION 6, CHAPTER 54, LAWS OF 2015, TO REVISE PROVISIONS REGARDING SKILLS TEST FEES FOR COMMERCIAL DRIVER'S LICENSES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

- (a) Class A, B, C (4-year) license with endorsements -- age 21 years and older \$40.00
- (b) Class A, B, C (3-year) license with endorsements -- age 18 to 21 years \$30.00
- (c) Class A, B, C (1-year) license with endorsements -- age 20 years \$15.00
- (d) Class D (3-year) license -- under age 18 years \$25.00
- (e) Class D (3-year) license -- age 18 to 21 years \$25.00
- (f) Class D (1-year) license -- age 17 years or age 20 years \$15.00
- (g) Four-year Class D license -- age 21 years and older \$30.00
- (h) Eight-year Class D license -- age 21 to 63 years \$55.00
- (i) Commercial learner's permit \$29.00
- (j) Class D instruction permit or supervised instruction permit \$15.00
- (k) Duplicate driver's license or permit issued under section 49-318, Idaho Code \$15.00
- (l) Driver's license extension issued under section 49-319, Idaho Code \$10.00
- (m) License classification change (upgrade) \$25.00
- (n) Endorsement addition \$15.00
- (o) Class A, B, C skills tests not more than ~~\$70~~200.00
- (p) Class D skills test \$24.00
- (q) Motorcycle endorsement skills test \$10.00
- (r) Knowledge test \$ 3.00
- (s) Seasonal driver's license \$39.00
- (t) One time motorcycle "M" endorsement \$15.00
- (u) Motorcycle endorsement instruction permit \$15.00
- (v) Restricted driving permit or restricted school attendance driving permit \$60.00

(2) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye

color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is excepted from providing proof of Idaho residency and an Idaho mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and

(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and

(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(c) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

(i) Non-excepted Interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;

(ii) Excepted Interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;

(iii) Non-excepted Intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or

(iv) Excepted Intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation

or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

(d) The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(e) Every applicant for a class A, B or C driver's license or commercial learner's permit shall provide proof of United States citizenship or lawful permanent residency in the United States upon application for issuance, transfer, upgrade or renewal, unless the applicant's driving record already contains documentation confirming United States citizenship or lawful permanent residency. Every applicant for a nondomiciled class A, B or C driver's license or commercial learner's permit domiciled in a foreign country must provide an unexpired employment authorization document issued by the department of homeland security or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

(f) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license, commercial learner's permit or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(4) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(5) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license or commercial learner's permit to ensure identification of the person and to obtain clearance to issue the license.

(6) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and ten dollars (\$10.00) from each eight-year class D driver's license, in the current expense fund; and

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund; and

(c) Deposit an amount equal to three dollars (\$3.00) from each fee for a knowledge test in the current expense fund; and

(d) Deposit an amount equal to ten dollars (\$10.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the ten dollar (\$10.00) fee; and

(e) Remit the remainder to the state treasurer; and

(f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to seventeen dollars and fifty cents (\$17.50) of each fee.

(7) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(8) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:

(a) Two dollars (\$2.00) of each fee for a four-year driver's license or seasonal driver's license, and four dollars (\$4.00) of each fee for an eight-year class D driver's license, and one dollar and fifty cents (\$1.50) of each fee charged for driver's licenses pursuant to subsections (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver's licenses pursuant to subsections (1) (c) and (f) of this section, shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s) of this section and eight dollars (\$8.00) of each fee charged pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsections (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsections (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A, B or C driver's license, and nineteen dollars and fifty cents (\$19.50) of each fee charged for a license pursuant to subsection (1) (b) of this section, and eight dollars and sixteen cents (\$8.16) of each fee charged for a license pursuant to subsection (1) (c) of this section shall be deposited in the state highway account; and

(c) Twenty dollars (\$20.00) of each fee for a commercial learner's permit or driver's license classification change shall be deposited in the state highway account; and

(d) Four dollars (\$4.00) of each fee for a commercial learner's permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class A, B or C driver's license, class A, B or C driver's license extension, or additional endorsement shall be deposited in the state highway account; and

(f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account; and

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsections (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training fund; and

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsections (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant

to subsection (1) (f) of this section shall be deposited in the highway distribution fund; and

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training fund; and

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution fund; and

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account; and

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsections (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsections (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code; and

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account.

(9) The contractor administering a class A, B or C skills test shall be entitled to not more than ~~sixty one hundred ninety~~ dollars (\$60.00~~190~~) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(10) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(11) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(12) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.

SECTION 2. That Section 49-306, Idaho Code, as amended by Section 6, Chapter 54, Laws of 2015, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

(a) Class A, B, C (4-year) license with endorsements -- age 21 years and older	\$40.00
(b) Class A, B, C (3-year) license with endorsements -- age 18 to 21 years	\$30.00
(c) Class A, B, C (1-year) license with endorsements -- age 20 years	\$15.00
(d) Class D (3-year) license -- under age 18 years	\$25.00
(e) Class D (3-year) license -- age 18 to 21 years	\$25.00
(f) Class D (1-year) license -- age 17 years or age 20 years	\$15.00
(g) Four-year Class D license -- age 21 years and older	\$30.00
(h) Eight-year Class D license -- age 21 to 63 years	\$55.00
(i) Commercial learner's permit	\$29.00
(j) Class D instruction permit or supervised instruction permit	\$15.00
(k) Duplicate driver's license or permit issued under section 49-318, Idaho Code	\$15.00
(l) Driver's license extension issued under section 49-319, Idaho Code	\$10.00
(m) License classification change (upgrade)	\$25.00
(n) Endorsement addition	\$15.00
(o) Class A, B, C skills tests not more than	\$70 200.00
(p) Class D skills test	\$24.00
(q) Motorcycle endorsement skills test	\$10.00
(r) Knowledge test	\$ 3.00
(s) Seasonal driver's license	\$39.00
(t) One time motorcycle "M" endorsement	\$15.00
(u) Motorcycle endorsement instruction permit	\$15.00
(v) Restricted driving permit or restricted school attendance driving permit	\$60.00

(2) A person who applies for a driver's license or a driver's license renewal may designate a voluntary contribution of two dollars (\$2.00) for the purpose of promoting and supporting organ donation. Such a contribution shall be treated as a voluntary contribution to the organ donation contribution fund created in section 49-2447, Idaho Code, and not as a driver's license fee.

(3) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is exempted from providing proof of Idaho residency and an Idaho mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and

(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and

(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(c) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

(i) Non-excepted interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;

(ii) Excepted interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;

(iii) Non-excepted intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or

(iv) Excepted intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

(d) The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(e) Every applicant for a class A, B or C driver's license or commercial learner's permit shall provide proof of United States citizenship

or lawful permanent residency in the United States upon application for issuance, transfer, upgrade or renewal, unless the applicant's driving record already contains documentation confirming United States citizenship or lawful permanent residency. Every applicant for a nondomiciled class A, B or C driver's license or commercial learner's permit domiciled in a foreign country must provide an unexpired employment authorization document issued by the department of homeland security or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

(f) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license, commercial learner's permit or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(4) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(5) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(6) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license or commercial learner's permit to ensure identification of the person and to obtain clearance to issue the license.

(7) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and ten dollars (\$10.00) from each eight-year class D driver's license, in the current expense fund;

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund;

(c) Deposit an amount equal to three dollars (\$3.00) from each fee for a knowledge test in the current expense fund;

(d) Deposit an amount equal to ten dollars (\$10.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the ten dollar (\$10.00) fee;

(e) Remit the remainder to the state treasurer; and

(f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to seventeen dollars and fifty cents (\$17.50) of each fee.

(8) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(9) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:

(a) Two dollars (\$2.00) of each fee for a four-year driver's license or seasonal driver's license, and four dollars (\$4.00) of each fee for an eight-year class D driver's license, and one dollar and fifty cents (\$1.50) of each fee charged for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section, shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and (s) of this section and eight dollars (\$8.00) of each fee charged pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A, B or C driver's license, and nineteen dollars and fifty cents (\$19.50) of each fee charged for a license pursuant to subsection (1) (b) of this section, and eight dollars and sixteen cents (\$8.16) of each fee charged for a license pursuant to subsection (1) (c) of this section shall be deposited in the state highway account;

(c) Twenty dollars (\$20.00) of each fee for a commercial learner's permit or driver's license classification change shall be deposited in the state highway account;

(d) Four dollars (\$4.00) of each fee for a commercial learner's permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class A, B or C driver's license, class A, B or C driver's license extension, or additional endorsement shall be deposited in the state highway account;

(f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account;

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training fund;

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution fund;

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training fund;

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution fund;

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account;

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsection (1)(b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsection (1)(c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code;

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account; and

(n) Each voluntary contribution of two dollars (\$2.00) as described in subsection (2) of this section, less actual administrative costs associated with collecting and transferring such contributions, shall be deposited into the organ donation contribution fund created in section 49-2447, Idaho Code.

(10) The contractor administering a class A, B or C skills test shall be entitled to not more than sixty one hundred ninety dollars (~~\$60.00~~190) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(11) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(12) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(13) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.

SECTION 3. Section 2 of this act shall be in full force and effect when the Idaho Transportation Department submits to the Secretary of State in writing that the Idaho Transportation Department's information technology system has been updated to support the Organ Donation Contribution Fund.

CHAPTER 217
(S.B. No. 1109)

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-213A, IDAHO CODE, TO PROVIDE THAT HEARINGS OF THE COMMISSION SHALL BE HELD IN ACCORDANCE WITH THE OPEN MEETINGS LAW, TO PROVIDE THAT CERTAIN INITIAL REVIEWS MAY BE HELD IN EXECUTIVE SESSION, TO PROVIDE THAT CERTAIN DELIBERATIONS AND VOTING SHALL BE MADE IN EXECUTIVE SESSION, TO PROVIDE FOR FIREARM RESTORATION IN CERTAIN INSTANCES, TO PROVIDE THAT CERTAIN RECORDS SHALL BE AVAILABLE TO CERTAIN PERSONS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 20-213A, Idaho Code, be, and the same is hereby amended to read as follows:

20-213A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings and hearings of the commission of pardons and parole shall be held in accordance with the open meetings law as provided in chapter 232, title 6774, Idaho Code, except:

(a) An initial review of an application for a request for parole, pardon, commutation or firearm restoration may be held in executive session. The executive session shall be limited to a decision as to whether a hearing should be granted;

(b) When a hearing is granted, it will be conducted in open session. Pursuant to section 74-206, Idaho Code, deliberations and decisions voting concerning the granting, revoking, reinstating or refusing of paroles, or the granting or denying of pardons or commutations, or the granting or denying of firearm restorations shall be made in executive session; and

(bc) Votes of individual members in arriving at the parole, pardon, firearm restoration or commutation decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to grant or deny parole, pardon, firearm restoration or commutation, by each commission member in each case reviewed by that member shall be produced made by the commission. The record produced by the commission pursuant to this section shall be kept confidential and privileged from disclosure, provided the record shall be made available, upon request, to the governor and or the governor's representative, the chairman and most senior minority member of the senate judiciary and rules committee and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee, for all lawful purposes. All committee members and representatives of the governor's office shall keep such record confidential. Distribution of the report by a commissioner or an employee of the executive director to any person not specifically listed in this section shall be a misdemeanor.

(3) Nothing contained in this section shall prevent any person from obtaining the results of any parole, pardon, firearm restoration or commutation action by the commission without reference to the manner in which any member voted, and the commission shall make such information public information.

(4) Nothing contained herein shall prevent the executive director for the commission or designated staff of the executive director from attending any meeting, including an executive session of the commission of pardons and parole.

(5) Nothing contained herein shall prevent the governor and, the governor's representative, chairman and most senior minority member of the senate judiciary and rules committee and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee from attending any meeting, including an executive session of the commission of pardons and parole.

Approved April 4, 2017

CHAPTER 218
(S.B. No. 1164)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED AND SERVICE INTEGRATION FOR FISCAL YEAR 2018; 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; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; REQUIRING A REPORT ON FOSTER CARE SUPPORT STAFF; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated divisions, programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (General)					
Fund	\$9,704,100	\$2,383,300	\$700		\$12,088,100
Cooperative Welfare (Dedicated)					
Fund	71,500	20,000			91,500
Cooperative Welfare (Federal)					
Fund	<u>20,691,100</u>	<u>6,541,400</u>	<u>1,300</u>		<u>27,233,800</u>
TOTAL	\$30,466,700	\$8,944,700	\$2,000		\$39,413,400

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
B. FOSTER & ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$11,320,000	\$11,320,000
Cooperative Welfare (Dedicated)					
Fund				705,600	705,600
Cooperative Welfare (Federal)					
Fund				<u>18,065,900</u>	<u>18,065,900</u>
TOTAL				\$30,091,500	\$30,091,500
DIVISION TOTAL	\$30,466,700	\$8,944,700	\$2,000	\$30,091,500	\$69,504,900
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,365,100	\$1,114,200		\$2,094,000	\$10,573,300
Cooperative Welfare (Dedicated)					
Fund	103,700	46,300		1,909,800	2,059,800
Cooperative Welfare (Federal)					
Fund	<u>5,811,500</u>	<u>1,049,300</u>		<u>998,400</u>	<u>7,859,200</u>
TOTAL	\$13,280,300	\$2,209,800		\$5,002,200	\$20,492,300
B. SOUTHWEST IDAHO TREATMENT CENTER:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,004,500	\$501,700	\$74,700	\$77,600	\$2,658,500
Cooperative Welfare (Dedicated)					
Fund	288,300	137,800		10,600	436,700
Cooperative Welfare (Federal)					
Fund	<u>5,868,300</u>	<u>1,947,500</u>	<u>0</u>	<u>142,900</u>	<u>7,958,700</u>
TOTAL	\$8,161,100	\$2,587,000	\$74,700	\$231,100	\$11,053,900
DIVISION TOTAL	\$21,441,400	\$4,796,800	\$74,700	\$5,233,300	\$31,546,200

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
III. SERVICE INTEGRATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$231,200	\$54,700		\$450,000	\$735,900
Cooperative Welfare (Dedicated)					
Fund		19,500		50,000	69,500
Cooperative Welfare (Federal)					
Fund	<u>2,090,300</u>	<u>266,400</u>		<u>2,900,000</u>	<u>5,256,700</u>
TOTAL	\$2,321,500	\$340,600		\$3,400,000	\$6,062,100
GRAND TOTAL	\$54,229,600	\$14,082,100	\$76,700	\$38,724,800	\$107,113,200

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provisions of law, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Child Welfare	396.75
Community Developmental Disability Services	176.96
Southwest Idaho Treatment Center	130.75
Service Integration	35.00

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 2018.

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

SECTION 6. EDUCATIONAL NEEDS. 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 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, 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 included within existing department base appropriations.

SECTION 7. FOSTER CARE SUPPORT STAFF. The Department of Health and Welfare, Child Welfare Division, shall provide biannual reports to the Legislative Services Office and the Division of Financial Management on the status of staff workload and caseload issues. In 2016, the Legislature passed HCR 059, which authorized an Interim Committee on Foster Care. This committee identified several shortcomings in the Child Welfare System, including the concerns regarding recruiting and retaining qualified social workers. Similar findings were identified in the Child Welfare System report, published by the Office of Performance Evaluations in 2017. Both the committee and the report identified a dire need for the department to review its processes and add additional social workers and other associated staff to improve operations. The program over time has noted staffing issues related to effectiveness and retention as a result of caseloads, workloads, and compensation; the Legislature has continually supported the Child Welfare Division with additional staff and pay increases for social workers. The first report shall be submitted no later than December 31, 2017; the second report shall be submitted no later than June 30, 2018.

SECTION 8. HEAD START APPROPRIATION FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Head Start appropriations paid from federal Temporary Assistance for Needy Families funds at the same level as was paid to the Head Start Program in fiscal year 2007.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 223, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$651,000 from the Cooperative Welfare (General) Fund to the Department of Health and Welfare, for the Child Welfare Program, to be expended for personnel costs, for the period July 1, 2016, through June 30, 2017.

SECTION 10. In addition to the appropriation made in Section 1, Chapter 223, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$217,100 from the Cooperative Welfare (General) Fund to the Department of Health and Welfare, for the Foster and Assistance Payments Program, to be expended for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 9 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 219
(S.B. No. 1165)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2018; 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; REQUIRING A REPORT ON ACCREDITATION STATUS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, for the 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,702,200	\$2,155,300	\$1,084,600	\$4,942,100
Idaho Immunization Dedicated Vaccine				
Fund		18,970,000		18,970,000
Cancer Control				
Fund	56,900	205,000	82,600	344,500
Central Tumor Registry				
Fund		120,000		120,000
Cooperative Welfare (Dedicated)				
Fund	1,956,500	3,861,700	10,056,200	15,874,400
Cooperative Welfare (Federal)				
Fund	<u>7,424,700</u>	<u>8,725,500</u>	<u>40,034,500</u>	<u>56,184,700</u>
TOTAL	\$11,140,300	\$34,037,500	\$51,257,900	\$96,435,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. EMERGENCY MEDICAL SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$106,400	\$170,000		\$276,400
Emergency Medical Services				
Fund	1,746,000	1,140,200		2,886,200
Emergency Medical Services III				
Fund			\$1,400,000	1,400,000
TSE Registry				
Fund	98,800	127,000		225,800
Cooperative Welfare (Dedicated)				
Fund	492,700	341,300		834,000
Cooperative Welfare (Federal)				
Fund	<u>815,700</u>	<u>1,024,300</u>	<u>4,314,200</u>	<u>6,154,200</u>
TOTAL	\$3,259,600	\$2,802,800	\$5,714,200	\$11,776,600
III. LABORATORY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,812,600	\$394,700		\$2,207,300
Cooperative Welfare (Dedicated)				
Fund	464,900	199,300		664,200
Cooperative Welfare (Federal)				
Fund	<u>1,021,200</u>	<u>939,300</u>		<u>1,960,500</u>
TOTAL	\$3,298,700	\$1,533,300		\$4,832,000
IV. SUICIDE PREVENTION AND AWARENESS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$267,200	\$320,500	\$388,000	\$975,700
Cooperative Welfare (Federal)				
Fund	<u>0</u>	<u>10,000</u>	<u>80,000</u>	<u>90,000</u>
TOTAL	\$267,200	\$330,500	\$468,000	\$1,065,700
GRAND TOTAL	\$17,965,800	\$38,704,100	\$57,440,100	\$114,110,000

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law, it is the intent of the Legislature that the Department of Health and Welfare has

the authority to transfer authorized full-time equivalent positions between budgeted programs.

Physical Health Services	148.85
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 2018.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision 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, 2017.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 294, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Physical Health Services 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 TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:			
Cooperative Welfare (General)			
Fund		\$128,600	\$128,600
Cooperative Welfare (Federal)			
Fund	\$631,500	310,200	941,700
TOTAL	\$631,500	\$438,800	\$1,070,300

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 8 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 220
(S.B. No. 1167)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; AND PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN BALANCES.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$381,900	\$263,300			\$645,200
Indirect Cost Recovery					
Fund	244,200	197,200			441,400
Parks and Recreation					
Fund	1,333,200	1,019,200	\$24,000	\$290,000	2,666,400
Recreational Fuels					
Fund	634,800	87,500	90,700	2,221,800	3,034,800
Parks and Recreation Registration					
Fund	325,500	145,100		8,250,000	8,720,600
Miscellaneous Revenue					
Fund		15,600			15,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>2,600,000</u>	<u>2,602,600</u>
TOTAL	\$2,919,600	\$1,730,500	\$114,700	\$13,361,800	\$18,126,600
II. PARK OPERATIONS:					
FROM:					
General					
Fund	\$2,110,700	\$600,700			\$2,711,400
Indirect Cost Recovery					
Fund		2,400			2,400
Parks and Recreation					
Fund	4,540,000	1,404,800	\$506,400		6,451,200
Recreational Fuels					
Fund	156,300	244,600	1,080,600		1,481,500
Parks and Recreation Registration					
Fund	852,500	801,300		\$200,000	1,853,800
Miscellaneous Revenue					
Fund	49,400	76,500			125,900
Public Recreation Enterprise					
Fund	802,200	1,239,000			2,041,200
Parks and Recreation Expendable Trust					
Fund	498,200	405,600			903,800
Federal Grant					
Fund	<u>1,041,300</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>2,897,400</u>
TOTAL	\$10,050,600	\$5,403,500	\$1,587,000	\$1,427,500	\$18,468,600
III. CAPITAL DEVELOPMENT:					
FROM:					
Parks and Recreation					
Fund			\$854,000		\$854,000
Recreational Fuels					
Fund			1,092,500		1,092,500
Parks and Recreation Registration					
Fund			1,100,000		1,100,000
Public Recreation Enterprise					
Fund			110,000		110,000
Parks and Recreation Expendable Trust					
Fund			250,000		250,000
Federal Grant					
Fund			<u>1,227,500</u>		<u>1,227,500</u>
TOTAL			\$4,634,000		\$4,634,000
GRAND TOTAL	\$12,970,200	\$7,134,000	\$6,335,700	\$14,789,300	\$41,229,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred fifty-four and sixty-four hundredths (154.64) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding Section 67-3511(1) and (2), Idaho Code, trustee and benefit payments for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2017, to be used for nonrecurring expenditures in that program for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 221
(S.B. No. 1168)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2018; 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$421,200	\$275,700	\$70,000		\$766,900
Department of Lands					
Fund	667,600	370,400	85,100		1,123,100
Indirect Cost Recovery					
Fund	68,800	128,200			197,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Endowment Earnings Administrative					
Fund	<u>2,777,700</u>	<u>1,493,900</u>	<u>233,000</u>		<u>4,504,600</u>
TOTAL	\$3,935,300	\$2,268,200	\$388,100		\$6,591,600
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$1,107,200	\$102,700	\$90,200	\$20,000	\$1,320,100
Department of Lands					
Fund	1,038,500	696,900	4,600		1,740,000
Indirect Cost Recovery					
Fund	112,900	320,000			432,900
Endowment Earnings Administrative					
Fund	10,611,000	6,637,000	717,300		17,965,300
Community Forestry					
Fund		20,000		20,000	40,000
Federal Grant					
Fund	<u>1,135,200</u>	<u>1,334,500</u>	<u>0</u>	<u>3,115,400</u>	<u>5,585,100</u>
TOTAL	\$14,004,800	\$9,111,100	\$812,100	\$3,155,400	\$27,083,400
III. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$476,600	\$54,700			\$531,300
Department of Lands					
Fund	357,400	1,673,200	\$4,300		2,034,900
Oil and Gas Conservation					
Fund	95,100	85,000	1,300		181,400
Navigable Waterways					
Fund	618,400	344,500			962,900
Endowment Earnings Administrative					
Fund	<u>2,442,400</u>	<u>4,112,000</u>	<u>82,700</u>		<u>6,637,100</u>
TOTAL	\$3,989,900	\$6,269,400	\$88,300		\$10,347,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$1,925,300	\$295,300	\$5,500	\$850,700	\$3,076,800
Department of Lands					
Fund	3,868,000	474,800	315,500	873,000	5,531,300
Fire Suppression Deficiency					
Fund	129,500	22,100			151,600
Federal Grant					
Fund	<u>749,400</u>	<u>305,000</u>	<u>0</u>	<u>250,000</u>	<u>1,304,400</u>
TOTAL	\$6,672,200	\$1,097,200	\$321,000	\$1,973,700	\$10,064,100
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$207,200	\$56,700	\$8,500		\$272,400
GRAND TOTAL	\$28,809,400	\$18,802,600	\$1,618,000	\$5,129,100	\$54,359,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than three hundred nine and fifteen hundredths (309.15) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 4, 2017

CHAPTER 222
(S.B. No. 1169)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Aging, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$513,900	\$36,400	\$3,977,100	\$4,527,400
Federal Grant				
Fund	683,500	282,200	7,065,300	8,031,000
TOTAL	\$1,197,400	\$318,600	\$11,042,400	\$12,558,400

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 223
(S.B. No. 1170)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL
YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT
POSITIONS.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$6,383,100	\$4,281,500		\$3,524,600	\$14,189,200
Indirect Cost Recovery					
Fund	764,300	1,459,800			2,224,100
Driver's Training					
Fund	183,600	150,300	\$2,500	2,113,300	2,449,700
Broadband Infrastructure					
Fund				2,700,000	2,700,000
Public Instruction					
Fund	807,300	974,000	11,000	11,400	1,803,700
Miscellaneous Revenue					
Fund	301,200	184,400	10,900		496,500
Public Schools Other Income					
Fund	93,600	362,000			455,600
Cigarette, Tobacco and Lottery Income Taxes					
Fund	96,700				96,700
Federal Grant					
Fund	<u>5,106,700</u>	<u>9,197,800</u>	<u>15,800</u>	<u>82,200</u>	<u>14,402,500</u>
TOTAL	\$13,736,500	\$16,609,800	\$40,200	\$8,431,500	\$38,818,000

SECTION 2. 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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 224
(S.B. No. 1171)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENT PROGRAM FOR FISCAL YEAR 2018.

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, 2017, through June 30, 2018:

	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
Administration and Accounting Services			
Fund	<u>293,000</u>	<u>380,000</u>	<u>673,000</u>
TOTAL	\$5,362,200	\$6,940,800	\$12,303,000

Approved April 4, 2017

CHAPTER 225
(S.B. No. 1172)

AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Liquor Division from the Liquor Control Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:	
Personnel Costs	\$13,238,000
Operating Expenditures	6,178,900
Capital Outlay	<u>699,500</u>
TOTAL	\$20,116,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred twenty-four (224) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 226
(S.B. No. 1173)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2018; MAKING A CASH TRANSFER; AND PROVIDING REAPPROPRIATION AUTHORITY FOR DEDICATED FUNDS.

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, 2017, through June 30, 2018:

	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 Idaho State 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, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

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 2017, to be used for nonrecurring expenditures in the Capitol Commission Operating Fund, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 227
(S.B. No. 1174)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; PROVIDING FOR TRANSFER OF APPROPRIATIONS BETWEEN CERTAIN PROGRAMS; REQUIRING BIENNIAL REPORTS ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING A REPORT ON FLEXIBLE RECEIPT AUTHORITY; PROVIDING FOR LEGISLATIVE INTENT ON NON-EMERGENCY MEDICAL TRANSPORTATION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ENHANCED MEDICAID PLAN FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ENHANCED MEDICAID PLAN FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2017; PROVIDING FOR LEGISLATIVE INTENT ON NON-EMERGENCY MEDICAL TRANSPORTATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$6,395,900	\$7,621,300	\$424,100	\$14,441,300
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Cooperative Welfare (Federal)				
Fund	<u>9,890,600</u>	<u>37,370,100</u>	<u>1,503,100</u>	<u>48,763,800</u>
TOTAL	\$16,286,500	\$53,875,200	\$1,927,200	\$72,088,900
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$164,519,500	\$164,519,500
Hospital Assessment				
Fund			16,863,100	16,863,100
Cooperative Welfare (Dedicated)				
Fund			8,488,600	8,488,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>376,008,200</u>	<u>376,008,200</u>
TOTAL			\$565,879,400	\$565,879,400
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$183,068,100	\$183,068,100
Hospital Assessment				
Fund			1,682,400	1,682,400
Cooperative Welfare (Dedicated)				
Fund			264,613,200	264,613,200
Cooperative Welfare (Federal)				
Fund			<u>509,285,000</u>	<u>509,285,000</u>
TOTAL			\$958,648,700	\$958,648,700
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$169,875,000	\$169,875,000
Hospital Assessment				
Fund			11,454,500	11,454,500
Cooperative Welfare (Dedicated)				
Fund			16,084,700	16,084,700
Cooperative Welfare (Federal)				
Fund			<u>491,277,400</u>	<u>491,277,400</u>
TOTAL			\$688,691,600	\$688,691,600
GRAND TOTAL	\$16,286,500	\$53,875,200	\$2,215,146,900	\$2,285,308,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two hundred sixteen (216) full-time equivalent positions for the Medicaid Administration and Medical Management program at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2018.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision 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. 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 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expenditure class in the Medicaid Division may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, and Medicaid Administration and Medical Management Program, but shall not be transferred to any other budgeted programs or expenditure class within the Department of Health and Welfare during fiscal year 2018.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Medicaid Division shall provide reports biannually to the Legislative Services Office and the Division of Financial Management on progress in integrating managed care approaches into the state Medicaid system. The format of the report and the information contained 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, 2017; and the second report shall be submitted no later than June 30, 2018.

SECTION 9. REPORT ON FLEXIBLE RECEIPT AUTHORITY. The Medicaid Division shall provide reports annually, at the time of budget submission, to the Legislative Services Office and the Division of Financial Management, that describe the need for having additional receipt authority built into the budget. The additional dedicated fund appropriation is not to be considered when calculating the estimated need for ongoing Medicaid costs, but rather to be held in reserve and used in lieu of General Fund moneys when non-cognizable receipts are received by the department.

SECTION 10. NON-EMERGENCY MEDICAL TRANSPORTATION. It is the intent of the Legislature that of the moneys appropriated in Section 1 of this act, \$200,000 shall be used solely for purposes of improving the Non-Emergency Medical Transportation (NEMT) program. This shall include, but is not limited to, the hiring of an outside entity to conduct an audit of the NEMT program and to develop and implement a training program that meets the needs of all provider types, the contracted broker, the Department of Health and Welfare, and most importantly the Idahoans who are participating in this program. The training program is to be developed in collaboration with relevant stakeholder groups. In addition, no later than December 30, 2017, and again on June 30, 2018, the Department of Health and Welfare, Division of Medicaid,

shall provide to the Legislative Services Office and the Division of Financial Management a report that includes details on the implementation of the audit, training, and any other steps that have been taken by the department to improve the NEMT program. Any unexpended and unencumbered funds that have been appropriated for this purpose are to be reverted at the end of the fiscal year, or as soon thereafter as practicable.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 179, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended for the designated programs and expense classes, from the 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. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$139,500	\$231,300		\$370,800
Cooperative Welfare (Federal)				
Fund	<u>139,500</u>	<u>231,200</u>		<u>370,700</u>
TOTAL	\$279,000	\$462,500		\$741,500
II. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (Dedicated)				
Fund			\$10,000,000	\$10,000,000
GRAND TOTAL	\$279,000	\$462,500	\$10,000,000	\$10,741,500

SECTION 12. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Enhanced Medicaid Plan program in Section 1, Chapter 179, Laws of 2016, from the Cooperative Welfare (General) Fund, is hereby reduced by \$6,461,700 for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 13. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Enhanced Medicaid Plan program in Section 1, Chapter 179, Laws of 2016, from the Cooperative Welfare (Federal) Fund, is hereby reduced by \$16,138,300 for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 14. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare in Section 2, Chapter 179, Laws of 2016, is increased by five (5) for the period July 1, 2016, through June 30, 2017.

SECTION 15. NON-EMERGENCY MEDICAL TRANSPORTATION. It is the intent of the Legislature that of the moneys appropriated in Section 11 of this act, \$200,000 shall be used solely for purposes of improving the Non-Emergency Medical Transportation (NEMT) program. This shall include, but is not lim-

ited to, the hiring of an outside entity to conduct an audit of the NEMT program and to develop and implement a training program that meets the needs of all provider types, the contracted broker, the Department of Health and Welfare, and most importantly the Idahoans who are participating in this program. The training program is to be developed in collaboration with relevant stakeholder groups. In addition, no later than June 30, 2017, the Department of Health and Welfare, Division of Medicaid, shall provide to the Legislative Services Office and the Division of Financial Management a report that includes details on the implementation of the audit, training, and any other steps that have been taken by the department to improve the NEMT program. Any unexpended and unencumbered funds that have been appropriated for this purpose are to be reverted at the end of the fiscal year, or as soon thereafter as practicable.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 11, 12, 13, 14 and 15 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 228
(S.B. No. 1175)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE GENERAL FUND; AND PROVIDING CERTAIN DEDICATED FUND REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the State Controller, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General				
Fund	\$595,500	\$124,700	\$51,900	\$772,100
II. STATEWIDE ACCOUNTING:				
FROM:				
General				
Fund	\$1,735,900	\$2,340,700	\$8,700	\$4,085,300
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,735,900	\$2,345,700	\$8,700	\$4,090,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. STATEWIDE PAYROLL:				
FROM:				
General				
Fund	\$1,506,300	\$1,973,500	\$8,800	\$3,488,600
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,506,300	\$1,978,500	\$8,800	\$3,493,600
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services				
Fund	\$4,923,700	\$2,853,500	\$25,400	\$7,802,600
GRAND TOTAL	\$8,761,400	\$7,302,400	\$94,800	\$16,158,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-five (95) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for State Controller services shall be placed in the Indirect Cost Recovery Fund. On June 30, 2018, the State Controller shall transfer the amount assessed in the statewide cost allocation plan from the Indirect Cost Recovery Fund to the state General Fund.

SECTION 4. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the State Controller for the Computer Service Center Program for fiscal year 2017, to be used for nonrecurring expenditures in that program for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 229
(S.B. No. 1176)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$915,300	\$911,400	\$233,100			\$2,059,800
Indirect Cost Recovery						
Fund	496,800	152,300				649,100
Water Administration						
Fund	51,900	21,700				73,600
Miscellaneous Revenue						
Fund	<u>0</u>	<u>155,800</u>	<u>0</u>			<u>155,800</u>
TOTAL	\$1,464,000	\$1,241,200	\$233,100			\$2,938,300
II. PLANNING AND TECHNICAL SERVICES:						
FROM:						
General						
Fund	\$2,676,700	\$665,100	\$9,100	\$882,000	\$5,000,000	\$9,232,900
Indirect Cost Recovery						
Fund		12,200				12,200
Aquifer Planning and Management						
Fund	862,200	431,600				1,293,800
Miscellaneous Revenue						
Fund		164,500				164,500
Federal Grant						
Fund	<u>557,400</u>	<u>820,600</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,378,000</u>
TOTAL	\$4,096,300	\$2,094,000	\$9,100	\$882,000	\$5,000,000	\$12,081,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,131,800	\$1,873,300	\$187,500			\$7,192,600
Indirect Cost Recovery						
Fund		4,700				4,700
Water Administration						
Fund	1,241,700	229,200				1,470,900
Miscellaneous Revenue						
Fund	859,100	284,200				1,143,300
Federal Grant						
Fund	<u>592,700</u>	<u>336,300</u>	<u>0</u>			<u>929,000</u>
TOTAL	\$7,825,300	\$2,727,700	\$187,500			\$10,740,500
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$343,300	\$171,900				\$515,200
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>36,400</u>				<u>36,400</u>
TOTAL	\$343,300	\$208,300				\$551,600
GRAND TOTAL	\$13,728,900	\$6,271,200	\$429,700	\$882,000	\$5,000,000	\$26,311,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-eight (158) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Water Resources and the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund, on July 1, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

SECTION 4. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services program from the General Fund for lump sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management and Implementation Fund, on July 1, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 230
(H.B. No. 11, As Amended in the Senate)

AN ACT

RELATING TO OPTOMETRISTS; AMENDING SECTIONS 54-1520 AND 54-1522, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES.

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

SECTION 1. That Section 54-1520, Idaho Code, be, and the same is hereby amended to read as follows:

54-1520. LICENSE -- QUALIFICATIONS OF APPLICANTS -- ISSUANCE. (1) Every applicant for a license to practice optometry shall:

(a) Be a person of good moral character;

(b) Be more than twenty-one (21) years of age;

(c) and shall present his certificate certified evidence of graduation or diploma, or a certified true copy of his certificate of graduation or diploma, from an accredited college or university of optometry which that meets with the requirements set out in the rules and regulations of the state board of optometry;

(d) Pass an examination as provided in rules of the board; and

(e) Be certified to use therapeutic pharmaceutical agents as provided in section 54-1501(3), Idaho Code, and in rules of the board.

(2) An applicant meeting the qualifications required in this chapter shall be issued a license to practice optometry in this state.

SECTION 2. That Section 54-1522, Idaho Code, be, and the same is hereby amended to read as follows:

54-1522. LICENSES -- ISSUANCE -- RENEWAL AND REINSTATEMENT -- RECORDING AND DISPLAY CERTIFICATION REQUIREMENT. (1) If the applicant shall pass a satisfactory examination and shall show that he is a person of good moral character and that he possesses the qualifications required in this chapter to entitle him to be licensed as an optometrist, then, upon request, such applicant shall be entitled to a license authorizing the applicant to practice optometry in the state of Idaho. All licenses to practice optometry shall be issued in the name of the Idaho state board of optometry with the seal thereof attached. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code. Every person to whom a license is granted shall display the same, or a copy of the same, certified to by the board in a conspicuous part of his office wherein the practice of optometry is conducted. It shall be unlawful for any person to practice optometry in the state of Idaho before complying with these requirements.

(2) Effective January 1, 2021, every holder of a license to practice optometry must be certified to use therapeutic pharmaceutical agents as provided in section 54-1501(3), Idaho Code, and in rules of the board.

(3) Any license under this chapter issued to a licensee who has not met the qualifications and been certified to use therapeutic pharmaceutical agents pursuant to section 54-1501(3), Idaho Code, shall expire on December 31, 2020, and shall not be subject to renewal or reinstatement; provided however, that licensees who received their license prior to 1990 shall be excused from the provisions of this subsection, and their licenses shall be accorded grandfather rights.

Approved April 4, 2017

CHAPTER 231
(H.B. No. 93)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE A PROVISION REGARDING WHO MAY CARRY A CONCEALED WEAPON AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying of weapons must be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade four (4) inches or less; or

(iii) Any taser, stun-gun, pepper spray or mace;

(d) "Firearm" means any weapon that will, is designed to, or may readily be converted to, expel a projectile by the action of an explosive;

(e) "Loaded" means:

(i) For a firearm capable of using fixed ammunition, that live ammunition is present in:

1. The chamber or chambers of the firearm;

2. Any internal magazine of the firearm; or

3. A detachable magazine inserted in the firearm;

(ii) For a firearm that is not capable of using fixed ammunition, that the firearm contains:

1. A propellant charge; and

2. A priming cap or primer cap.

(3) No person shall carry concealed weapons on or about his person without a license to carry concealed weapons, except:

(a) In the person's place of abode or fixed place of business;

(b) On property in which the person has any ownership or leasehold interest;

(c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;

(d) Outside the limits of or confines of any city, if the person is over eighteen (18) years of age and is not otherwise disqualified from being issued a license under subsection (11) of this section.

(4) Subsection (3) of this section shall not apply to restrict or prohibit the carrying or possession of:

- (a) Any deadly weapon located in plain view;
- (b) Any lawfully possessed shotgun or rifle;
- (c) A firearm that is not loaded and is concealed in a motor vehicle;
- (d) A firearm that is not loaded and is secured in a case;
- (e) A firearm that is disassembled or permanently altered such that it is not readily operable; and
- (f) A concealed handgun by a person who is:
 - (i) Over twenty-one (21) years of age;
 - (ii) A resident of Idaho or a current member of the armed forces of the United States; and
 - (iii) Is not disqualified from being issued a license under subsection (11) of this section.

(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:

- (a) Officials of a city, county or the state of Idaho;
- (b) Any publicly elected Idaho official;
- (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
- (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
- (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
- (f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;
- (g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
- (h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

- (a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also

require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;

(e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(f) Is currently licensed to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;

(g) Completion of any firearms training or safety course or class conducted by a state-certified or national rifle association-certified firearms instructor; or

(h) Other training that the sheriff deems appropriate.

(10) Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within sixty (60) days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

(11) A license to carry concealed weapons shall not be issued to any person who:

- (a) Is under twenty-one (21) years of age, except as otherwise provided in this section;
 - (b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;
 - (c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;
 - (d) Is a fugitive from justice;
 - (e) Is an unlawful user of marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. section 802;
 - (f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, based on substantial evidence:
 - (i) Lacking mental capacity as defined in section 18-210, Idaho Code;
 - (ii) Mentally ill as defined in section 66-317, Idaho Code;
 - (iii) Gravely disabled as defined in section 66-317, Idaho Code;
 - or
 - (iv) An incapacitated person as defined in section 15-5-101, Idaho Code.
 - (g) Has been discharged from the armed forces under dishonorable conditions;
 - (h) Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation;
 - (i) Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;
 - (j) Is an alien illegally in the United States;
 - (k) Is a person who having been a citizen of the United States has renounced his or her citizenship;
 - (l) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapons license;
 - (m) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or
 - (n) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.
- (12) In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:
- (a) A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or
 - (b) Except as provided for in subsection (11) (f) of this section, an adjudication of mental defect, incapacity or illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

(13) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

- (a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;
- (b) The license must bear the licensee's signature and picture; and
- (c) The license must provide the date of issuance and the date on which the license expires.

(14) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) business days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 74-105, Idaho Code.

(15) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(16) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state.

(17) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(18) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(19) A county sheriff, deputy sheriff or county employee who issues a license to carry a concealed weapon under this section shall not incur any civil or criminal liability as the result of the performance of his duties in compliance with this section.

(20) The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of twenty-one (21) years, shall be allowed to renew the license under the procedure contained in section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

(21) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.

(22) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

- (a) Fraud or intentional misrepresentation in the obtaining of a license;
- (b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;
- (c) The doing of an act or existence of a condition which would have been grounds for the denial of the license by the sheriff;
- (d) The violation of any of the terms of this section; or
- (e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime which would have disqualified him from initially receiving a license.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this section.

Approved April 4, 2017

CHAPTER 232
(H.B. No. 99, As Amended)

AN ACT

RELATING TO REAL ESTATE LICENSES; AMENDING SECTION 54-2004, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2011, IDAHO CODE, TO AUTHORIZE THE COMMISSION TO ISSUE A COOPERATIVE LICENSE TO AN OUT-OF-STATE BROKER UNDER CERTAIN CONDITIONS; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2017, IDAHO CODE, TO PROVIDE TERMS AND CONDITIONS UNDER WHICH A COOPERATIVE LICENSE MAY BE ISSUED FOR A COMMERCIAL REAL ESTATE TRANSACTION; AND AMENDING SECTION 54-2020, IDAHO CODE, TO AUTHORIZE THE COMMISSION TO ESTABLISH A COOPERATIVE LICENSE FEE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-2004, Idaho Code, be, and the same is hereby amended to read as follows:

54-2004. DEFINITIONS. As used in this chapter:

(1) "Accredited college or university" means an institution accredited by the regional accrediting associations, as reported in the most current publication of the accredited institutions of postsecondary education.

(2) "Acting in this state" means and includes dealing with any interest in real property, or a business opportunity involving an interest in real property, that is situated in the state of Idaho, or conducting or attempting to conduct or solicit real estate business with residents of the state of Idaho.

(3) "Active license" means the status of a real estate license that has not been inactivated, expired, terminated, suspended or revoked.

(4) "Associate broker" means an individual who has qualified personally as a real estate broker in Idaho under this chapter, but is licensed under, associated with and represents a designated broker in the performance of any act described in subsection (369) of this section.

(5) "Branch office" means an office operated by a licensed real estate broker or licensed legal business entity, separate and apart from the main office. A branch office may be licensed or unlicensed, in accordance with this chapter.

(6) "Broker price opinion" means a written price opinion of the estimated price for identified real property prepared or rendered by an actively licensed broker or associate broker, for a purpose other than a prospective listing or sale, and that complies or purports to comply with the requirements and content provision of section 54-4105, Idaho Code.

(7) "Brokerage company" means a real estate business, whether a sole proprietorship, a legal entity, or any other licensed person engaged in acts requiring a real estate license in Idaho, that is conducting or holding itself out as conducting the business of real estate through a designated broker.

(8) "Brokerage representation agreement" means a written contract between a buyer, seller, or both, and a real estate brokerage for agency representation in a regulated real estate transaction.

(9) "Business conduct and office operations course" means the component of the advanced real estate course that is required in order to obtain a broker license and that teaches business practices and office operations of the brokerage, including recordkeeping, trust account procedures and the laws governing those practices.

(10) "Business day" means and includes each day of the week except Saturday, Sunday or any other legal holiday enumerated in section 73-108, Idaho Code.

(11) "Business name" means the name in which the brokerage company is licensed by the commission.

(12) "Business opportunity" means and includes an established business, ~~good-will~~ goodwill of an established business, or any interest therein, or any one (1) or combination thereof, where a sale or transfer of an interest in land including, but not limited to, an assignment of a lease, is involved in the transaction.

(13) "Commercial real estate" means a business opportunity as defined in this section, or any real estate other than real property improved by one (1) to four (4) residential dwelling units. Commercial real estate does not include residential dwelling units such as condominiums, townhouses or homes in a subdivision when that real estate is sold, leased or otherwise conveyed on a unit-by-unit basis, even though the units may be part of a larger building or parcel of real estate containing more than four (4) units. Commercial real estate does not include property used in association with any agricultural operation or agricultural facility as those terms are defined in section 22-4502, Idaho Code, and that is zoned to allow the agricultural use.

(14) "Commission" means the Idaho real estate commission, unless the context clearly indicates a different meaning.

(145) "Commission core course" means the annual course covering the twelve (12) month period between July 1 and June 30, which contains curriculum identified by the commission that stresses that year's trends in real estate practices and changes in laws in real estate-related industries. A core course must contain no more than four (4) classroom hours of instruction.

(156) "Continuing education elective course" means a real estate course offering, other than the commission core course for which continuing education credit hours may be obtained as provided in section 54-2023, Idaho Code.

(167) "Convicted" means a plea of nolo contendere or guilty, a jury verdict of guilty or a court decision of guilt whether or not a judgment or sentence has been imposed, withheld or suspended.

(178) "Cooperative sale" means a transaction involving two (2) or more brokers.

(189) "Council" means the Idaho real estate education council.

(1920) "Dealer in options" means any person, firm, partnership, association or corporation who shall directly or indirectly take, obtain or use options to purchase, exchange, lease option or lease purchase real property or any interest therein for another or others whether or not the options shall be in his or its name and whether or not title to the property shall pass through the name of the person, firm, partnership, association or corporation in connection with the purchase, sale, exchange, lease option or lease purchase of the real property, or interest therein.

(201) "Designated broker" means an individual who is licensed as a real estate broker in Idaho and who is designated by the brokerage company to be responsible for the supervision of the brokerage company and the activities of any associated licensees in accordance with this chapter.

(212) "Distance learning course" means, in relation to a real estate course offering, a real estate course that is delivered, not as a live course, but through a medium in which the instructor and student are separated by both distance and time.

(223) "Double contract" means two (2) or more written or unwritten contracts of sale, purchase and sale agreements, loan applications, or any other agreements, one (1) of which is not made known to the prospective loan underwriter or the loan guarantor, to enable the buyer to obtain a larger loan than the true sales price would allow, or to enable the buyer to qualify for a loan which that he or she otherwise could not obtain. An agreement or loan application is not made known unless it is disclosed in writing to the prospective loan underwriter or loan guarantor.

(234) "Executive director" means the executive director of the Idaho real estate commission.

(245) "Expired license" means the status of a license when the license period has expired and the license is not renewed or provisional license granted, and before the license is terminated.

(256) "Fee or commission" means a payment, actual, promised or expected, as compensation for the performance of any act requiring a real estate license.

(267) "Inactive license" means the status of a license that is not expired, terminated, suspended or revoked, and during which inactive period the license holder is not authorized to act as or associate with a designated broker.

(278) "Legal business entity" means and includes any type of corporation, partnership, limited liability company or limited liability partnership, a governmental entity, trust or other entity capable of conducting business.

(289) "Licensee" means any person who is licensed in accordance with this chapter to engage in the business or act in the capacity of real estate broker, associate broker or real estate salesperson.

(2930) "Limited broker" means a broker individually qualified to do business in Idaho, but who may not have associate brokers or salespersons licensed with that broker.

(301) "Live presentation" means, in reference to a real estate course offering, a real estate course that is personally presented by the instructor and personally attended by the student at the same facility, or, if separated by distance, the instructor and student are connected by contemporaneous, two-way audio and visual communication.

(312) "Main office" means the principal location where the real estate broker is licensed to transact business.

(33) "Out-of-state broker" means a person who holds the equivalent of an active Idaho designated broker license in another jurisdiction who is not licensed as a real estate broker under this chapter.

(34) "Out-of-state sales associate" means a person who holds the equivalent of an active Idaho salesperson or associate broker license in another jurisdiction who is not licensed as a salesperson or associate broker under this chapter.

(325) "Person" means and includes an individual, or any legal business entity.

(336) "Post license course" means a commission-approved or certified elective course that is specifically oriented toward salespersons in their first two (2) years of Idaho practice. The course must contain no more than twelve (12) classroom hours of instruction.

(347) "Primary Idaho license" means an Idaho real estate license that is not contingent upon continuance of a license in another state or jurisdiction.

(358) "Provisional license" means an extension of the period of active licensure, beyond the licensee's expiration date, granted by the commission

for the purpose of allowing the licensee to complete the continuing education requirements set forth in section 54-2023, Idaho Code, or for any other purpose allowed by this chapter.

(369) "Real estate broker" means and includes:

(a) Any person other than a real estate salesperson, who, directly or indirectly, while acting for another, for compensation or a promise or an expectation thereof, engages in any of the following: sells, lists, buys, or negotiates, or offers to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others;

(b) Any actively licensed broker while, directly or indirectly, acting on the broker's own behalf;

(c) Any person who represents to the public that the person is engaged in any of the above activities in this subsection;

(d) Any person who directly or indirectly engages in, directs, or takes any part in the procuring of prospects, or in the negotiating or closing of any transaction which does or is calculated to result in any of the acts above set forth in this subsection;

(e) A dealer in options as defined in this section.

(3740) "Real estate salesperson" or "salesperson" means any person who has qualified and is licensed as a real estate salesperson in Idaho under this chapter, and is licensed under, associated with, and represents a designated broker in the performance of any act described in subsection (369) of this section.

(3841) "Real estate settlement procedures act" means the real estate settlement procedures act of 1974, as amended, 12 U.S.C. section 2601 et seq., and as in effect on January 1, 2008.

(3942) "Regular employee" means an individual who performs a service for wages or other compensation and whose employer withholds federal employment taxes under a contract of hire, written or oral, express or implied.

(403) "Regulated real estate transaction" means those real estate transactions for which a real estate license is required under chapter 20, title 54, Idaho Code.

(414) "Responsible broker" means the designated broker in the regulated real estate transaction who is responsible for the accounting and transaction files for the transaction, in the manner described in section 54-2048, Idaho Code.

(425) "Revoked license" means a license that has been permanently revoked by the issuing authority.

(436) "Sales associate" means a salesperson or an associate broker licensed under and associated with a designated broker.

(447) "State or jurisdiction" means and includes any state or territory of the United States, the District of Columbia and any foreign jurisdiction that issues real estate licenses substantially similar to those provided for in this chapter.

(458) "Successfully completed" means, in reference to a real estate course offering, completing all required course hours and, except where the licensee seeks continuing education credit for having regularly attended the live presentation of a course, passing a commission-approved assessment or final examination.

(469) "Surrendered license" means a license that has been voluntarily terminated or surrendered by a licensee who, at the time of the voluntary termination or surrender, was under investigation or named in a formal administrative complaint.

(4750) "Suspended license" means a license that has been temporarily suspended by the issuing authority.

SECTION 2. That Section 54-2011, Idaho Code, be, and the same is hereby amended to read as follows:

54-2011. TYPES OF LICENSES. (1) The commission may issue a primary Idaho real estate license to any individual, sole proprietorship or legal business entity in accordance with the requirements of this chapter. An individual may be licensed as a real estate salesperson, an associate broker or a designated broker acting for a sole proprietorship or legal business entity.

(2) The commission may issue a nontransferable cooperative license to any out-of-state broker. The cooperative license shall authorize the out-of-state broker to work in cooperation with an actively licensed Idaho real estate designated broker for the purpose of one (1) Idaho commercial real estate transaction.

SECTION 3. That Chapter 20, 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 54-2017, Idaho Code, and to read as follows:

54-2017. COOPERATIVE LICENSES. (1) An individual who is currently and actively licensed as a real estate broker in another jurisdiction and wishes to work in cooperation with an Idaho real estate broker must submit an application on a form approved by the commission. The application must include:

(a) The name, physical and mailing addresses and telephone number of the out-of-state broker and any out-of-state sales associate employed by the out-of-state broker who will conduct the Idaho transaction;

(b) A current certified license history from the primary state of licensure for each out-of-state broker and out-of-state sales associate named in the application, which history shall indicate any disciplinary action taken against the applicant's license by the other licensing jurisdiction, and the status and standing of the applicant's license in the other jurisdiction;

(c) The name, license number, physical address and verified statement of consent and signature of the Idaho broker with whom the applicant wishes to cooperate;

(d) An irrevocable consent to service from each out-of-state broker and out-of-state sales associate named in the application, appointing the commission's executive director to act as the out-of-state licensee's agent upon whom all judicial and other process or legal notices directed to the licensee that are related to the Idaho transaction may be served, and consenting that any lawful process against the licensee that is served upon the executive director shall be of the same legal force and validity as if served upon the licensee and that the authority shall continue in force as long as any liability remains outstanding in this state. Upon receipt of any such process or notice, the executive director shall immediately mail a copy of the same by certified mail to the last known address of the out-of-state broker or out-of-state sales associate;

(e) Proof of current errors and omissions insurance that complies with the minimum requirements established by the commission, covering all out-of-state licensees for all licensed activities under the provisions of this chapter; and

(f) Applicable license fee, which fee shall be nonrefundable.

(2) A cooperative license is valid for twelve (12) months from the date of issuance, or until the license of the out-of-state broker expires or is inactivated, surrendered, suspended or revoked, whichever occurs first, and may not be renewed. In the event a transaction is not completed within the twelve (12) month period, a new cooperative license application may be submitted.

(3) It is a prerequisite to conducting a cooperative Idaho commercial real estate transaction that out-of-state licenses be maintained on active status. If the license of the out-of-state broker or any out-of-state sales

associate named in the cooperative license application expires or is inactivated, surrendered, suspended or revoked, the out-of-state broker shall immediately give written notice to the commission.

(4) An out-of-state broker holding a cooperative license shall notify the commission in writing of any change of physical or mailing address for any out-of-state licensee named in the cooperative license application within ten (10) business days of the change.

(5) If at any time the out-of-state broker or the Idaho broker wishes to terminate the cooperative relationship, written notice of the termination shall be provided to the commission within ten (10) business days of the termination.

(6) When acting under a cooperative license, an out-of-state broker or out-of-state sales associate shall work through the cooperating Idaho broker. The Idaho broker must be in charge of the transaction from beginning to end. Any entrusted moneys received in a cooperative transaction may be handled only by the cooperating Idaho broker in accordance with section 54-2041, Idaho Code.

(7) Each out-of-state broker or out-of-state sales associate, while cooperating with an Idaho broker, is governed by the provisions of this chapter. Any violation of a provision of this chapter by the out-of-state broker or out-of-state sales associate subjects the out-of-state licensee and the Idaho broker to disciplinary action in accordance with this chapter.

(8) An out-of-state broker may cooperate with only one (1) Idaho broker and an Idaho broker may cooperate with only one (1) out-of-state broker per commercial real estate transaction. However, an out-of-state broker may obtain a cooperative license for more than one (1) commercial real estate transaction at a time.

(9) The commission may deny an application for a cooperative license for any reason that is sufficient to deny an application for a license pursuant to this chapter.

SECTION 4. That Section 54-2020, Idaho Code, be, and the same is hereby amended to read as follows:

54-2020. FEES. The Idaho real estate commission shall establish fees which that, in its discretion, are sufficient, when added to the other fees authorized by this chapter, or any other law or rule, to raise that revenue required to administer the provisions of this chapter.

The commission shall assess the following fees, in addition to any other fees established in this chapter or by rule, provided that all fees established by administrative rule of the commission shall remain effective from year to year unless changed through the rulemaking process prescribed in chapter 52, title 67, Idaho Code:

(1) For each year or portion thereof for which an active or inactive license or cooperative license is issued or renewed, a license fee in an amount not to exceed one hundred fifty dollars (\$150), the exact fee to be established by administrative rule of the commission;

(2) A tuition or registration fee for real estate education courses, course materials and any course exam fee. These fees shall be established based upon the total annual costs involved in the provision of all real estate education courses, course materials and course exam fees;

(3) A late license renewal fee in an amount not to exceed twenty-five dollars (\$25.00), the exact fee to be established by administrative rule of the commission;

(4) For the printing of a license certificate, a fee in an amount not to exceed fifteen dollars (\$15.00), the exact fee to be established by administrative rule of the commission;

(5) A fee in the amount allowed by law for insufficient funds checks or other types of insufficient payment;

(6) For the compilation of each certified copy of a licensee's education history or license history, a fee in an amount not to exceed ten dollars (\$10.00), the exact fee to be established by administrative rule of the commission;

(7) For issuance or renewal of a branch office license, a fee in an amount not to exceed fifty dollars (\$50.00), the exact fee to be established by administrative rule of the commission;

(8) An application fee for the certification and recertification of each real estate education provider, instructor or course as follows:

(a) For providers, an application fee in the amount of seventy-five dollars (\$75.00) for initial certification and fifty dollars (\$50.00) for recertification;

(b) For instructors, an application fee in the amount of fifty dollars (\$50.00) for initial certification and twenty-five dollars (\$25.00) for recertification;

(c) For courses, an application fee in the amount of fifty dollars (\$50.00) for initial certification and twenty-five dollars (\$25.00) for recertification.

Provided however, that lower fee amounts may be established by administrative rule of the commission.

Approved April 4, 2017

CHAPTER 233

(H.B. No. 111, As Amended)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO REMOVE REFERENCE TO CERTAIN STATUTORY PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTIONS 49-415C, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417E, 49-418E, 49-419B, 49-419D, 49-420G, 49-420H AND 49-420I, IDAHO CODE, RELATING TO CERTAIN SPECIAL PLATES; AMENDING SECTION 49-450, IDAHO CODE, TO REVISE A FEE PROVISION, TO REVISE PROVISIONS REGARDING THE TRANSFER OF CERTAIN FUNDS FROM THE PLATE MANUFACTURING ACCOUNT TO THE HIGHWAY DISTRIBUTION ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-450A, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF CERTAIN FUNDS FROM THE PLATE MANUFACTURING ACCOUNT TO THE STATE HIGHWAY ACCOUNT.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar

month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered registration system for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above-designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

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

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

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

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

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

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

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection

(1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections ~~49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E,~~ 49-417, 49-417A, 49-417B, 49-417C, 49-417D, ~~49-417E,~~ 49-418A, 49-418B, 49-418C, ~~49-418E,~~ 49-419, 49-419A, ~~49-419B,~~ 49-419C, ~~49-419D,~~ 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, ~~49-420G,~~ ~~49-420H,~~ ~~49-420I,~~ 49-420J, 49-420K, 49-420L, 49-420M, 49-420N and 49-420O, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs and shall be subject to staggered registration for the purpose of reregistration and notice of expiration. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

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

SECTION 2. That Section 49-415C, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 49-415E, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 49-416A, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 49-416B, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 49-416C, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 49-416D, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 49-416E, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 49-417E, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 49-418E, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 49-419B, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 49-419D, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 49-420G, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 49-420H, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 49-420I, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 49-450, Idaho Code, be, and the same is hereby amended to read as follows:

49-450. ADDITIONAL FEE FOR EACH PLATE ISSUED. In addition to the vehicle registration fee provided by law, whenever any plate is issued for vehicle registration, there shall be charged a fee of three dollars and seventy-five cents (\$3.0075) per plate, which shall be deposited into the plate manufacturing account created in section 49-450A, Idaho Code. The actual cost of producing and distributing license plates and the fifty cents (\$-.50¢) per plate fee designated to the Idaho heritage trust for the use of the copyrighted design provided for in section 49-443(1), Idaho Code, shall be paid from the plate manufacturing account. The difference between deposits into the account and disbursements out of the account not required anticipated for future obligations production cost increases, shall be transferred by the state controller from the plate manufacturing account to the highway distribution account as established in section 40-701, Idaho Code, for apportionment as designated in that section. Funds designated to the Idaho heritage trust shall be matched with equal funds from other sources for funding projects designed to preserve Idaho's historic resources.

SECTION 17. That Section 49-450A, Idaho Code, be, and the same is hereby amended to read as follows:

49-450A. PLATE MANUFACTURING ACCOUNT. There is hereby created in the state treasury an account to be known as the "plate manufacturing account" for the purpose of paying the actual cost to produce and distribute license plates and to pay costs related to use of the centennial design on the license plate. All moneys in this account are hereby continuously appropriated to the department. Any additional funds required to pay plate production and distribution costs will be transferred by the state controller from the state highway account. Once an adequate cash balance has accumulated in the plate manufacturing account, the state controller will transfer funds from the plate manufacturing account to reimburse the state highway account.

CHAPTER 234
(H.B. No. 131, As Amended)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1602, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT MAY REFUSE TO ISSUE A DEALER OR SALESMAN LICENSE TO ANY APPLICANT WHO HAS BEEN CONVICTED OF ANY FELONY COMMITTED IN CONJUNCTION WITH A DEALERSHIP, TO PROVIDE THAT LICENSED MOTOR VEHICLE DEALERS AND SALESMEN CONVICTED OF CERTAIN OFFENSES SHALL NOT BE ELIGIBLE TO REAPPLY FOR A LICENSE UNTIL CERTAIN CONDITIONS ARE MET AND FOR SPECIFIED PERIODS OF TIME AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-1602, Idaho Code, be, and the same is hereby amended to read as follows:

49-1602. ADMINISTRATION -- POWERS AND DUTIES. The department shall:

(1) Issue, and for reasonable cause shown, refuse to issue an applicant any license authorized under the provisions of this chapter. The department may refuse to issue a all license types to any applicant, other than a partnership or corporation, if the applicant fails to comply with the terms and provisions of this chapter or the rules of the board, or if the applicant has been convicted of a violation of any of the provisions of this chapter, ~~or~~ chapter 5, title 49, ~~or~~ Idaho Code, section 49-1418, ~~or~~ Idaho Code, chapter 6, title 48, Idaho Code, any felony committed in conjunction with a dealership or of any federal odometer law or regulation. Should the applicant be a partnership or a corporation, the department may refuse to issue a license to the applicant where it determines that one (1) or more of the partners of a partnership, or one (1) or more of the stockholders or officers of a corporation, was previously the holder of a license which was revoked or suspended, and the license revoked never reissued or the suspended license never reinstated, or that one (1) or more of the partners, stockholders, or officers, though not previously the holder of a license, has violated any of the provisions of this chapter or of an applicable rule or regulation, or of federal motor vehicle safety standards.

(2) For just cause shown, revoke or suspend, on terms, conditions, and for a period of time as the department shall consider fair and just, any license or licenses issued pursuant to the provisions of this chapter. No license shall be revoked or suspended unless it shall be shown that the licensee has violated a provision of this chapter or of an applicable rule or regulation, or of federal motor vehicle safety standards. An Idaho licensed motor vehicle dealer or licensed motor vehicle salesman who is convicted of one (1) or more of the offenses set forth in subsection (1) of this section shall not be eligible to reapply for a motor vehicle dealer's or salesman's license until all outstanding customer complaints have been resolved to the department's satisfaction and for the following time periods from the date of conviction: misdemeanor convictions: three (3) years for the first conviction and seven (7) years for every subsequent conviction; felony convictions: ten (10) years for the first conviction and ten (10) years for every subsequent conviction. The holder of a motor vehicle dealer's license shall not be eligible to apply for a motor vehicle salesman's license within the same time periods set forth in this subsection when convicted of one (1) or more of the offenses set forth in subsection (1) of this section.

(3) On its own motion, upon the sworn complaint of any person, investigate any suspected or alleged violation by a licensee of any of the provisions of this chapter or of an applicable rule or regulation.

(4) Prescribe forms for applications for licenses and qualifications for an applicant for licensure. Every application for a license shall contain, in addition to other information required by the department, the following:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business. If the applicant is a copartnership, the name and residence address of each member, whether a limited or general partner, and the name under which the partnership business is to be conducted. If the applicant is a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city with the street number, of the principal place of business and any other and additional places of business operated and maintained by the applicant in conjunction with the principal place of business.

(c) Copies of any letters of franchise for new vehicles that the applicant has been enfranchised to sell or exchange, and the name or names and addresses of the manufacturer or distributor who has enfranchised the applicant.

(d) Names and addresses of the persons who shall act as salesmen under the authority of the license, if issued.

(e) A copy of the certificate of assumed business name, if required, shall be filed with the secretary of state.

(f) For a manufacturer's license, the name or names and addresses of each and every distributor, factory branch, and factory representative.

(g) For a salesman's license, certification by the dealer by whom the salesman will be employed, that he has examined the background of the applicant, and to the best of the dealer's knowledge, is qualified to be licensed under the sponsorship of the licensed dealer.

(h) Before a dealer who is not exempted from the continuing education requirements as provided in section 49-1637(2), Idaho Code, may apply for a renewal of a vehicle dealer's license, he shall provide to the department a certification from an accredited educational system, private vocational school, correspondence school or trade association approved by the department stating that the vehicle dealer has satisfied the four (4) hour continuing education requirements as specified in section 49-1637(1), Idaho Code.

(i) Before any vehicle dealer's license is issued by the department to an applicant who is not licensed with the department as a dealer within the previous twelve (12) calendar months and who is not exempted from the continuing education requirements as provided in section 49-1637(2), Idaho Code, the applicant shall provide to the department a certification from an accredited educational institution, private vocational school, correspondence school or trade association approved by the department stating that the applicant has satisfactorily completed the prelicensing class or program requirements, including a written examination of material presented, specified in section 49-1637(1), Idaho Code.

(5) Refuse to issue any license under the provisions of this chapter if, upon investigation, the department finds that any information contained in the application is incomplete, incorrect or fictitious.

(6) Require that a dealer's principal place of business, and other locations operated and maintained by him in conjunction with his principal place of business, have erected or posted signs or devices providing information relating to the dealer's name, location and address of the principal place of business, and the number of the license held by the dealer.

(7) Provide for regular meetings of the dealer advisory board, to be held not less frequently than semiannually. Notices of meetings of the advi-

sory board shall be mailed to all members not less than five (5) days prior to the date on which the meeting is to be held.

(8) Inspect, prior to licensing, the principal place of business and other sites or locations as may be operated and maintained by the applicant.

(9) Seek and consider the advisory board's recommendations and comments regarding proposed rules promulgated for the administration of the provisions of this chapter.

(10) Require the attendance of not less than one (1) or more than three (3) advisory board members at all hearings held relating to this chapter.

Approved April 4, 2017

CHAPTER 235

(H.B. No. 145, As Amended in the Senate)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. (1) As used in this chapter, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who is not establishing the right to receive benefits through his or her employer's participation in any other retirement system established for Idaho public employees, if such participation is mandated by applicable Idaho statutes other than this chapter. In no case will an employee be entitled to any benefit under this chapter for public service if such employee is establishing retirement benefit entitlements by other Idaho statutes or federal statutes other than military service or social security for that same service.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(5A) "Alternate payee" means a spouse or former spouse of a member who is recognized by an approved domestic retirement order as having a right to all or a portion of the accrued benefits in the retirement system with respect to such member.

(5B) "Approved domestic retirement order" means a domestic retirement order which creates or recognizes the existence of an alternate payee's right or assigns to an alternate payee the right to all or a portion of the accrued benefits of a member under the retirement system, which directs the system to establish a segregated account or disburse benefits to an alternate payee, and which the executive director of the retirement system has determined meets the requirements of sections 59-1319 and 59-1320, Idaho Code.

(5C) "Average monthly salary" means the member's average salary during the base period as calculated pursuant to rules adopted by the retirement board.

(5D) (a) "Base period" means the period of fifty-four (54) consecutive calendar months during which the member earned:

- (i) The highest average salary; and
- (ii) Membership service of at least one-half (1/2) the number of months in the period, excluding months of service attributable to:
 - A. Military service;
 - B. Service qualifying as minimum benefit pursuant to section 59-1342(5), Idaho Code; and
 - C. Worker's compensation income benefits.

(b) Effective October 1, 1993, the consecutive calendar months shall be forty-eight (48). Effective October 1, 1994, the consecutive calendar months shall be forty-two (42).

(c) Entitlement to a base period shall not vest until the effective date of that base period. The retirement benefits shall be calculated on the amounts, terms and conditions in effect at the date of the final contribution by the member.

(d) If no base period exists for a member, the member's average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection.

(e) To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary and base period.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(7A) "Contingent annuitant" means the person designated by a member under certain retirement options to receive benefit payments upon the death of the member. The person so designated must be born and living on the effective date of retirement.

(8) "Credited service" means the aggregate of membership service, prior service and disabled service.

(9) "Date of establishment" means July 1, 1965, or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" means:

(a) That the member is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country other than the United States, or from an intentionally self-inflicted injury; and

(b) That the member will likely remain so disabled permanently and continuously during the remainder of the member's life.

It is not necessary that a person be absolutely helpless or entirely unable to do anything worthy of compensation to be considered disabled. If the person is so disabled that substantially all the avenues of employment are reasonably closed to the person, that condition is within the meaning of "disabled." In evaluating whether a person is disabled, medical factors and non-medical factors including, but not limited to, education, economic and social environment, training and usable skills may be considered.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The

board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance. During such period, the member shall remain classified in the membership category held during the month of final contribution. The total number of months of disabled service credited for a person first becoming disabled after the effective date of this chapter shall not exceed the excess, if any, of three hundred sixty (360) over the total number of months of prior service and membership service.

(12B) "Domestic retirement order" means any judgment, decree, or order, including approval of a property settlement agreement which relates to the provision of marital property rights to a spouse or former spouse of a member, and is made pursuant to a domestic relations law, including the community property law of the state of Idaho or of another state.

(13) "Early retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for early retirement.

(14) (A) "Employee" means:

(a) Any person who normally works twenty (20) hours or more per week for an employer or a school teacher who works half-time or more for an employer and who receives salary for services rendered for such employer;

(b) Elected officials or appointed officials of an employer who receive a salary;

(c) A person who is separated from service with less than five (5) consecutive months of employment and who is reemployed or reinstated by the same employer within thirty (30) days; or

(d) A person receiving differential wage payments as defined in 26 U.S.C. 3401(h) on or after July 1, 2009. A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer.

(B) "Employee" does not include employment as:

(a) A person rendering service to an employer in the capacity of an independent business, trade or profession; or

(b) A person whose employment with any employer does not total five (5) consecutive months; or

(c) A person provided sheltered employment or made-work by a public employer in an employment or industries program maintained for the benefit of such person; or

(d) An inmate of a state institution, whether or not receiving compensation for services performed for the institution; or

(e) A student enrolled in an undergraduate, graduate, or professional-technical program at and employed by a state college, university, community college or professional-technical center when such employment is predicated on student status; or

(f) A person making contributions to the director of the office of personnel management under the United States civil service system retirement act except that a person who receives separate remuneration for work currently performed for an employer and the United States government may elect to be a member of the retirement system in accordance with rules of the board; or

(g) A person not under contract with a school district or charter school, who on a day to day basis works as a substitute teacher replacing a contracted teacher and is paid a substitute wage as established by district policy or who, on a day to day basis works as a substitute assistant replacing a staff instruction assistant or a staff library assistant and is paid a substitute wage as established by district policy; or

(h) A person occupying a position that does not exceed eight (8) consecutive months in a calendar year with a city, county, irrigation district, cemetery district or mosquito abatement district when the city, county, irrigation district, cemetery district or mosquito abatement district has certified, in writing to the system, the position is (i) seasonal or casual; and (ii) affected by weather, including parks, golf course positions and irrigation positions; or

(i) A person in a position that (i) is eligible for participation in an optional retirement program established under section 33-107A or 33-107B, Idaho Code, or (ii) would be eligible for participation in an optional retirement program established under section 33-107A or 33-107B, Idaho Code, if the person was not working less than half-time or less than twenty (20) hours per week.

(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this chapter. Provided however, that on and after the effective date of this act, all new employers added to the public employee retirement system must be in compliance with internal revenue regulations governing governmental retirement plans.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1331 through 59-1334, Idaho Code.

(16) "Firefighter" means an employee, including paid firefighters hired on or after October 1, 1980, whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.

(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this chapter.

(19) "Funding agent" means any bank or banks, trust company or trust companies, legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, any thrift institution or credit union or any investment management firm or individual investment manager selected by the board to hold and/or invest the employers' and members' contributions and pay certain benefits granted under this chapter.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(20A) "Lifetime annuity" means periodic monthly payments of income by the retirement system to an alternate payee.

(20B) "Lump sum distribution" means a payment by the retirement system of the entire balance in the alternate payee's segregated account, together with regular interest credited thereon.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means military service which occurs after the commencement of contributions payable under sections 59-1331 through 59-1334, Idaho Code, and service with respect to which contributions are

payable under sections 59-1331 through 59-1334, Idaho Code, which, except for benefit calculations described in sections 59-1342 and 59-1353, Idaho Code, includes service transferred to a segregated account under an approved domestic retirement order.

(23) "Military service" means any period of active duty service in the armed forces of the United States including the national guard and reserves, under the provisions of title 10, title 32, and title 37, United States code, which commences less than ninety (90) days after the person ceases to be an employee and ends less than ninety (90) days before the person again becomes an employee. Provided, if a member fails to again become an employee as a result of his death while in active duty service, the member shall be entitled to military service through the date of death. Provided further, if a member fails to again become an employee due to a disability retirement resulting from service in the armed forces of the United States, the member shall be entitled to military service through the date the disability allowance becomes payable. In no event shall military service include:

(a) Any period ended by dishonorable discharge or during which termination of such service is available but not accepted; or

(b) Any active duty service in excess of five (5) years if at the convenience of the United States government, or in excess of four (4) years if not at the convenience of the United States government, provided additional membership service may be purchased as provided in section 59-1362, Idaho Code.

(24) (a) "Police officer" for retirement purposes shall be as defined in section 59-1303, Idaho Code.

(b) "POST" means the Idaho peace officer standards and training council established in chapter 51, title 19, Idaho Code.

(25) "Prior service" means any period prior to July 1, 1965, of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment, provided, however, an employee who was not an active member or in military service or on leave of absence on the date of establishment shall receive credit for the member's service prior to July 1, 1965, on the basis of recognizing two (2) months of such service for each month of membership service. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this chapter upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in sections 59-1304 and 59-1305, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) (A) "Salary" means:

(a) The total salary or wages paid to a person who meets the definition of employee by an employer for personal services performed and reported by the employer for income tax purposes, including the cash value of all remuneration in any medium other than cash.

(b) The total amount of any voluntary reduction in salary agreed to by the member and employer where the reduction is used as an alternative form of remuneration to the member.

(B) Salary in excess of the compensation limitations set forth in section 401(a)(17) of the Internal Revenue Code shall be disregarded for any person who becomes a member of the system on or after July 1, 1996. The system had no limitations on compensation in effect on July 1, 1993. The compen-

sation limitations set forth in section 401(a)(17) of the Internal Revenue Code shall not apply for an "eligible employee." For purposes of this subsection, "eligible employee" is an individual who was a member of the system before July 1, 1996.

(C) "Salary" does not include:

(a) Contributions by employers to employee held medical savings accounts, as those accounts are defined in section 63-3022K, Idaho Code.

(b) Lump sum payments inconsistent with usual compensation patterns made by the employer to the employee only upon termination from service including, but not limited to, vacation payoffs, sick leave payoffs, early retirement incentive payments and bonuses.

(c) Differential wage payments as defined in 26 U.S.C. 3401(h). A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer.

(d) Employer payments to employees for or related to travel, mileage, meals, lodging or subsistence expenses, without regard to the taxability of such payments for federal income tax purposes and without regard to the form of payment, including payment made as reimbursement of an itemized expense voucher and payment made of an unvouchered expense allowance.

(31A) "Segregated account" means the account established by the retirement system for the alternate payee of a member who is not a retired member. It shall include the months of credited service and accumulated contributions transferred from the member's account.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means being shown on an employer's payroll as an employee receiving a salary. For each calendar month, service is credited only when a member is an employee as defined in subsection (14) (A) of this section and is employed for fifteen (15) days or more during the calendar month. Employment of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested member" means an active or inactive member who has at least five (5) years of credited service, except that a member, who at the time of his separation from service:

(a) Held an office to which he had been elected by popular vote or having a term fixed by the constitution, statute or charter or was appointed to such office by an elected official; or

(b) Was the head or director of a department, division, agency, statutory section or bureau of the state; or

(c) Was employed on or after July 1, 1965, by an elected official of the state of Idaho and occupied a position exempt from the provisions of chapter 53, title 67, Idaho Code; and

(d) Was not covered by a merit system for employees of the state of Idaho,

is vested without regard to the length of credited service.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

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

Approved April 4, 2017

CHAPTER 236

(H.B. No. 184, As Amended in the Senate)

AN ACT

RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO PROVIDE AUTHORITY TO ADMINISTER PROGRAMS ASSOCIATED WITH THE RECEIPT OF MONEYS AND THE PAYMENT OF MONEYS, TO ADD LANGUAGE REGARDING THE USE OF PAYMENT METHODS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1229, IDAHO CODE, TO AUTHORIZE INTERACCOUNT TRANSFERS FOR SERVICES AND RELATED COSTS PROVIDED BY THE TREASURER TO STATE GOVERNMENT DEPARTMENTS.

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

SECTION 1. That Section 67-1201, Idaho Code, be, and the same is hereby amended to read as follows:

67-1201. DUTIES OF TREASURER. It is the duty of the treasurer:

1. To receive and keep all moneys belonging to the state not required to be received and kept by some other person, ~~and if deemed necessary by the treasurer.~~ The treasurer may:

~~a. to name additional or multiple custodians for the same such moneys.~~

b. Administer programs associated with receipt and keeping such moneys and enter into contracts related to such programs.

2. To file and keep, for not less than two (2) years, the certificates of the state controller delivered to him when moneys are paid into the treasury. After two (2) years, such records may be disposed of as provided in sections 9-328, ~~through 9-330,~~ Idaho Code, unless a specific written request for further retention has been made to the treasurer.

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one (1) at the commencement of each fiscal year.

4. To pay ~~warrants~~ amounts drawn by the state controller by generally available commercial payment methods, including but not limited to warrants, electronic payment and wire transfer, out of the accounting entity upon which they are drawn. The treasurer may enter into contracts related to administration and execution of these payment methods. The treasurer may administer programs associated with commercial payment methods and enter into contracts related to such programs.

5. To invest idle moneys in the state treasury in permitted investments, and to pay the interest received on all such investments, unless otherwise specifically required by law, into the general account in the state operating fund.

6. To keep, for ~~so~~ as long as the treasurer deems necessary, a record of all moneys received and disbursed.

7. To keep, for ~~so~~ as long as the treasurer deems necessary, separate records of the different funds.

8. To report to the state controller daily, the amount disbursed for redemption of bonds and in payment of warrants; which report must show the date and number of such bonds and warrants, the fund out of which they were paid,

and to report to the state controller monthly, the balance of cash on hand in the treasury to the credit of each fund.

9. At the request of either house of the legislature, or any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.

10. To report to the governor at the time prescribed in this code, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the preceding fiscal year.

11. To authenticate with his official seal all writings and papers issued from his office.

12. To discharge such other duties as may be imposed upon him by law.

SECTION 2. That Chapter 12, 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 67-1229, Idaho Code, and to read as follows:

67-1229. INTERACCOUNT TRANSACTIONS. Any unit of the treasurer providing services to departments of state government as authorized in this chapter may charge and receive payment for services and associated costs for a period of time not to exceed the current appropriation of the department requesting such services. Such payments may be used for direct costs, personnel costs and operating expenditures of the unit providing the services.

Approved April 4, 2017

CHAPTER 237
(H.B. No. 205)

AN ACT

RELATING TO RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO PROVIDE FOR RECORDING FEES FOR CERTAIN INSTRUMENTS.

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

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services, the following fees to be paid him by the party procuring his services:

- (a) Except as otherwise set forth in this section, fFor recording every instrument, paper or notice, for the first page \$10.00
For each additional page \$ 3.00
- (b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:
 - (i) Deeds, grants and conveyances of real property \$15.00
 - (ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording \$45.00
 - (iii) Reconveyances of trust deeds, including a substitution of trustee if contained within the same instrument for recording, and releases of mortgages \$15.00
 - (iv) Powers of attorney \$25.00
- (c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image \$.05
- (ed) For copies of any record or paper, for each page \$ 1.00
- (de) For each certificate under seal, when required \$ 1.00

(ef) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$ 1.00

(fg) For recording every town plat or map, for first one hundred (100) lots or less \$11.00

And for each additional lot \$.05

(gh) For taking acknowledgments, including seal \$ 1.00

(hi) For filing a survey, for each page \$ 5.00

(ij) For making a copy of a survey or highway right-of-way plat .. \$ 4.00

(jk) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license \$11.00

(kl) For administering an oath, including jurat \$ 1.00

And certifying the same when required an additional sum of \$ 1.00

(lm) For comparing and certifying a prepared copy of a file or record in his office, for each page \$.50

(mn) For each certificate under seal there shall be an additional fee of \$ 1.00

(2) Electronic copies shall include copies provided via internet download, on a compact disc, zip disc, floppy disc, or other electronic means. The county recorder shall provide electronic copies if the record is maintained in electronic form and if the person specifically requests an electronic copy.

(3) For duplication of recorded documents in paper, microfilm or microfiche format requested on a recurring basis in excess of one hundred (100) pages, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of paper, microfilm or microfiche documents in excess of one hundred (100) pages are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.

(4) All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, corner-stone markers and instruments under the Uniform Commercial Code.

(5) For all other services as recorder, not enumerated herein, the fee fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

(6) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be two cents (2¢) per square inch.

Approved April 4, 2017

CHAPTER 238
(H.B. No. 212)

AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE FOR CERTAIN POWERS OF THE BOARD OF PSYCHOLOGIST EXAMINERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2316, IDAHO CODE, TO PROVIDE PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2317, IDAHO CODE, TO PROVIDE FOR PROVISIONAL CERTIFICATION OF PRESCRIPTIVE AUTHORITY; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2318, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF PRESCRIPTIVE AUTHORITY AND TO PROVIDE RULEMAKING AUTHORITY; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2319, IDAHO CODE, TO PROVIDE FOR CERTIFICATION BY ENDORSEMENT; AND AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2320, IDAHO CODE, TO PROVIDE FOR A CERTAIN PANEL.

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

SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby amended to read as follows:

54-2302. DEFINITIONS. Within the meaning of this chapter the following definitions apply:

(1) "Department" means the department of self-governing agencies of the state of Idaho.

(2) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.

(3) "Board" means the Idaho state board of psychologist examiners.

(4) "Licensed medical provider" means a physician or physician assistant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced practice registered nurse licensed pursuant to chapter 14, title 54, Idaho Code.

(5) "Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.

(56) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in subsection (67) of this section.

(67) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(78) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(89) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

SECTION 2. That Section 54-2305, Idaho Code, be, and the same is hereby amended to read as follows:

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and, reciprocal licenses, certification and provisional certification of prescriptive authority; and, at its option, to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(2) To adopt, and, from time to time, revise such rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and not inconsistent with the law as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but need not be limited to, a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association and the educational and professional qualifications of applicants for licensing under this chapter.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses and certifications of psychologists and psychologist applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of, and the rules adopted pursuant to, this chapter and cause the prosecution and enjoinder of all such violations.

(5) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated. It shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(6) Proceedings before the board and judicial review of the action of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(7) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

(8) To adopt a rule requiring continuing education as a condition of continued licensure and certification.

(9) To adopt rules allowing for a temporary permit to individuals licensed as psychologists in another state authorizing such individuals to practice psychology in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules.

(10) To establish by rule an inactive license status.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of psychology, including supervision.

(12) To establish by rule certification and provisional certification of prescriptive authority pursuant to sections 54-2316 through 54-2319, Idaho Code.

(13) To establish by rule a limited formulary or formularies for prescribing use by holders of certification and provisional certification of prescriptive authority.

SECTION 3. That Chapter 23, 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 54-2316, Idaho Code, and to read as follows:

54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under this chapter shall issue a prescription without valid certification or provisional certification of prescriptive authority issued pursuant to section 54-2317, 54-2318 or 54-2319, Idaho Code.

(2) Psychologists licensed under this chapter who hold a certification or a provisional certification of prescriptive authority shall prescribe only those drugs or controlled substances that are:

(a) Recognized in or customarily used in the diagnosis, treatment and management of individuals with psychiatric, mental, cognitive, nervous, emotional or behavioral disorders;

(b) Relevant to the practice of psychology or other procedures directly related thereto; and

(c) Within the scope of the psychologist's license and certification of prescriptive authority.

(3) A psychologist who holds provisional certification of prescriptive authority may prescribe only under the direct supervision of a supervising physician who meets the requirements of section 54-2317 (6), Idaho Code.

(4) A psychologist who issues a prescription to a patient pursuant to this section shall collaborate with the patient's licensed medical provider.

(5) All prescriptions issued pursuant to this section shall comply with all applicable federal and state laws, rules and regulations and rules of the board.

(6) No psychologist may prescribe for a pediatric or geriatric patient without meeting all requirements of this chapter, including the provisions of section 57-2318(2), Idaho Code.

(7) No person licensed under this chapter shall accept any payment, directly or indirectly:

(a) From any person licensed as a health care provider under title 54, Idaho Code, whose license does not permit the writing of prescriptions, for writing a prescription or dispensing a prescription drug to a patient;

(b) From any person who holds himself or herself out as a health care provider in any form who is not licensed under title 54, Idaho Code; or

(c) From any business or professional entity regardless of the form of its organization, for writing a prescription or dispensing a prescription drug to a patient unless such entity is authorized to conduct business under chapter 17, title 54, Idaho Code, or licensed as a licensed health care provider or health care facility or is otherwise approved by the board.

(8) The restriction contained in subsection (7) of this section shall not prevent a person licensed under this chapter from accepting payment from any such person who is a patient, or for services provided to a patient or to someone the patient is legally obligated to support or from any insurer or

other entity authorized under the laws of this state to provide insurance or pay benefits on behalf of a self-insured plan or government program.

SECTION 4. That Chapter 23, 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 54-2317, Idaho Code, and to read as follows:

54-2317. PRESCRIPTIVE AUTHORITY -- PROVISIONAL CERTIFICATION. To qualify for provisional certification of prescriptive authority, a psychologist licensed under this chapter shall meet such standards as prescribed by rule of the board. At a minimum, these standards shall include:

- (1) A current license to practice psychology in Idaho;
- (2) A doctorate degree in psychology awarded by an accredited program within a United States department of education approved, regionally accredited institution of higher education;
- (3) A master's degree in clinical psychopharmacology awarded by an accredited program within a United States department of education approved, regionally accredited institution of higher education. The didactic portion of the education shall be at least two (2) years of full-time education, or the equivalent thereof, and shall be substantially equivalent to the education required of an advanced practice psychiatric nurse practitioner in this state as determined by the institution that offers both clinical psychopharmacology and psychiatric nurse practitioner degrees. The necessary prerequisites for the education shall be determined by the institution that offers the degrees and, in the institution's judgment, shall include sufficient biomedical education to ensure the necessary knowledge and skills to prescribe psychotropic medications in a safe and effective manner. The program shall satisfy the requirements to become designated a post-doctoral education and training program in clinical psychopharmacology by the American psychological association. The program must be established and administered by biomedically trained educators and must demonstrate that all content is covered and that students achieve clinical competency in all areas, and shall include at a minimum:

- (a) Basic science:
 - (i) Anatomy;
 - (ii) Physiology;
 - (iii) Biochemistry;
- (b) Neurosciences:
 - (i) Neuroanatomy;
 - (ii) Neurophysiology;
 - (iii) Neurochemistry;
- (c) Physical assessments and laboratory exams:
 - (i) Physical assessment;
 - (ii) Laboratory and radiological assessment;
 - (iii) Medical terminology and documentation;
- (d) Clinical medicine and pathophysiology:
 - (i) Pathophysiology with particular emphasis on cardiac, renal, hepatic, neurologic, gastrointestinal, hematologic, dermatologic and endocrine systems;
 - (ii) Clinical medicine with particular emphasis on signs, symptoms and treatment of disease states with behavioral, cognitive and emotional manifestations or comorbidities;
 - (iii) Differential diagnosis;
 - (iv) Clinical correlations -- the illustration of the content of this domain through case study;
 - (v) Substance-related and co-occurring disorders;
 - (vi) Chronic pain management;
- (e) Clinical and research pharmacology and psychopharmacology:
 - (i) Pharmacology;

- (ii) Clinical pharmacology;
 - (iii) Pharmacogenetics;
 - (iv) Psychopharmacology;
 - (v) Developmental psychopharmacology;
 - (vi) Issues of diversity in pharmacological practice -- lifespan related to drug metabolism;
- (f) Clinical pharmacotherapeutics:
- (i) Combined therapies -- psychotherapy/pharmacotherapy interactions;
 - (ii) Computer-based aids to practice;
 - (iii) Pharmacoepidemiology;
- (g) Research:
- (i) Methodology and design of psychopharmacology research;
 - (ii) Interpretation and evaluation of research;
 - (iii) Federal food and drug administration drug development and regulatory processes; and
- (h) Professional, ethical, and legal issues:
- (i) Application of existing law, standards and guidelines to pharmacological practice; and
 - (ii) Relationship with pharmaceutical industry:
 1. Conflicts of interest;
 2. Evaluation of pharmaceutical marketing practices; and
 3. Critical consumer;
- (4) Clinical experience that is sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of qualified practitioners including, but not limited to, licensed physicians and prescribing psychologists as determined by the institution offering the clinical psychopharmacology degree;
- (5) A passing score on an examination developed by a nationally recognized body and approved by the board; and
- (6) Supervision agreements with board-certified psychiatrists, neurologists or other physicians with specialized training and experience in the management of psychotropic medication who are licensed under chapter 18, title 54, Idaho Code, or an equivalent licensing provision of the law of an adjoining state.

SECTION 5. That Chapter 23, 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 54-2318, Idaho Code, and to read as follows:

54-2318. PRESCRIPTIVE AUTHORITY -- CERTIFICATION. (1) An applicant for certification of prescriptive authority may be granted such certification by the board if the applicant possesses provisional certification of prescriptive authority and has successfully completed two (2) years of satisfactory prescribing as attested to by the supervising physician or physicians.

(2) An applicant for certification of prescriptive authority who seeks to prescribe for pediatric or geriatric patients shall have completed at least one (1) year of satisfactory prescribing to such patient populations as attested to by a supervising physician or supervising physicians with specialized training and experience in treating such patient populations.

(3) The board shall develop rules to effect the purposes of sections 54-2316 through 54-2319, Idaho Code. Such rules shall include educational and training standards necessary to qualify for certification of prescriptive authority, application and testing procedures, and fees for an application, provisional certification, certification and renewal of certification. Such fees shall not exceed three hundred dollars (\$300) each.

SECTION 6. That Chapter 23, 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 54-2319, Idaho Code, and to read as follows:

54-2319. PRESCRIPTIVE AUTHORITY -- CERTIFICATION BY ENDORSEMENT. An applicant who has a current and unrestricted license to practice psychology and a current and unrestricted certification of prescriptive authority from another state, or training from the United States department of defense demonstration project or other similar program developed and operated by any branch of the armed forces that imposes substantially equivalent educational and training requirements as those contained in this chapter and required by the board, upon payment of the required fees, compliance with section 54-2317(1), Idaho Code, and the approval of the application, may be certified by endorsement pursuant to this chapter. The board may consider an applicant's experience in prescribing in another state as meeting a portion of the requirements necessary to obtain provisional certification or certification under this chapter, but also shall require additional education and supervision if the board deems it necessary to meet the educational and training requirements imposed by this chapter.

SECTION 7. That Chapter 23, 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 54-2320, Idaho Code, and to read as follows:

54-2320. ADVISORY PANEL. The board shall establish an advisory panel to review and advise the board on proposed prescriptive rules and other regulations governing the prescriptive authority for psychologists, including any formulary or limited formulary, and also including the sufficiency of education and training for an applicant seeking certification by endorsement. If requested by the board, the panel may be consulted on complaints against psychologists with prescriptive authority. The panel shall consist of a psychiatrist and a pediatric psychiatrist or a pediatrician recommended by the Idaho state board of medicine, a pharmacist holding a doctoral-level degree recommended by the Idaho state board of pharmacy, and two (2) psychologists licensed in Idaho. The board shall not promulgate rules governing prescriptive authority, governing collaboration or supervision of prescribing psychologists, establishing a formulary or establishing standards for granting certification by endorsement, unless the rules first have been approved by a majority vote of the advisory panel.

Approved April 4, 2017

CHAPTER 239
(H.B. No. 216)

AN ACT

RELATING TO SHORT-TERM OR VACATION RENTAL MARKETPLACES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES AND THE COLLECTION OF TAX; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6539, IDAHO CODE, TO PROVIDE LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 18, Title 63, Idaho Code, and to read as follows:

CHAPTER 18
SHORT-TERM OR VACATION RENTAL MARKETPLACES

63-1801. SHORT TITLE. This act may be cited as the "Short-term Rental and Vacation Rental Act."

63-1802. LEGISLATIVE INTENT. This act is designed to promote access to short-term rentals and vacation rentals by limiting local governmental authority to prohibit these beneficial property uses, or to specifically target them for regulation, except in circumstances necessary to safeguard public health and welfare. This act is also designed to preserve personal property rights and promote property owner access to platforms for offering their properties as short-term rentals and vacation rentals, and enhancing local tax revenue by permitting platforms to assume tax collection and remittance responsibilities.

63-1803. DEFINITIONS. In this chapter:

(1) "Local government" means any governmental entity or agency, including counties, municipalities, and taxing districts, but not the state of Idaho and the agencies and departments of the state.

(2) "Lodging operator" means a person that rents a short-term rental or vacation rental to an occupant using a short-term rental marketplace.

(3) "Lodging transaction" means a charge to an occupant by a lodging operator for the occupancy of any short-term rental or vacation rental using a short-term rental marketplace.

(4) "Short-term rental" or "vacation rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rental or vacation rental does not include a unit that is used for any retail, restaurant, banquet space, event center or another similar use.

(5) "Short-term rental marketplace" means a person that provides a platform through which a lodging operator, or the authorized agent of the lodging operator, offers a short-term rental or vacation rental to an occupant.

63-1804. LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES -- COLLECTION OF TAX. (1) A local government may not levy a sales, use, fran-

chise, receipts, or other similar tax or fee on the business of operating a short-term rental marketplace.

(2) A short-term rental marketplace shall register with the state tax commission for collection, reporting, and payment of sales and use and travel and convention taxes levied by this state and any applicable local government taxes administered by the state tax commission on short-term rentals and vacation rentals due from a lodging operator on any lodging transaction facilitated by the short-term rental marketplace.

(3) A short-term rental marketplace shall collect, report, and pay taxes imposed on the lodging operator or occupant of a short-term rental or vacation rental by any local government.

(4) Any local government that has levied a tax pursuant to statutory authorization, may contract with the state tax commission for the collection and administration of such taxes in like manner and under definitions and rules of the state tax commission for the collection and administration of the state sales or use tax under chapter 36, title 63, Idaho Code. Alternatively, such local government shall have authority to administer and collect such tax. All revenues collected on behalf of the local governments by the state tax commission pursuant to this chapter shall be distributed as follows: An amount of money shall be distributed to the state refund fund sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid through the state refund fund and those moneys are continuously appropriated. The state tax commission may retain an amount of money equal to such fee as may be agreed upon between the state tax commission and such local government for the actual cost of the collection and administration of the tax. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost at the end of each fiscal year shall be distributed as provided in this section. All remaining moneys received pursuant to this chapter shall be placed in a fund designated by the state controller and remitted monthly to the local government levying such tax.

(5) A short-term rental marketplace that has not facilitated a lodging transaction in Idaho shall have forty-five (45) days to comply with this section upon completion of their first lodging transaction in Idaho.

SECTION 2. That Chapter 65, 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 67-6539, Idaho Code, and to read as follows:

67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals throughout the jurisdiction of such county or city. Notwithstanding the foregoing prohibition, a county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements applicable thereto.

(2) Neither a county nor a city can regulate the operation of a short-term rental marketplace.

SECTION 3. This act shall be in full force and effect on and after January 1, 2018.

CHAPTER 240
(H.B. No. 222)

AN ACT

RELATING TO THE SECURE TREATMENT FACILITY ACT; AMENDING TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 66, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE AUTHORITY, TO DEFINE TERMS, TO PROVIDE CRITERIA TO QUALIFY FOR ADMISSION TO A CERTAIN FACILITY, TO PROVIDE FOR DISPOSITION AND REDISPOSITION TO AND DISCHARGE FROM THE FACILITY, TO ESTABLISH RIGHTS OF THOSE ADMITTED TO THE FACILITY AND TO PROVIDE FOR CERTAIN TREATMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 66, 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 66, Idaho Code, and to read as follows:

CHAPTER 14
SECURE TREATMENT FACILITY ACT

66-1401. SHORT TITLE. This chapter shall be known and may be cited as the "Secure Treatment Facility Act."

66-1402. AUTHORITY. (1) The department of health and welfare shall have the power to establish, operate and maintain a secure treatment facility for persons with an intellectual or developmental disability who pose a substantial threat to the safety of others. These persons may also have co-occurring mental illness requiring diagnostic services and treatment in a secure facility. The facility shall be identifiably separate from other facilities managed by the department of health and welfare for persons with an intellectual or a developmental disability. The provisions of this chapter shall be liberally construed to accomplish these purposes.

(2) The director of the department of health and welfare or the director's designee shall have the authority to make rules for the governance of the facility and program consistent with this chapter.

(3) When a person is the subject of a court order pursuant to section 66-1404, Idaho Code, for admission to a secure facility, the department may disposition the person to the facility or another appropriate placement.

(4) The department of health and welfare division of licensing and certification will develop a license and survey process for the facility.

(5) The provisions of chapter 4, title 66, Idaho Code, apply unless otherwise specified.

66-1403. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the secure treatment facility.

(2) "Adult" means an individual eighteen (18) years of age or older.

(3) "Department" means the Idaho department of health and welfare.

(4) "Developmental disability" means a developmental disability as defined in section 66-402, Idaho Code, or an intellectual disability as defined in section 73-114, Idaho Code.

(5) "Director" means the director of the department.

(6) "Dual diagnosis" means the coexistence of the symptoms of both intellectual or developmental disabilities and mental health issues.

(7) "Facility" or "secure treatment facility" means the facility to be operated by the department to fulfill the purposes of this chapter. The facility shall, at a minimum, include:

- (a) Locked, fenced and enclosed grounds accessible only to persons, staff and authorized individuals;
 - (b) Locked residential units;
 - (c) Bedroom and building exit alarms;
 - (d) Monitoring cameras in all common areas;
 - (e) Modified interiors to reduce risk of suicide; and
 - (f) Restricted access to items that could be used as weapons.
- (8) "Person" means an individual subject to judicial proceedings authorized by the provisions of this chapter who is being considered for disposition or is admitted and dispositioned into the secure treatment facility.
- (9) "Serious mental illness" means any of the following psychiatric illnesses as defined by the American psychiatric association in the diagnostic and statistical manual of mental disorders (DSM):
- (a) Schizophrenia spectrum and other related disorders;
 - (b) Paranoia and other psychotic disorders;
 - (c) Bipolar and other related disorders;
 - (d) Depressive disorders;
 - (e) Trauma and stressor-related disorders;
 - (f) Anxiety disorders;
 - (g) Obsessive-compulsive and other related disorders;
 - (h) Dissociative disorders; and
 - (i) Personality disorders.
- (10) "Substantial threat to the safety of others" means the presentation, by a person, of a substantial risk to physically harm other individuals, as manifested by evidence of violent behavior.

66-1404. CRITERIA FOR ADMISSION. (1) To be admitted to the facility, a person must:

- (a) Have a primary diagnosis of developmental disability, as determined by the department, and a diagnosis of serious mental illness;
 - (b) Be an adult;
 - (c) Meet one (1) of the following grounds:
 - (i) The person is charged with a crime and is committed to the department to undergo evaluation or treatment for competency to stand trial in conformance with chapter 2, title 18, Idaho Code; or
 - (ii) The person is civilly committed to the custody of the department in conformance with chapter 4, title 66, Idaho Code; and
 - (d) Be found, by a court, to present a substantial threat to the safety of others if not evaluated or treated in a secure facility.
- (2) If the court finds that the person meets the criteria for admission, the court shall, as part of the commitment to the department, order that the person is appropriate to be admitted to the facility.

66-1405. DISPOSITION, REDISPOSITION AND DISCHARGE. (1) Disposition. Disposition of a person into the facility shall be determined solely by the director or the director's designee. In considering whether a person should be dispositioned to the facility, the director or the director's designee may consider any relevant factor including, but not limited to, the following:

- (a) Whether less-restrictive alternatives, including services provided in community residential facilities or other community settings that would offer an opportunity for improvement of the condition, have been judged to be inappropriate;
- (b) Whether admission of the person would cause overcrowding of the facility; and
- (c) Whether the facility is unable to provide appropriate care or treatment for the person.

(2) Transportation. Upon admission, the person shall be transported to the facility in conformance with chapter 2, title 18, Idaho Code, or chapter 4, title 66, Idaho Code.

(3) Redisposition and notice.

(a) After placement in the facility, the director or the director's designee may redisposition the person to a less-restrictive facility. If the person was committed to the department under title 18, Idaho Code, notice of change of disposition shall be filed with the committing court. If the person was committed to the department under this title, notice of change in disposition shall be given in accordance with section 66-407, Idaho Code.

(b) A judicial order that a person is appropriate to be admitted to the facility constitutes continuing authorization for the department to redisposition a person back into the facility as long as the commitment to the department continues under chapter 2, title 18, Idaho Code, or chapter 4, title 66, Idaho Code. If the director or the director's designee has dispositioned a person to a less-restrictive facility and later redispositions the person to the secure treatment facility, the person may appeal the redisposition to the committing court within thirty (30) days' notice of the change in disposition. The court shall consider the following admission criteria:

(i) Whether the person continues to present a substantial threat to the safety of others if not evaluated or treated in a secure facility; and

(ii) Whether its order that the person may be admitted to a secure treatment facility continues to be appropriate.

If the court finds that the person does not meet either admission criteria, the department shall disposition the person to a placement other than the facility, or discharge the person from commitment in accordance with chapter 2, title 18, Idaho Code, or chapter 4, title 66, Idaho Code.

(4) Discharge. The director or the director's designee shall review the person's progress every ninety (90) days to determine whether the person continues to meet the program criteria. If the person no longer meets the program criteria as provided in this chapter, the director or the director's designee shall discharge the person from the facility. The director or the director's designee may discharge the person from the commitment under chapter 2, title 18, Idaho Code, or chapter 4, title 66, Idaho Code, or redisposition the person to a less-restrictive setting. If the person is discharged from commitment, notice shall be given as allowed by law authorizing the commitment.

66-1406. RIGHTS OF PERSONS. (1) All persons shall be accorded those civil rights provided by chapter 4, title 66, Idaho Code, except as otherwise provided in this section.

(2) Access to attorney and advocacy. Every person in the facility shall at all times have the right to visit and be visited by or to communicate by sealed mail, telephone, or otherwise with the person's attorney, an employee at the attorney's firm or a representative of the state protection and advocacy system. Each person shall have reasonable access to letter-writing material and postage for this purpose.

(3) Court order. The department may limit civil rights if and as provided in a court order.

(4) Limitations on communication, visitation and property in the facility. Except as provided in subsection (2) of this section, the department may limit a person's rights to communicate with individuals inside or outside the facility or to receive visitors or associate freely with individuals, and to keep and use the person's own personal possessions, only if the following occurs:

(a) The decision to limit such person's rights is a clinical decision made as part of the person's individual treatment plan developed in accordance with chapter 4, title 66, Idaho Code;

(b) A statement explaining the reasons for such limitations shall immediately be entered in the person's treatment record;

(c) Copies of such statement shall be sent to the person's attorney, guardian, and the person's spouse, adult next of kin, or friend, if any; and

(d) The person may appeal the treatment decisions that limit the person's rights under this section to the department's human rights committee within thirty (30) days.

(5) The use of mechanical restraints during the transportation to or from any facility must be in compliance with section 66-345, Idaho Code.

66-1407. TREATMENT. (1) The director or the director's designee shall have the power to develop appropriate standards and rules for treatment of persons in the facility. It shall be the responsibility of the director or the director's designee to implement those standards.

(2) The relative risks and benefits of specific modes of treatment contained in such plans shall be explained to each person or the spouse, guardian, adult next of kin or friend of the person, to the extent allowable by law.

(3) The ability of a person to make informed decisions as to treatment will be made in accordance with a person's commitment to the department as provided in chapter 2, title 18, Idaho Code, or chapter 4, title 66, Idaho Code.

(4) Restraints may be used only when a person poses an imminent risk of physical harm to self or others and restraints are the least-restrictive intervention that would achieve safety.

(5) The person shall be entitled to be diagnosed, cared for and treated in a manner consistent with the person's legal rights and in a manner no more restrictive than necessary for the person's protection and the protection of others for a period no longer than reasonably necessary for diagnosis, care, treatment and protection.

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

Approved April 4, 2017

CHAPTER 241
(H.B. No. 243)

AN ACT

RELATING TO THE DEPARTMENT OF LABOR; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1321, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF LABOR TO REQUEST CRIMINAL RECORD CHECKS BY SUBMITTING FEES AND FINGERPRINTS OF CERTAIN PERSONS, TO PROVIDE FOR THE RECEIPT AND USE OF CRIMINAL HISTORY INFORMATION, TO PROHIBIT FURTHER DISSEMINATION OF CRIMINAL HISTORY INFORMATION, TO PROVIDE FOR THE REVIEW OF INFORMATION RECEIVED FROM THE CRIMINAL HISTORY AND BACKGROUND CHECK, TO PROVIDE FOR CERTAIN DETERMINATIONS, TO PROVIDE FOR THE COMMUNICATION OF CLEARANCE OR DENIAL, TO PROVIDE FOR OPPORTUNITY FOR FORMAL REVIEW OF A DENIAL, TO PROVIDE FOR IMMUNITY FROM LIABILITY AND TO PROVIDE THAT CLEARANCE IS NOT A DETERMINATION OF SUITABILITY FOR EMPLOYMENT OR CONTRACTING.

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

SECTION 1. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1321, Idaho Code, and to read as follows:

72-1321. DETERMINING SUITABILITY OF ITS EMPLOYEES, APPLICANTS AND PROSPECTIVE CONTRACTORS FOR EMPLOYMENT AND ACCESS TO FEDERAL TAX INFORMATION. (1) The Idaho department of labor may request a criminal record check of state and national databases by submitting the required fees and a set of fingerprints obtained from an employee, a prospective contractor, subcontractor or applicant for employment who will have access to federal tax information, as defined in internal revenue service publication 1075 (2016), to the Idaho state police, bureau of criminal identification. The submission of the required fees, fingerprints and information required by this section shall be on forms prescribed by the Idaho state police.

(2) The department's human resource director is authorized to receive criminal history information from the Idaho state police and from the federal bureau of investigation for the purpose of evaluating the fitness of employees and applicants for contracting or employment, with the Idaho department of labor and for access to federal tax information.

(3) As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. Criminal background reports received from the Idaho state police and the federal bureau of investigation shall be handled and disposed of in a manner consistent with requirements imposed by the Idaho state police and the federal bureau of investigation.

(4) The department shall review the information received from the applicant's criminal history and background check and:

- (a) Determine whether the employee, applicant or contractor has a criminal or other relevant record that would disqualify the individual from having access to federal tax information;
- (b) Determine which crimes disqualify the employee, applicant or contractor from having access to federal tax information;
- (c) Communicate clearance or denial to the employee, applicant or contractor; and
- (d) Provide the employee, applicant or contractor with an opportunity for a formal review of a denial.

(5) The department is immune from liability for an employment decision when it acts in reasonable reliance on the results of the criminal history and background check in making contracting and employment decisions.

(6) Clearance through the criminal history and background check process is not a determination of suitability for employment or contracting.

Approved April 4, 2017

CHAPTER 242
(H.B. No. 250)

AN ACT

RELATING TO ABORTION; PROVIDING LEGISLATIVE FINDINGS; AMENDING SECTION 18-617, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING THAT A PHYSICIAN HAS EXAMINED IN PERSON THE WOMAN TO WHOM THE ABORTIFACIENT IS ADMINISTERED TO DETERMINE THE MEDICAL APPROPRIATENESS OF SUCH ADMINISTRATION AND HAS DETERMINED THAT THE ABORTIFACIENT IS SUFFICIENTLY SAFE FOR USE IN THE GESTATIONAL AGE AT WHICH IT WILL BE ADMINISTERED; AMENDING SECTION 54-5707, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING THAT NO DRUG MAY BE PRESCRIBED THROUGH TELEHEALTH SERVICES FOR THE PURPOSES OF CAUSING AN ABORTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE FINDINGS. (1) Exercising its proper legal authority, as defended by the U.S. Supreme Court in *Gonzales v. Carhart*, 550 U.S. 124, 145 (2007), the Legislature previously found and further finds, and reasserts, that women and girls are best served by an in-person examination and counseling by a qualified physician prior to undergoing a chemical abortion;

(2) The Legislature previously found and further finds that the chemical abortion procedure presents significant health risks to women and girls undertaking the procedure; evidence presented to the Legislature in 2015 showed that the manufacturer of Mifeprex conceded before the U.S. Food and Drug Administration that "nearly all of the women who receive Mifeprex and misoprostol will report adverse reactions, and many can be expected to report more than one such reaction." (See 2004 Mifeprex Final Printed Labeling);

(3) In 2015, the Legislature received evidence that the U.S. Food and Drug Administration published a study in April of 2011 reporting that it had knowledge of 2,207 adverse reactions in treatments using mifepristone to accomplish a chemical abortion. Those reactions included 14 deaths, 612 hospitalizations (58 for ectopic pregnancies), 339 blood transfusions and 256 infections. (FDA, Mifepristone U.S. Postmarketing Adverse Events Summary through April 30, 2011);

(4) The Legislature, during extensive hearings in the 2015 legislative session, received additional testimony and evidence of a peer-reviewed study finding that the overall occurrence of health problems and complications was four times higher for women and girls undergoing chemical abortions as compared to those choosing surgical abortions. (N. Niinimäki et al., Immediate Complications After Medical Compared With Surgical Termination of Pregnancy, *Obstetrics & Gynecology* 114:795, October 2009);

(5) The Legislature received evidence that, by the terms of the U.S. Food and Drug Administration's 2004 Final Printed Labeling for Mifeprex, use of the drug to induce a chemical abortion is "contraindicated" if a patient does not have adequate access to medical facilities for the emergency treatment of incomplete abortion, hemorrhaging and other life-threatening complications; further testimony before the Senate and House of Representa-

tives State Affairs Committees raised public health concerns about the large portion of Idaho's population residing more than one hour's drive away from medical facilities equipped to deal with such emergencies;

(6) During public hearings on HB154 (Chapter 270, 2015 Session Laws), legislators received testimony that Planned Parenthood did not offer chemical abortions using the telemedicine method in Idaho, nor did it have plans to do so; moreover, legislators received testimony that Planned Parenthood had not used the telemedicine procedure within the state in the prior 15 years during which the RU-486 regimen had been legalized by the U.S. Food and Drug Administration for use as an abortifacient. (House of Representatives State Affairs Committee Minutes, February 23, 2015; Senate State Affairs Committee Minutes, March 16, 2015);

(7) And, operating under its constitutional authority, as defended by the U.S. Supreme Court in *Harris v. McRae*, 448 U.S. 297, 325 (1980), the Legislature found and further finds that "abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life";

(8) The Legislature found and further finds that chemical abortions performed via telemedicine methods undermine the creation of a healthy doctor-patient relationship;

(9) The Legislature therefore concludes, and hereby reasserts, that chemical abortions performed by remote teleconferencing methods represent substandard medical care and that women and girls undergoing abortion deserve and require a higher level of professional medical care;

(10) The Legislature has been provided a copy of the Stipulated Facts in *Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Lawrence G. Wasden, et al.*, Case No. 1:15-cv-00557-BLW. The Legislature asserts that many of the stipulated facts and characterizations of political purposes are contrary to the Legislature's actual prior findings and health-care concerns for women and girls. The Stipulated Facts does not reflect or accurately state the testimony before the Senate and House of Representatives State Affairs Committees and is not an accurate reflection of the Legislature's intent and purposes; and

(11) Notwithstanding the foregoing, and pursuant to the order continuing stay of enforcement entered by Judge B. Lynn Winmill, the Legislature enacts Sections 2 and 3 of this Act.

SECTION 2. That Section 18-617, Idaho Code, be, and the same is hereby amended to read as follows:

18-617. CHEMICAL ABORTIONS. (1) As used in this section:

(a) "Abortifacient" means mifepristone, misoprostol and/or other chemical or drug dispensed with the intent of causing an abortion as defined in section 18-604(1), Idaho Code. Nothing in the definition shall apply when used to treat ectopic pregnancy;

(b) "Chemical abortion" means the exclusive use of an abortifacient or combination of abortifacients to effect an abortion;

(c) "Physician" has the same meaning as provided in section 18-604(11), Idaho Code.

(2) No physician shall give, sell, dispense, administer, prescribe or otherwise provide an abortifacient for the purpose of effecting a chemical abortion unless the physician:

(a) Has the ability to assess the duration of the pregnancy accurately in accordance with the applicable standard of care for medical practice in the state;

(b) Has determined, if clinically feasible, that the unborn child to be aborted is within the uterus and not ectopic;

(c) Has the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding, or, if the physician does not have

admitting privileges at a local hospital, has made and documented in the patient's medical record plans to provide such emergency care through other qualified physicians who have agreed in writing to provide such care;

(d) Informs the patient that she may need access to medical facilities equipped to provide blood transfusions and resuscitation, if necessary, as a result of or in connection with the abortion procedure on a twenty-four (24) hour basis. If the appropriate medical facility is other than a local hospital emergency room, the physician shall provide the patient with the name, address and telephone number of such facility in writing; and

~~(e) Has examined in person the woman to whom the abortifacient is administered to determine the medical appropriateness of such administration and has determined that the abortifacient is sufficiently safe for use in the gestational age at which it will be administered; and~~

~~(f) Has complied with the informed consent provisions of section 18-609, Idaho Code.~~

(3) The physician inducing the abortion, or a person acting on behalf of the physician inducing the abortion, shall make reasonable efforts to ensure that the patient returns for a follow-up visit so that a physician can confirm that the pregnancy has been terminated and assess the patient's medical condition.

SECTION 3. That Section 54-5707, Idaho Code, be, and the same is hereby amended to read as follows:

54-5707. PRESCRIPTIONS. (1) A provider with an established provider-patient relationship, including a relationship established pursuant to section 54-5705, Idaho Code, may issue prescription drug orders using telehealth services within the scope of the provider's license and according to any applicable laws, rules and regulations, including the Idaho community standard of care; provided however, that the prescription drug shall not be a controlled substance unless prescribed in compliance with 21 U.S.C. section 802(54)(A).

(2) Nothing in this chapter shall be construed to expand the prescriptive authority of any provider beyond what is authorized by the provider's licensing board.

~~(3) No drug may be prescribed through telehealth services for the purpose of causing an abortion.~~

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

Approved April 4, 2017

CHAPTER 243
(H.B. No. 259)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho Commission for Libraries, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,993,900	\$1,589,400	\$62,000	\$380,000	\$4,025,300
Miscellaneous Revenue					
Fund		55,000	5,000	10,000	70,000
Federal Grant					
Fund	<u>637,100</u>	<u>916,500</u>	<u>44,000</u>	<u>60,000</u>	<u>1,657,600</u>
TOTAL	\$2,631,000	\$2,560,900	\$111,000	\$450,000	\$5,752,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than thirty-seven and one-half (37.50) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 244
(H.B. No. 261)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR THE STATE LEADERSHIP AND TECHNICAL ASSISTANCE PROGRAM FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR GENERAL PROGRAMS FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR GENERAL PROGRAMS FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 327, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Division of Career Technical Education for State Leadership and Technical Assistance \$35,100 from the General Fund to be expended for personnel costs for the period July 1, 2016, through June 30, 2017, to accommodate restructuring within the division.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 327, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Division of Career Technical Education for General Programs \$503,500 from the General Fund to be expended for personnel costs for the period July 1, 2016, through June 30, 2017, to accommodate restructuring of personnel and operations within the division.

SECTION 3. Notwithstanding any other provision of the law to the contrary, the appropriation made to the Division of Career Technical Education for General Programs in Section 1, Chapter 327, Laws of 2016, from the General Fund, is hereby reduced by \$538,600 for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017, to accommodate restructuring of personnel and operations within the division.

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

Approved April 4, 2017

CHAPTER 245
(H.B. No. 266)

AN ACT

APPROPRIATING MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF PHARMACY FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory				
Fund	\$299,500	\$265,300	\$8,600	\$573,400
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory				
Fund	\$1,102,400	\$1,129,000	\$8,800	\$2,240,200
III. BOARD OF NURSING:				
FROM:				
State Regulatory				
Fund	\$875,300	\$643,800	\$25,200	\$1,544,300
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory				
Fund	\$1,149,300	\$891,500	\$8,400	\$2,049,200
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory				
Fund	\$182,200	\$116,600	\$3,600	\$302,400
GRAND TOTAL	\$3,608,700	\$3,046,200	\$54,600	\$6,709,500

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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)

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Board of Pharmacy any unexpended and unencumbered balances of the \$250,000 appropriated to the Board of Pharmacy for the Board of Pharmacy Licensing System for fiscal year 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 254, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$60,000 from the State Regulatory Fund to the Board of

Pharmacy, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 246
(H.B. No. 272)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education and to the Board of Regents of the University of Idaho for Health Education Programs, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WASHINGTON-IDAHO VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$588,900	\$1,387,200			\$1,976,100
Restricted					
Fund	<u>0</u>	<u>0</u>		<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$588,900	\$1,387,200		\$100,000	\$2,076,100
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$1,106,900	\$187,800	\$214,800	\$3,793,900	\$5,303,400
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$250,800			\$1,349,200	\$1,600,000
Unrestricted					
Fund	<u>180,300</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>211,600</u>
TOTAL	\$431,100	\$25,800	\$5,500	\$1,349,200	\$1,811,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$1,576,000	\$1,576,000
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$1,005,600	\$321,600	\$23,700	\$3,090,000	\$4,440,900
VI. BOISE INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$540,000	\$540,000
VII. PSYCHIATRY EDUCATION:					
FROM:					
General					
Fund				\$157,800	\$157,800
GRAND TOTAL	\$3,132,500	\$1,922,400	\$244,000	\$10,606,900	\$15,905,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are authorized no more than twenty-five and eight-tenths (25.8) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2018, the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for dedicated fund moneys appropriated for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and to the Board of Regents of the University of Idaho for Dental Education Programs any unexpended and unencumbered balances of moneys categorized as dedicated funds as appropriated or reappropriated for fiscal year 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 247
(H.B. No. 276)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$106,000	\$55,400	\$161,400
Miscellaneous Revenue			
Fund	58,500	48,700	107,200
Federal Grant			
Fund	<u>22,000</u>	<u>21,000</u>	<u>43,000</u>
TOTAL	\$186,500	\$125,100	\$311,600

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 248
(H.B. No. 277)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2018; 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 Idaho State Lottery from the State Lottery Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$3,340,400
Operating Expenditures	2,728,800
Capital Outlay	<u>120,100</u>
TOTAL	\$6,189,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-five (45) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that amounts necessary to pay prizes, retailer commissions, advertising and promotional costs and gaming supplier vendor fees based on sales shall be continuously appropriated to the Idaho State Lottery under the provisions of Section 67-7428, Idaho Code.

Approved April 4, 2017

CHAPTER 249
(H.B. No. 279)

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT A CHARTERING ENTITY MAY AGREE TO ACCEPT A CHARTER SCHOOL PETITION AT A LATER DATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR THE PROCESS OF STARTING OR CONVERTING A NEW PUBLIC CHARTER SCHOOL; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF FEDERAL LAW AND COLLECTIVE BARGAINING AND TO REVISE ADMISSION PROCEDURES; AMENDING SECTION 33-5210, IDAHO CODE, TO REVISE THE APPLICABILITY OF STATE LAW AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5211, IDAHO CODE, TO AUTHORIZE CERTAIN TECHNICAL SUPPORT AND TO AUTHORIZE CERTAIN WORKSHOPS TO BE OFFERED ELECTRONICALLY; AND AMENDING SECTION 33-5202A, IDAHO CODE, TO REMOVE A CODE REFERENCE.

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

SECTION 1. 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 that 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, unless the authorized chartering entity agrees to a later date; 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 by 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 that 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.

(8) 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 2. 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) Intent. Any group of persons, upon creating a nonprofit corporation pursuant to section 33-5204, Idaho Code, 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 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 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 paragraphs (a) and (c) of this subsection, authorized chartering entities permitted pursuant to 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) Except as provided in paragraph (c) 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.~~

~~(e) 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:~~

~~(i) Approve the charter;~~

~~(ii) Deny the charter; or~~

~~(iii) Provide a written response identifying the specific deficiencies in the petition.~~

~~(c) If the authorized chartering entity exercises the option provided for in paragraph (b) (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 char-~~

~~tering 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 individuals 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.~~

(2) New Public Charter School Petition. Except for a petition to establish a new virtual school, which shall follow subsection (6) of this section, or to convert an existing traditional public school, which shall follow subsection (7) of this section, a petition to establish a new public charter school shall follow the process set forth in subsections (3) through (5) of this section.

(3) Application.

(a) The state board of education, by rule, shall develop an application to establish a new public charter school which, when submitted by petitioners, shall constitute the public charter school's completed petition. The application is not intended to be exhaustive, but shall require petitioners to provide descriptions of the following key features of the prospective public charter school:

(i) Educational program, including student academic proficiency and growth standards and measurement methods and any mission-specific standards that may be unique to the school;

(ii) Financial and facilities plan;

(iii) Board capacity and governance structure; and

(iv) Student demand and primary attendance area.

(b) Prior to submitting the completed petition to an authorized chartering entity described in section 33-5202A(1), Idaho Code, petitioners shall send a letter and a copy of the completed petition to the superintendent of each district that overlaps the proposed public charter school's primary attendance area. The purpose of the letter is to inform the superintendent that petitioners are seeking an authorizer, and to offer to attend a district board of trustees meeting, if the superintendent so requests.

(c) A minimum of four (4) weeks after sending the letter and copy of the completed petition pursuant to paragraph (b) of this subsection, or earlier if the superintendent of each district that overlaps the proposed public charter school's primary attendance area agrees, petitioners may submit the completed petition to an authorized chartering entity pursuant to section 33-5202A(1), Idaho Code. Upon receipt of the completed petition, which may be received electronically, representatives of the authorized chartering entity shall review, and may contract with a third party or other government agency to assist in reviewing, the petition. If necessary, representatives of the authorized chartering entity may request from petitioners limited additional information necessary to clarify the contents of the completed petition. Any subsequent change to the completed petition will comprise the revised petition.

(4) Hearing. If the authorized chartering entity is the public charter school commission, within ten (10) weeks of receiving a revised petition and not later than twelve (12) weeks after receiving the completed petition, commission staff shall provide commissioners with a written recommendation that the commission either approve, deny or grant conditional approval of the petition. Concurrently, the commission staff shall provide a copy of the recommendation to petitioners, along with a notice of a hearing date, and shall notify the district in which the proposed charter school will be physically located of the opportunity to submit written comments or to testify at the hearing. Petitioners may testify to support or refute the recommendation. If the authorized chartering entity is other than the public charter school commission, it may develop its own hearing process.

(5) Petition Decision. If the authorized chartering entity approves the petition, the parties shall negotiate the terms of the performance certificate pursuant to section 33-5205B, Idaho Code. If the authorized chartering entity grants conditional approval, the conditions may be considered reasonable pre-opening requirements or conditions pursuant to

section 33-5206, Idaho Code, or may be added to the charter upon agreement of petitioners and the authorized chartering entity.

(6) Virtual Schools.

(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 to those local school districts of the public hearing no less than thirty (30) days prior to the public hearing. The 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) 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 subsection (2) of this section and the additional statements describing the following:

(i) The learning management system by which courses will be delivered;

(ii) 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;

(iii) A plan for the provision of professional development specific to the public virtual school environment;

(iv) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely and frequent feedback about student progress;

(v) 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;

(vi) A plan for the provision of technical support relevant to the delivery of online courses;

(vii) The means by which the public virtual school will provide opportunity for student-to-student interaction; and

(viii) A plan for ensuring equal access for all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.

(7) Conversion Charter Schools. 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 less 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 less 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.

(8) Term. An initial charter, if approved, shall be granted for a term of five (5) operating years. This term shall commence on July 1 preceding the public charter school's first year of operation.

SECTION 3. 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. Public charter schools shall comply with the federal individuals with disabilities education act. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new, replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.

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

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

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

(5) 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 ~~its 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.

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

(a) If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children

of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; third, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fourth, to students residing within the primary attendance area of the public charter school; and fifth, by an equitable selection process such as a lottery or other random method. If so stated in its petition, a new public charter school or replication public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

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

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

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

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

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

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

SECTION 4. That Section 33-5210, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed

otherwise in this chapter, and operates in accordance with the state educational standards of thoroughness pursuant to section 33-1612, Idaho Code.

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

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

(a) Teacher certification as necessitated by the provisions of section ~~33-5205(3)(g)~~ 33-5206(3) and (4), Idaho Code;

(b) Accreditation of the school as necessitated by the provisions of section ~~33-5205(3)(e)~~ 33-5206(12), 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) ~~Requirements that all employees of the school undergo a criminal history check as required by section 33-130, Idaho Code;~~

~~(e)~~ Rules promulgated pursuant to section 33-1612, Idaho Code; and

~~(f)~~ All rules which that specifically pertain to public charter schools promulgated by the state board of education.

SECTION 5. That Section 33-5211, Idaho Code, be, and the same is hereby amended to read as follows:

33-5211. TECHNICAL SUPPORT AND INFORMATION. (1) Upon request, t~~The~~ state department of education shall provide technical assistance to persons or groups authorized chartering entities preparing or revising reviewing charter petitions or performance certificates, and to existing public charter schools in the same manner as such assistance is provided to traditional public schools and school districts.

(2) Upon request, the state department of education shall provide the following information concerning a public charter school whose petition has been approved:

(a) The public charter school's charter and performance certificate;

(b) The annual audit performed at the public charter school pursuant to the public charter school petition; and

(c) Any written report by the state board of education to the legislature reviewing the educational effectiveness of public charter schools.

(3) At least one (1) person among a group of petitioners of a prospective public charter school shall attend, in person or electronically, a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held, shall make earlier recorded workshops available electronically and shall provide proof of attendance to workshop attendees. ~~Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.~~

~~(4) Prior to submission of a petition for a new or conversion public charter school to an authorized chartering entity, the state department of education must conduct a sufficiency review of the petition and provide to the petitioners, in writing, the findings of such review.~~

SECTION 6. 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.
- (6) "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.
- (7) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.
- (8) "Career technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in career technical education which meet the standards and qualifications established by the division of career technical education. A career 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 districts. ~~Notwithstanding the provisions of section 33-5205(3)(j), Idaho Code, p~~Participating school districts need not be contiguous.
- (9) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.
- (10) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.
- (11) "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.

CHAPTER 250
(H.B. No. 280)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2018; 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$2,105,300	\$219,600	\$2,324,900
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
TOTAL	\$2,123,500	\$224,600	\$2,348,100

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, the 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 4, 2017

CHAPTER 251
(H.B. No. 281)

AN ACT

RELATING TO APPROPRIATIONS FOR THE LEGISLATIVE BRANCH; APPROPRIATING MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2018; 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 2018; 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$4,989,200	\$233,400	\$1,500	\$5,224,100
Miscellaneous Revenue				
Fund	138,700	524,000		662,700
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,372,600</u>	<u>109,100</u>	<u>0</u>	<u>1,481,700</u>
TOTAL	\$6,500,500	\$1,306,500	\$1,500	\$7,808,500

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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE. For fiscal year 2018, 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, 2017, through June 30, 2018. 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, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$794,300
Operating Expenditures	<u>91,900</u>
TOTAL	\$886,200

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 4, 2017

CHAPTER 252
(H.B. No. 284)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2018; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2018; 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 2018; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS.

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, 2017, through June 30, 2018:

FROM:

General Fund	\$90,616,400
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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, 2017, through June 30, 2018:

FROM:

General Fund	\$90,616,400
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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, 2017, through June 30, 2018:

FROM:

Public School Income Fund	\$90,616,400
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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.

(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-four~~thirty-five thousand one hundred ~~nine~~ thirty-two dollars (~~\$34,109~~\$35,132). 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 twenty thousand four hundred twenty-one dollars (\$20,421) 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.

(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.

Approved April 4, 2017

CHAPTER 253
(H.B. No. 285)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2018; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2018; 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 2018; 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, 2017, through June 30, 2018:

FROM:

General Fund	\$909,988,500
Federal Grant	<u>15,000,000</u>
TOTAL	\$924,988,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

FROM:

General Fund	\$909,988,500
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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, 2017, through June 30, 2018:

FROM:

Public School Income Fund	\$909,988,500
Federal Grant	<u>15,000,000</u>
TOTAL	\$924,988,500

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that of the moneys appropriated in Section 3 of this act, \$17,250,000 shall be distributed for professional development that supports instructors and pupil services staff to increase student learning. Professional development efforts should be measurable, should provide the instructors and pupil services staff with a clear understanding of their progress, should be incorporated into their performance evaluations and, to the extent possible, should be included in the school district or charter school continuous improvement plans required by section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the Superintendent of Public Instruction and the superintendent shall track usage and effectiveness of professional development efforts at the state and local levels.

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 April 4, 2017

CHAPTER 254
(H.B. No. 286)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2018; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2018; 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 2018; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$26,748 AND DIVIDING THAT AMOUNT INTO TWO DISTRIBUTIONS; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY AND 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, 2017, through June 30, 2018:

FROM:

General Fund	\$597,599,400
Public School Income Fund	3,000,000
Public Schools Other Income	6,000,000
Public School Endowment Earnings Reserve Fund	<u>47,049,600</u>
TOTAL	\$653,649,000

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

FROM:

General Fund \$597,599,400

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, 2017, through June 30, 2018:

FROM:

Public School Income Fund \$653,649,000

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.

(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-four thousand one hundred nine dollars (\$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.

(5) To determine the apportionment for classified staff, multiply twenty-one thousand ~~four hundred twenty-one~~ thirty-four dollars (~~\$20,421~~21,034) 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 5. Notwithstanding any law to the contrary, for the period July 1, 2017, through June 30, 2018, 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 \$26,748 per support unit. The \$26,748 is further divided into two distributions: \$15,506 per support unit is to be used at the discretion of the school district or charter school and \$11,242 per support unit is to be used to offset the employer costs of health, vision, and dental insurance offered to its employees. If the distribution provided for health, vision, and dental insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at the school district's or charter school's discretion. Further, the Superintendent of Public Instruction shall work with the Legislative Services Office and the Division of Financial Management to determine the information that the State Department of Education shall collect on school district and charter school health, vision, and dental insurance costs.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$7,500,000 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, \$26,000,000 shall be distributed for classroom technology and classroom technology infrastructure, and instructional management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Superintendent of Public Instruction. 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 8. 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 9. For the period July 1, 2017, through June 30, 2018, 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 April 4, 2017

CHAPTER 255
(H.B. No. 287)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2018; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2018; 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 2018; PROVIDING LEGISLATIVE INTENT REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR GIFTED AND TALENTED STUDENTS; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULUM; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN DEDICATED FUNDS; 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, 2017, through June 30, 2018:

FROM:

General Fund	\$45,497,900
Cigarette, Tobacco and Lottery Income Taxes	4,024,900
Federal Grant	<u>249,115,000</u>
TOTAL	\$298,637,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

FROM:

General Fund	\$45,497,900
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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, 2017, through June 30, 2018:

FROM:

Public School Income Fund	\$49,522,800
Federal Grant	<u>249,115,000</u>
TOTAL	\$298,637,800

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, 2017, through June 30, 2018, 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, 2017, through June 30, 2018, 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, \$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, 2019, 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 on 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, 2019, on the program design, uses of funds and program effectiveness.

SECTION 8. 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 9. Of the funds appropriated in Section 3 of this act, \$950,000 shall be distributed by the Superintendent of Public Instruction to school districts and charter schools to purchase digital content and curriculum of their choice. 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 mid-term support units.

SECTION 10. 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 2018. 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, 2019.

SECTION 11. 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, 2017, 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 12. 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, 2017, 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 13. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Public Schools Educational Support Program/Children's Programs Division, the unexpended and unencumbered balance of \$110,000 from the Public School Income Fund appropriated in Section 10 of House Bill No. 620, Second Regular Session, Sixty-third Idaho Legislature,

pursuant to Section 33-1024, Idaho Code, for fiscal year 2017, to be used for the period July 1, 2017, through June 30, 2018. This funding, in full or in part, is intended to be distributed to the Idaho Digital Learning Academy for its development of a portal of parent educational resources, notwithstanding any laws to the contrary.

SECTION 14. 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.

Approved April 4, 2017

CHAPTER 256
(H.B. No. 288)

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 2018; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; SPECIFYING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2018; AND INCLUDING THE GENERAL FUND IN THE YEAR-END RECONCILIATION, IF NECESSARY.

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, 2017, through June 30, 2018:

FROM:

General Fund	\$17,217,400
Bond Levy Equalization Fund	13,194,200
School District Building Account	<u>18,075,000</u>
TOTAL	\$48,486,600

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 \$7,305,800 for the period July 1, 2017, through June 30, 2018.

SECTION 4. LEGISLATIVE INTENT. If 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 to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

Approved April 4, 2017

CHAPTER 257

(H.B. No. 118, As Amended in the Senate)

AN ACT

RELATING TO CEMETERIES; AMENDING SECTION 27-412, IDAHO CODE, TO GRANT THE DIRECTOR OF THE DEPARTMENT OF FINANCE TEMPORARY AUTHORITY REGARDING ADMINISTRATION OF THE CEMETERY ENDOWMENT CARE FUND, TO PROVIDE PROCEDURES, TO PROVIDE FOR VIOLATIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 27-412, Idaho Code, be, and the same is hereby amended to read as follows:

27-412. SUITS TO ENFORCE STATUTE. (1) Should the cemetery authority fail to remit to the trustee or trustees, in accordance with the law, the funds herein provided for endowment care, or fail to expend all such funds and ~~reasonable~~ reasonably care for and maintain any portion of a cemetery entitled to endowment care, or should the trustee or trustees fail to perform the trust obligations in accordance with the law, any three (3) separate lot owners whose lots or other burial spaces are entitled to endowment care, or the next of kin, heirs at law or personal representatives of such lot owners, shall have the right, or the prosecuting attorney of any county where such lots are situated, shall have the power, by suit for injunction or for appointment of a receiver, to sue for, to take charge of, and to expend such net income for the purposes set out in sections 27-407 and 27-408, Idaho Code. Such suit may be filed in the district court of the county in which said cemetery is located.

(2) Whenever it appears to the administrator that any cemetery authority or trustee has engaged or is about to engage in any act or practice constituting a violation of any provisions of this act or any rule or order hereunder or when an endowment care cemetery fails after thirty (30) days' notice of delinquency to make any report to the administrator required by section 27-411, Idaho Code, the administrator shall give notice of the foregoing to the trustee or trustees of the cemetery endowment care fund, the cemetery authority and the attorney general of Idaho. It shall be the duty of the attorney general within ninety (90) days after the receipt of such notice to institute suit in the district court of any county of this state in which such cemetery is located, for an injunction against further sales of graves, plots, crypts, niches, burial vaults, markers or other cemetery merchandise by such cemetery or for the appointment of a receiver to take charge of the cemetery or trust fund, unless he shall prior to that time be notified by the administrator that such failure to conform to the requirements of the law or to report has been corrected.

(3) In addition to the administrator's notice to the trustee or trustees of the cemetery endowment care fund, the cemetery authority and the attorney general of the state of Idaho, the administrator may order the trustee or the cemetery authority, or both, to freeze the endowment care funds and to not expend or transfer them for any purpose other than directly

for the reasonable care and maintenance of the cemetery. This order must be issued within thirty (30) days of the notice and will expire ninety (90) days after the order is issued or when the attorney general files suit, whichever is earlier. Failure to comply with the order shall be a violation of this act.

Approved April 6, 2017

CHAPTER 258
(H.B. No. 136)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1016, IDAHO CODE, TO PROVIDE CAUSE FOR A CERTAIN PENALTY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 41-1016, Idaho Code, be, and the same is hereby amended to read as follows:

41-1016. ADMINISTRATIVE PENALTY -- SUSPENSION, REVOCATION, REFUSAL OF LICENSE. (1) The director may impose an administrative penalty not to exceed one thousand dollars (\$1,000), for deposit in the general fund of the state of Idaho, and may suspend for not more than twelve (12) months or may revoke or refuse to issue or continue any license issued under this chapter, chapter 27, title 41, Idaho Code (title insurance), chapter 11, title 41, Idaho Code (adjusters), or chapter 12, title 41, Idaho Code (surplus lines brokers), if the director finds that as to the licensee or applicant any one (1) or more of the following causes or violations exist:

- (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state's insurance director;
- (c) Obtaining or attempting to obtain a license through misrepresentation or fraud;
- (d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
- (e) Misrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction;
- (f) Being convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public;
- (g) Admitting or being found to have committed any insurance unfair trade practice or fraud;
- (h) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere;
- (i) Having an insurance license denied, suspended or revoked in any other state, province, district or territory;
- (j) Forging another's name on an application for insurance or on any document related to an insurance transaction;
- (k) Improperly using notes or any other reference material to complete an examination for an insurance license;

(l) Knowingly accepting insurance business from an individual who is not licensed;

(m) Failing to comply with an administrative or court order imposing a child support obligation, provided however, that nothing in this provision shall be deemed to abrogate or modify chapter 14, title 7, Idaho Code; or

(n) Failing to pay state income tax or to comply with any administrative or court order directing payment of state income tax; or

(o) In the case of a bail agent, compensating or agreeing to compensate any incarcerated person to influence or encourage another incarcerated person or other incarcerated persons to engage the bail agent's services or the services of the bail agent's company or of other bail agents employed by such bail company. For purposes of this subsection, compensating any incarcerated person shall include providing payment in any form to any person, organization or entity designated by the incarcerated person to receive such payment.

(2) The director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any license issued under this chapter to a nonresident where:

(a) The director has received a final order of suspension, revocation or refusal to continue from the insurance regulatory official or court of jurisdiction of the licensee's home state; or

(b) A nonresident no longer has a license in the licensee's home state because the home state license was:

(i) Voluntarily surrendered for any reason except relicensing as a resident in another state; or

(ii) Otherwise nonrenewed by the nonresident and remains nonrenewed for a period greater than ninety (90) days beyond its expiration date, and without notice to the director of relicensing as a resident in another state.

If cause under this provision exists after the expiration of the twelve (12) months, successive suspensions may be imposed by the director without hearing.

(3) The license of a business entity may be suspended, revoked or refused if the director finds that the violation of an individual licensee, who is registered to or acting on behalf of the business entity, was known or should have been known by one (1) or more of the owners, officers or managers acting on behalf of the business entity and that the violation was not reported to the director and no corrective action was taken.

(4) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine or administrative penalty pursuant to subsection (1) of this section or any other applicable section.

(5) The director shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by title 41, Idaho Code, against any person who is under investigation for or charged with a violation of title 41, Idaho Code, or department rule, even if the person's license or registration has been surrendered⁷ or has lapsed by operation of law, or if the person has never been licensed.

Approved April 6, 2017

CHAPTER 259
(H.B. No. 138)

AN ACT

RELATING TO THE PRACTICE OF ACCOUNTANCY; AMENDING SECTION 54-206, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-219, IDAHO CODE, TO CLARIFY ENFORCEMENT AUTHORITY FOR DISHONESTY OR FRAUD BY A LICENSEE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:

54-206. DEFINITIONS. As used in this chapter:

- (1) "AICPA" means the American institute of certified public accountants.
- (2) "Applicant" means any person having the requisite qualifications who makes application to the board for examination, or for initial issuance or renewal or reinstatement of a license under the provisions of this chapter.
- (3) "Attest" means providing the following ~~financial statement~~ professional services:
 - (a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;
 - (b) Any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services; and
 - (c) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements;
 - (d) Any engagement to be performed in accordance with the standards of the PCAOB; and
 - (e) Any examination, review or agreed-upon procedures engagement to be performed in accordance with the statements on standards for attestation engagements, other than an examination described in paragraph (c) of this subsection.
- (4) "Board" means the Idaho state board of accountancy.
- (5) "Certificate" means that document issued by the board upon original approval of licensure. The original certificate does not constitute licensure and a person cannot represent himself or herself as a licensee unless a current and valid annual license has been issued by the board.
- (6) "Certified public accountant" or "CPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, or an equivalent provision of the laws of another state designating said person as a certified public accountant.
- (7) "Client" means the person or entity that agrees with a licensee or licensee's employer to receive any professional services with or without compensation and shall include all affiliates and related entities in the financial statements of an attest or compilation engagement.
- (8) "Compilation" means a service performed in accordance with statements on standards for accounting and review services ~~which that~~ that presents, in the form of historical or prospective financial statements, information that is the representation of management or owners without undertaking to express any assurance on the statements. The term "compilation" does not include financial statements accompanied by the language set forth in section 54-226(3), Idaho Code, whether used by a licensee or by a person not licensed

under this chapter, ~~so~~ as long as the financial statements are not accompanied by any other language of assurance or disclaimer.

(9) "Financial statements" means a presentation of historical or prospective financial data, which may include accompanying notes, intended to communicate an entity's economic resources or obligations at a point in time, or the changes therein for a period of time, in accordance with a comprehensive basis of accounting.

(10) "Firm" means a proprietorship, partnership, professional corporation, professional limited liability company, or any other form of professional organization permitted by Idaho law, registered under the requirements of section 54-214, Idaho Code.

(11) "Good moral character" means lack of a history of dishonest dealings or a felonious act.

(12) "License" means that authorization issued by the board upon original approval and on an annual basis permitting a qualified person to practice as a certified public accountant or licensed public accountant in the state of Idaho.

(13) "Licensed public accountant" or "LPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, designating said person as a licensed public accountant.

(14) "Licensee" means the holder of a current valid license.

(15) "Member" means a person who has been admitted to membership in a firm ~~which that~~ is organized as a limited liability company.

(16) "PCAOB" means the public company accounting oversight board.

(17) "Peer review" means a board-approved study, appraisal or review of one (1) or more aspects of the professional work of a licensee or firm that performs attest services or issues compilation reports, by a person or persons licensed under this chapter or by another state and who are independent of the licensee or firm being reviewed.

(178) "Permit" means a permit to practice as a firm issued under corresponding provisions of the laws of other states.

(189) "Person" means any natural living person.

~~(1920)~~ "Professional services" means services arising out of or related to the specialized knowledge or skills associated with certified public accountants or licensed public accountants.

~~(201)~~ "Report," when used with reference to financial statements, means an opinion or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term "report" includes any form of language ~~which that~~ disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance or special knowledge or competence.

~~(212)~~ "State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands and Guam; except that "this state" means the state of Idaho.

~~(223)~~ "Substantial equivalency" or "substantially equivalent" means a determination by the board that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter or that an individual licensee's education, examination and experience qualifications are

comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter.

SECTION 2. That Section 54-219, Idaho Code, be, and the same is hereby amended to read as follows:

54-219. LICENSE -- RESTRICTION, REVOCATION, SUSPENSION OR DENIAL -- CAUSES -- COST RECOVERY -- ADMINISTRATIVE PENALTIES. (1) After notice and opportunity for hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for cause shown, the board may revoke, suspend, refuse to renew, administratively penalize, reprimand, restrict or place on probation the holder of a certificate or license, or refuse to issue any certificate or any license to an applicant, for any one (1) of the following causes:

(a) Any false statement with the intent to mislead or deceive the board or its members in connection with any application; or, cheating or any attempt to cheat in an examination.

(b) Fraud or deceit in obtaining or renewing a certificate or license to practice as a certified public accountant or licensed public accountant under the provisions of this chapter.

(c) Dishonesty, fraud or gross negligence in the performance of professional services as a licensee or individual granted privileges under section 54-227, Idaho Code, or in the filing or failure to file his own income tax returns.

(d) Violation of any provision of this chapter, or any rule adopted by the board under authority granted by this chapter, or an order of the board directed specifically to the licensee.

(e) Conviction of or a guilty plea to a felony under the laws of any state or country.

(f) Conviction of or a guilty plea to any crime involving moral turpitude, an element of which is dishonesty or fraud, under the laws of any state or country, notwithstanding the form of the judgment or withheld judgment.

(g) Representing oneself as a certified public accountant or licensed public accountant during any period in which the license of the person so practicing has been suspended or revoked by the board.

(h) Cancellation, revocation, suspension or refusal to renew or grant a license or privileges under section 54-227, Idaho Code, for disciplinary reasons by any other state for any cause.

(i) Practicing as a certified public accountant or licensed public accountant under a false or assumed name; provided, however, this ~~subsection~~ paragraph shall have no application to practicing as a certified public accountant or licensed public accountant under the name of a firm, when such style or name is in conformity with a type or form approved by the rules of the board.

(j) Habitual use of drugs or intoxicants to such a degree as to render the licensee unreliable and unfit to practice as a certified public accountant or licensed public accountant.

(k) Suspension or revocation of the right to practice before any agency of the United States government or of the state of Idaho, for any cause other than failure to pay a registration or similar fee.

(l) Having been declared mentally incompetent by a court of competent jurisdiction; provided, however, that when a person's license shall have been revoked or suspended for this cause, such license shall be reinstated by the board when said disability is judicially removed.

(m) Representing oneself as qualified or authorized to practice as a certified public accountant or licensed public accountant in this state without holding a current, valid, unrevoked and unsuspended certificate and license or privileges under section 54-227, Idaho Code.

(n) Performance of any fraudulent act while holding a certificate, license, permit or privileges under this chapter.

(o) Any conduct reflecting adversely upon the licensee's fitness to perform services while a licensee, or individual granted privileges under section 54-227, Idaho Code.

(2) The expenses, including attorney's fees, incurred by the board for any or all proceedings initiated against a person for violation of any of the provisions of this chapter may be charged against such person by the board, upon the finding of a violation of this chapter, in addition to any administrative penalties which may be levied by the board against such person. Administrative penalties levied by the board shall not exceed two thousand five hundred dollars (\$2,500) per violation.

(3) In lieu of or in addition to any remedy specifically provided, the board may require of a licensee or a firm:

(a) A peer review conducted in such fashion as the board may specify;

(b) Preissuance review;

(c) Satisfactory completion of such continuing professional education programs or examinations as the board may specify; and

(d) Other similar remedies.

(4) In any action brought under the provisions of this chapter, evidence of the commission of a single act prohibited in this chapter shall be sufficient to justify a suspension, revocation, fine, administrative penalty, restriction, reprimand, injunction, restraining order, conviction or any other remedy authorized in this chapter. Evidence of a general course of conduct shall not be required.

Approved April 6, 2017

CHAPTER 260
(H.B. No. 146)

AN ACT

RELATING TO SEXUAL ASSAULT EVIDENCE; AMENDING SECTION 67-2919, IDAHO CODE, TO PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL NOT BE DENIED A CERTAIN MEDICAL EXAMINATION, TO PROVIDE THAT INABILITY TO PAY FOR AN EXAMINATION SHALL NOT BE AN OBSTACLE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS REGARDING RETENTION OF SEXUAL ASSAULT EVIDENCE KITS, TO PROVIDE THAT CERTAIN PERSONS SHALL RECEIVE WRITTEN NOTIFICATION IN CERTAIN INSTANCES, TO PROVIDE THAT LAW ENFORCEMENT SHALL NOTIFY CERTAIN PERSONS REGARDING A CHANGE IN THE STATUS OF A CASE, TO REMOVE PROVISIONS REGARDING NOTIFICATION BY THE PROSECUTOR OF CERTAIN INFORMATION, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-2919, Idaho Code, be, and the same is hereby amended to read as follows:

67-2919. TESTING AND RETENTION OF SEXUAL ASSAULT EVIDENCE KITS. (1) Unless an adult victim of a reported sexual assault expressly indicates otherwise and except as provided in subsection (68) of this section, evidence obtained in a sexual assault evidence kit shall be tested by the Idaho state police forensic services laboratory according to sampling protocols and procedures established by the laboratory.

(2) (a) An entity that performs a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall do so without regard to the ability or inability of a victim of a reported sexual assault to pay for such an examination.

(b) An entity qualified and reasonably able to perform a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall not deny a medical examination to a victim of a reported sexual assault.

(3) An health-care facility entity that has performed a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall notify the local law enforcement agency of the jurisdiction where the reported sexual assault occurred that sexual assault evidence has been collected and is ready for law enforcement to take custody of such evidence according to their established protocol.

(34) A local law enforcement agency that receives notice from an health-care facility entity that has performed a medical examination of a victim of a reported sexual assault as described in subsection (23) of this section shall facilitate the collection of the sexual assault evidence kit and any other collected evidence from the health-care facility entity that has performed a medical examination of a victim of a reported sexual assault. After obtaining the sexual assault evidence kit and any other collected evidence from the health-care facility entity that has performed a medical examination of a victim of a reported sexual assault, the local law enforcement agency shall submit such kit, in adherence to the submission policies of the Idaho state police forensic services laboratory, to the Idaho state police forensic services laboratory for testing as soon as reasonably practical, but not later than thirty (30) days after obtaining the kit. If kit submission to the Idaho state police forensic services laboratory is not done within the thirty (30) day time limit or testing is not done by the Idaho state police forensic services within the ninety (90) day additional time limit established in this subsection, it shall not affect the ability to prosecute or defeat the jurisdiction of the court. Any law enforcement agency with sexual assault evidence kits or other sexual assault case evidence belonging to another jurisdiction must notify that jurisdiction within seven (7) days of obtaining the kits or evidence, and the receiving jurisdiction must pick up the sexual assault evidence kits or other sexual assault case evidence within seven (7) days.

(45) For all sexual assault evidence kits received pursuant to subsection (34) of this section, the Idaho state police forensic services laboratory shall test such kits and submit eligible results to the Idaho DNA database within ninety (90) days. The laboratory shall report any kits not processed within ninety (90) days to the county prosecutor with jurisdiction in the case and to the Idaho legislature.

(56) Following analysis by the Idaho state police forensic services laboratory, sexual assault evidence kits shall be returned to and retained by the investigating agency in accordance with agency evidence standards and for the following a reported sexual assault or for the period of time that any person remains incarcerated in connection with the offense, whichever is greater durations:

(a) For death penalty cases, until the sentence in the case has been carried out and no unapprehended persons associated with the offense exist;

(b) For felony cases, including anonymous sexual assault kits collected under the violence against women act, fifty-five (55) years from the collection of the kit during the medical examination or until the sentence in the case is completed, whichever occurs first; and

(c) For cases where there is no evidence to support a crime being committed, when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur, ten (10) years from collection of the kit during the medical examination.

(7) Provided that an investigating agency has current contact information, the investigating agency shall, upon written request from a victim of

sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, provide written notification of the destruction or disposal of a sexual assault evidence kit and any other sexual assault case evidence no later than sixty (60) days before the date of the destruction or disposal. A victim of sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, may petition a court to preserve a sexual assault evidence kit and its contents for longer than the time prescribed in this subsection.

(68) All sexual assault evidence kits collected in this state shall be processed by the Idaho state police forensic services laboratory except when there is no evidence to support a crime being committed, when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur pursuant to subsection (1) of this section. Any sexual assault evidence kit that is not examined and tested shall be independently reviewed by the county prosecutor. In the event such review concludes that the kit should have been tested, testing shall occur as provided in subsections (34) and (45) of this section.

(79) The Idaho state police shall promulgate rules to create a tracking process for sexual assault evidence kits in possession of the Idaho state police forensic services laboratory and every law enforcement agency throughout the state. Such rules shall provide for the information to be submitted to the Idaho state police by law enforcement agencies to assist in such tracking.

(810) Idaho state police forensic services shall approve and provide, at no cost to the victim, appropriate sexual assault evidence kits to requesting ~~health care facilities~~ entities and law enforcement agencies. All such kits shall contain a form for victims to inform them of their right of notification pursuant to subsections (102) and (113) of this section and of their right to decline to have a kit collected or tested pursuant to subsection (1) of this section.

(911) Within one hundred eighty (180) days of the effective date of this act, the Idaho state police forensic services laboratory shall provide a one-time report to the legislature of all untested sexual assault evidence kits in Idaho. To assist with this one-time report, all law enforcement agencies in Idaho shall perform a one-time audit of any untested sexual assault evidence kits in their possession and submit to the Idaho state police forensic services director the following:

- (a) The number of untested kits in the law enforcement agency's possession;
- (b) The date each kit was collected and the reason it was not submitted to Idaho state police forensic services for testing; and
- (c) The number of any anonymous or unreported kits in the law enforcement agency's possession.

Law enforcement agencies shall follow the same protocol to perform the audit of untested sexual assault evidence kits as they would with any new kit submitted to the agency. The audit performed by a law enforcement agency shall be reviewed by a law enforcement representative and the county prosecutor before the final report is provided to the legislature.

(102) A law enforcement agency that submits a sexual assault evidence kit pursuant to subsection (34) of this section shall, upon written request, notify a victim of sexual assault, a parent or guardian if the victim is a minor at the time of notification, or a relative if the victim is deceased, of the following:

- (a) When the sexual assault evidence kit is submitted to the Idaho state police forensic services laboratory;
- (b) When any evidence sample DNA profile is entered into the Idaho DNA database; and

(c) When a DNA match occurs; provided however, that such notification shall state only that a match has occurred and shall not contain any genetic or other identifying information; and

(d) When there is any change in the status of their case or reopening of the case.

As used in this subsection, "notify" shall include updates to a website used by the Idaho state police forensic services laboratory for sexual assault evidence kits.

~~(11) The county prosecutor, or their designee, shall upon written request notify a victim of sexual assault, a parent or guardian if the victim is a minor at the time of notification, or a relative if the victim is deceased, of the following:~~

~~(a) When there is any planned destruction of a sexual assault evidence kit or any other sexual assault case evidence; and~~

~~(b) When there is any change in the status of their case or reopening of the case.~~

(123) On or before January 20, 2017, and by January 20 of each year thereafter, Idaho state police forensic services shall submit a report to the Idaho legislature regarding its examination of sexual assault evidence kits throughout the state in the previous year. The report shall include, but not be limited to, the number of kits purchased and distributed by Idaho state police forensic services, the number of kits collected by each law enforcement agency, the number of kits tested by the Idaho state police forensic services laboratory, the number of kits not submitted to the Idaho state police forensic services laboratory pursuant to subsection (1) or (68) of this section, the number of DNA database hits from sexual assault cases, a list of any law enforcement agencies that did not adhere to the tracking process promulgated pursuant to subsection (79) of this section, and for the report submitted in 2017, a list of any law enforcement agencies that did not participate in the audit required in subsection (911) of this section. This report shall be available on the website of the Idaho state police and readily available to the public. No victim or alleged perpetrator names shall be included in the report. Information shall be provided in aggregate and shall not include case-specific information.

(134) As used in this section:

(a) "Sexual assault evidence kit" means a set of materials, such as swabs and tools for collecting blood samples, used to gather forensic evidence from a victim of reported sexual assault and the evidence obtained with such materials.

(b) "Written request" and "written notification" shall include electronic mail.

Approved April 6, 2017

CHAPTER 261
(H.B. No. 148)

AN ACT

RELATING TO GUARDIANS AND CONSERVATORS; AMENDING SECTION 15-5-207, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF CO-GUARDIANS IN CERTAIN INSTANCES, TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY GUARDIANS IN CERTAIN INSTANCES, TO PROVIDE FOR NOTICE TO CERTAIN PERSONS, TO PROVIDE FOR POWERS AND DUTIES OF A TEMPORARY GUARDIAN AND TO REVISE TERMINOLOGY; AMENDING SECTION 15-5-303, IDAHO CODE, TO PROVIDE FOR CO-GUARDIANS; AMENDING SECTION 15-5-304, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF CO-GUARDIANS IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-308, IDAHO CODE, TO REVISE THE DUTIES AND QUALIFICATIONS FOR A VISITOR IN GUARDIANSHIP PROCEEDINGS; AMENDING SECTION 15-5-310, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY GUARDIANS IN CERTAIN INSTANCES, TO PROVIDE FOR NOTICE TO CERTAIN PERSONS AND TO PROVIDE FOR POWERS AND DUTIES OF A TEMPORARY GUARDIAN; AMENDING SECTION 66-404, IDAHO CODE, TO REVISE THE PROCEEDINGS FOR THE APPOINTMENT OF GUARDIANS AND CONSERVATORS; AND AMENDING CHAPTER 4, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-404A, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY GUARDIANS IN CERTAIN INSTANCES, TO PROVIDE FOR NOTICE TO CERTAIN PERSONS AND TO PROVIDE FOR POWERS AND DUTIES OF A TEMPORARY GUARDIAN.

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

SECTION 1. That Section 15-5-207, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-207. COURT APPOINTMENT OF GUARDIAN OF MINOR -- PROCEDURE. (1) Proceedings for the appointment of a guardian or co-guardians may be initiated by the following persons:

- (a) Any relative of the minor;
- (b) The minor if he is fourteen (14) or more years of age;
- (c) Any person who comes within section 15-5-213(1), Idaho Code; or
- (d) Any person interested in the welfare of the minor.

(2) ~~Notice of the time and place of hearing of a petition for the appointment of a guardian of a minor under this section~~ is to be given by the petitioner in the manner prescribed by section 15-1-401, Idaho Code, to:

- (a) The minor, if he is fourteen (14) or more years of age;
- (b) The person who has had the principal care and custody of the minor during the sixty (60) days preceding the date of the petition;
- (c) Any person who comes within section 15-5-213(1), Idaho Code; and
- (d) Any living parent of the minor; provided however, that the court may waive notice to a living parent of the minor who is, or is alleged to be, the father of the minor if:

(i) The father was never married to the mother of the minor and has failed to register his paternity as provided in section 16-1504(4), Idaho Code; or

(ii) The court has been shown to its satisfaction circumstances that would allow the entry of an order of termination of parental rights pursuant to section 16-2005, Idaho Code, even though termination of parental rights is not being sought as to such father.

(3) (a) As an alternative to appointing one (1) guardian for a minor, the court may appoint no more than two (2) persons as co-guardians for a minor if the court finds:

(i) The appointment of co-guardians will best serve the interests of the minor; and

- (ii) The persons to be appointed as co-guardians will work together cooperatively to serve the best interests of the minor.
- (b) If the court appoints co-guardians, the court shall also determine whether the guardians:
 - (i) May act independently;
 - (ii) May act independently but must act jointly in specified matters; or
 - (iii) Must act jointly.

This determination by the court must be stated in the order of appointment and in the letters of guardianship.

(4) Upon hearing, if the court finds, upon hearing, that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 15-5-204, Idaho Code, have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interest of the minor.

(45) If necessary, the court may appoint a temporary guardian prior to the appointment of a guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall not last longer than six (6) months:

(a) The court may appoint a temporary guardian for the minor if it finds by a preponderance of evidence that:

- (i) A petition for guardianship under this section has been filed, but a guardian has not yet been appointed;
- (ii) The appointment is necessary to protect the minor's health, safety or welfare until the petition can be heard; and
- (iii) No other person appears to have the ability, authority and willingness to act.

(b) A temporary guardian may be appointed without notice or hearing if the minor is in the physical custody of the petitioner or proposed temporary guardian and the court finds from a statement made under oath that the minor may be immediately and substantially harmed before notice can be given or a hearing held.

(c) Notice of the appointment of a temporary guardian must be given to those designated in subsection (2) of this section within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court must hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person. In all cases, either a hearing on the temporary guardianship or on the petition for guardianship itself must be held within ninety (90) days of the filing of any petition for guardianship of a minor.

(d) The temporary guardian's authority may not exceed six (6) months unless extended for good cause. The powers of the temporary guardian shall be limited to those necessary to protect the immediate health, safety or welfare of the minor until a hearing may be held and must include the care and custody of the minor.

(e) A temporary guardian must make reports as the court requires.

(6) When a minor is under guardianship:

(a) The court may appoint a temporary guardian if it finds:

- (i) Substantial evidence that the previously appointed guardian is not performing the guardian's duties; and
- (ii) The appointment of a temporary guardian is necessary to protect the minor's health, safety or welfare.

(b) A temporary guardian may be appointed without notice or hearing if the court finds from a statement made under oath that the minor may be immediately and substantially harmed before notice can be given or a hearing held.

(c) Notice of the appointment of a temporary guardian must be given to those designated in subsection (2) of this section within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court shall hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person.

(d) The authority of a previously appointed guardian is suspended as long as a temporary guardian has authority. The court must hold a hearing before the expiration of the temporary guardian's authority and may enter any appropriate order. The temporary guardian's authority may not exceed six (6) months unless extended for good cause.

(e) A temporary guardian must make reports as the court requires.

(57) The court shall appoint an attorney to represent the minor if the court determines that the minor possesses sufficient maturity to direct the attorney. If the court finds that the minor is not mature enough to direct an attorney, the court shall appoint a guardian ad litem for the minor. The court may decline to appoint an attorney or guardian ad litem if it finds in writing that such appointment is not necessary to serve the best interests of the minor or if the Idaho department of health and welfare has legal custody of the child.

(68) Letters of guardianship must indicate whether the guardian was appointed by will or by court order.

SECTION 2. That Section 15-5-303, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-303. PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN OF AN INCAPACITATED PERSON. (a) The incapacitated person or any person interested in his welfare may petition for a finding of incapacity and appointment of a guardian or co-guardians, limited or general. It is desirable to make available the least restrictive form of guardianship to assist persons who are only partially incapable of caring for their own needs. Recognizing that every individual has unique needs and differing abilities, the public welfare should be promoted by establishing a guardianship that permits incapacitated persons to participate as fully as possible in all decisions affecting them; that assists such persons in meeting the essential requirements for their physical health and safety, in protecting their rights, in managing their financial resources, and in developing or regaining their abilities to the maximum extent possible; and that accomplishes these objectives through providing, in each case, the form of guardianship that least interferes with legal capacity of a person to act in his own behalf. The petition shall include a plan in reasonable detail for the proposed actions of the guardian regarding the affairs of the ward after appointment of the guardian, to the extent reasonably known to the petitioner at the time of filing of the petition. If the complete mental, physical and emotional status, and the health care needs and other needs of the ward are not reasonably known to the petitioner at the time the petition is filed, or if the petitioner is not the proposed guardian, then the guardian shall submit to the court, and to all interested persons, in writing, within thirty (30) days after appointment of the guardian, a reasonably detailed plan covering such matters. Such plan must also be given to any person who has filed a request for notice under section 15-5-406, Idaho Code, and to other persons as the court may direct. Such plan shall be given to all such persons in accordance with the methods set forth in section 15-1-401, Idaho Code. If the plan changes during any time period between the periodic reports of the guardian, the modified plan shall be filed with the next report as a part thereof.

(b) Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity and unless the allegedly incapacitated person has counsel of his own choice, it shall appoint an attorney to represent

him in the proceeding, who shall have the powers and duties of a guardian ad litem. The person alleged to be incapacitated shall be examined by a physician or other qualified person appointed by the court who shall submit his report in writing to the court. The court may, in appropriate cases, appoint a mental health professional, defined as a psychiatrist, psychologist, gerontologist, licensed social worker, or licensed counselor, to examine the proposed ward and submit a written report to the court. The person alleged to be incapacitated also shall be interviewed by a visitor sent by the court. The visitor shall also interview the person who appears to have caused the petition to be filed and any person who is nominated to serve as guardian, and visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that he will be detained or reside if the requested appointment is made and submit his report in writing to the court. Where possible without undue delay and expenses beyond the ability to pay of the allegedly incapacitated person, the court, in formulating the judgment, may utilize the service of any public or charitable agency that offers or is willing to evaluate the condition of the allegedly incapacitated person and make recommendations to the court regarding the most appropriate form of state intervention in his affairs.

(c) Unless excused by the court for good cause, the proposed guardian shall attend the hearing. The person alleged to be incapacitated is entitled to be present at the hearing in person, and to see or hear all evidence bearing upon his condition. He is entitled to be represented by counsel, to present evidence and subpoena witnesses and documents, to examine witnesses, including the court-appointed physician, mental health professional, or other person qualified to evaluate the alleged impairment, as well as the court-appointed visitor, and otherwise participate in the hearing. The hearing may be a closed hearing upon the request of the person alleged to be incapacitated or his counsel and a showing of good cause. After appointment, the guardian shall immediately provide written notice of any proposed change in the permanent address of the ward to the court and all interested parties.

SECTION 3. That Section 15-5-304, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-304. FINDINGS -- ORDER OF APPOINTMENT. (a) The court shall exercise the authority conferred in this part so as to encourage the development of maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person's actual mental and adaptive limitations or other conditions warranting the procedure.

(b) The court may appoint a guardian as requested if it is satisfied that the person for whom a guardian is sought is incapacitated and that the appointment is necessary or desirable as a means of providing continuing care and supervision ~~of the person~~ of the incapacitated person. The court, on appropriate findings, may:

- (1) Treat the petition as one for a protective order under section 15-5-401, Idaho Code, and proceed accordingly;
- (2) Enter any other appropriate order; or
- (3) Dismiss the proceedings.

(c) (1) As an alternative to appointing one (1) guardian for an incapacitated person, the court may appoint no more than two (2) persons as co-guardians for the incapacitated person if the court finds:

- (i) The appointment of co-guardians will best serve the interests of the incapacitated person; and
- (ii) The persons to be appointed as co-guardians will work together cooperatively to serve the best interests of the incapacitated person.

(2) The parents of an incapacitated person shall have preference over all other persons for appointment as co-guardians, unless the court finds that the parents are unwilling to serve as co-guardians, or are not capable of adequately serving the best interests of the incapacitated person.

(3) If the court appoints co-guardians, the court shall also determine whether the guardians:

(i) May act independently;

(ii) May act independently but must act jointly in specified matters; or

(iii) Must act jointly.

This determination by the court must be stated in the order of appointment and in the letters of guardianship.

(d) The court may, at the time of appointment or later, on its own motion or on appropriate petition or motion of the incapacitated person or other interested person, limit the powers of a guardian otherwise conferred by this section and thereby create a limited guardianship. Any limitations on the statutory power of a guardian of an incapacitated person shall be endorsed on the guardian's letters, or in the case of a guardian by testamentary appointment, shall be reflected in letters that shall be issued at the time any limitation is imposed. Following the same procedure, a limitation may be removed and appropriate letters issued.

SECTION 4. That Section 15-5-308, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-308. VISITOR IN GUARDIANSHIP PROCEEDING. (1) A visitor is, with respect to guardianship proceedings, a person who ~~is trained in law, nursing, psychology, social work, or counseling or has other qualifications that make him suitable to perform the function and is an officer, employee or special appointee of the court~~ an individual with no personal interest in the proceedings and who meets the qualifications identified in Idaho supreme court rule. A visitor may either be an employee of or appointed by the court. If appointed, a visitor becomes an officer of the court. The visitor's report is to include the following information: a description of the nature, cause and degree of incapacity, and the basis upon which this judgment is made; a description of the needs of the person alleged to be incapacitated for care and treatment and the probable residential requirements; a statement as to whether a convicted felon resides in or frequents the incapacitated person's proposed residence; an evaluation of the appropriateness of the guardian or conservator whose appointment is sought and a description of the steps the proposed guardian or conservator has taken or intends to take to meet the needs of the incapacitated person; a description of the abilities of the alleged incapacitated person and a recommendation as to whether a full or limited guardianship or conservatorship should be ordered and, if limited, the visitor's recommendation of the specific areas of authority the limited guardianship or conservatorship should have and the limitations to be placed on the incapacitated person; any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardianship or conservatorship; an analysis of the financial status and assets of the alleged incapacitated person; identification of people with significant interest in the welfare of the alleged incapacitated person who should be informed of the proceedings; a description of the qualifications and relationship of the proposed guardian or conservator; an explanation of how the alleged incapacitated person responded to the advice of the proceedings and the right to be present at the hearing on the petition; in the case of conservatorship, a recommendation for or against a bond requirement for the proposed conservator, taking into account the financial statement of the person whose appointment is sought.

(2) A visitor must report to the court on the status of the person proposed to be under guardianship. All reports must be under oath or affirmation and must comply with Idaho supreme court rules.

(3) Any person appointed as a A visitor shall be personally immune from any liability for acts, omissions or errors in the same manner as if such person visitor were a volunteer or director under the provisions of section 6-1605, Idaho Code.

~~(34) The A visitor may not also be appointed cannot serve as guardian ad litem for the person alleged to be incapacitated nor may. The visitor and the guardian ad litem for the person alleged proposed to be incapacitated be appointed as visitor, nor under guardianship may the visitor and the guardian ad litem for the person alleged to be incapacitated not be members or employees of the same entity including, but not limited to, being members or employees of the same law firm.~~

~~(45) The court visitor may request to order a criminal history and background check to be conducted at the proposed guardian's expense on any individual who resides in the incapacitated person's proposed residence or may frequent the residence of the person proposed to be under guardianship. Any such check shall be conducted pursuant to section 56-1004A(2) and (3), Idaho Code.~~

~~(5) In preparing their reports, the visitor and guardian ad litem shall consider all information available to them concerning any proposed guardian, conservator and individual who resides in or frequents the incapacitated person's proposed residence including, but not limited to, such information as might be available to the visitor pursuant to section 15-5-311(5), Idaho Code.~~

SECTION 5. That Section 15-5-310, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-310. TEMPORARY GUARDIANS OF INCAPACITATED PERSONS. (a) ~~If t~~The court finds that may appoint a temporary guardian is not properly performing the duties of guardian or an emergency exists such that the likely result will be substantial harm to an alleged incapacitated person's health, safety, or welfare, and that no other person appears to have authority and willingness to act in the circumstances, the court, on petition by a person interested in the alleged incapacitated person's welfare, may appoint an emergency guardian whose authority may not exceed ninety (90) days, unless extended for good cause upon application of the temporary guardian. The emergency guardianship must be limited to only those powers absolutely necessary, or the least restrictive to the proposed ward, for the immediate health and safety of the proposed ward until such time as a full hearing may be held in the matter and the emergency guardian may exercise only those powers specified in the order. Emergency letters of guardianship shall allow the temporary guardian only such access to the proposed ward's assets as is necessary to provide and pay for the proposed ward's necessities of life, including short and long-term health care, but shall expressly deny a temporary guardian the right to have the temporary guardian's name added to any assets of the proposed ward pending a hearing on the guardianship if it finds:

(1) A petition for guardianship under section 15-5-303, Idaho Code, has been filed, but a guardian has not yet been appointed;

(2) Substantial evidence of incapacity;

(3) By a preponderance of the evidence an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare; and

(4) No other person appears to have the ability, authority and willingness to act.

~~(b) When a person is under guardianship, the court shall may appoint a temporary guardian ad litem to represent the proposed ward in all cases involving a petition for adjudication of incapacity. The alleged incapacitated person may substitute his own attorney for the guardian ad litem appointed by the court. Any attorney representing an alleged incapacitated person may not serve as guardian of the proposed ward or as counsel for the petitioner for guardianship if it finds:~~

- ~~(1) Substantial evidence that the guardian is not performing the guardian's duties; and~~
- ~~(2) By a preponderance of the evidence, an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare.~~

~~The authority of a guardian previously appointed by the court is suspended as long as a temporary guardian has authority. The court must hold a hearing before the expiration of the temporary guardian's authority and may enter any appropriate order.~~

~~(c) (1) An emergency A temporary guardian may be appointed without notice to the alleged incapacitated person or his attorney only or hearing if the court finds from affidavit or other sworn testimony a statement under oath that the proposed ward person will be immediately and substantially harmed before notice can be given or a hearing on the appointment can be held.~~

~~(2) If the court appoints an emergency a temporary guardian without notice to the proposed ward, notice of the proposed ward appointment must be given notice of the appointment to those designated in section 15-5-309, Idaho Code, within forty-eight seventy-two (4872) hours after the appointment. The notice must inform the interested persons of the right to request a hearing. The court shall must hold a hearing on the appropriateness of the appointment within five ten (510) days after the appointment if requested request by an interested party at which time the court shall appoint a visitor to meet with the alleged incapacitated person and make a written report to the court. The court shall also appoint a physician to examine the proposed ward giving preference to the appointment of the proposed ward's treating physician if the proposed ward has a current treating physician.~~

~~(3) The temporary guardian's authority may not exceed ninety (90) days, unless extended for good cause. The powers of the temporary guardian must be limited to those necessary to protect the immediate health, safety or welfare of the person until such time as a hearing may be held in the matter.~~

~~(4) A temporary guardian must make reports as the court requires.~~

SECTION 6. That Section 66-404, Idaho Code, be, and the same is hereby amended to read as follows:

66-404. PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AND CONSERVATORS. (1) A person with a developmental disability or any person interested in his welfare may petition for a finding of legal disability or partial legal disability and appointment of a guardian or co-guardians, and/ or conservator or co-conservators, or both.

(2) The petition shall:

- (a) State the names and addresses of the persons entitled to notice under subsection (4) of this section;
- (b) Describe the impairments showing the respondent is developmentally disabled, the respondent's ability to receive, evaluate and communicate information, and the respondent's ability to manage financial resources and meet essential requirements for physical health or safety;
- (c) State the nature and scope of guardianship and/or conservatorship services sought;

(d) Describe the respondent's financial condition, including significant assets, income and ability to pay for the costs of judicial proceedings; and

(e) State if the appointment is made by will pursuant to section 15-5-301, Idaho Code, and the name(s) and address(es) of the person(s) named in the will to be guardian.

(3) Upon filing of a petition, the court shall set a date for a hearing, appoint an attorney to represent the respondent in the proceedings unless the respondent has an attorney, and authorize an evaluation committee to examine the respondent, interview the proposed guardians and/or conservators and report to the court in writing. The report shall contain: All reports shall be under oath or affirmation and shall comply with Idaho supreme court rules

~~(a) A description of the nature and extent of the evaluation and the alleged impairments, if any;~~

~~(b) A description of the respondent's mental, emotional and physical condition; educational status; and adaptive and social skills;~~

~~(c) A description of the services, if any, needed by the respondent to meet essential requirements for physical health and safety, and/or manage financial resources;~~

~~(d) A recommendation regarding the type and extent of guardianship or conservatorship assistance, if any, required by the respondent and why no less restrictive alternative would be appropriate;~~

~~(e) An opinion regarding the probability that the extent of the respondent's disabilities may significantly lessen, and the type of services or treatment which may facilitate improvement in the respondent's behavior, condition, or skills;~~

~~(f) The respondent's preference, if any, regarding the person or persons to be appointed as guardian and/or conservator;~~

~~(g) The suitability of the person or persons proposed as guardian and/or conservator; and~~

~~(h) The signature of each member of the evaluation committee with a statement of concurrence or nonconcurrence with the findings and any dissenting opinions or other comments of the members.~~

(4) Notice of the time and place of the hearing on the petition together with a copy of the petition shall be served no less than ten (10) days before the hearing on:

(a) The respondent;

(b) The respondent's spouse, parents and adult children, or if none, the respondent's closest relative, if any can be found; and

(c) Any person who is currently serving as guardian, conservator or who is providing care for the respondent.

Notice shall be served personally if the person to be served can be found within the state. If the person to be served cannot be found within the state, service shall be accomplished by registered mail to such person's last known address.

(5) The respondent is entitled to be present at the hearing in person, to present evidence, call and cross-examine witnesses, and to see or hear all evidence in the proceeding.

(6) At the hearing the court shall:

(a) Determine whether the respondent has a developmental disability;

(b) Evaluate the respondent's ability to meet essential requirements for physical health or safety and manage financial resources;

(c) Evaluate the ability of the proposed guardian and/or conservator to act in the respondent's best interests to manage the respondent's financial resources and meet essential requirements for the respondent's physical health or safety;

(d) Determine the nature and scope of guardianship or conservatorship services necessary to protect and promote the respondent's well-being; and

(e) Evaluate the ability of the respondent or those legally responsible to pay the costs associated with the judicial proceedings and fix responsibility therefor; and

(f) (i) As an alternative to appointing one (1) guardian or one (1) conservator, the court may appoint no more than two (2) co-guardians or no more than two (2) co-conservators if the court finds:

1. The appointment of co-guardians or co-conservators will best serve the interests of the person with a developmental disability; and

2. The persons to be appointed as co-guardians or co-conservators will work together cooperatively to serve the best interests of the child.

(ii) The parents of a person with a developmental disability shall have preference over all other persons for appointment as co-guardians or co-conservators, unless the court finds that the parents are unwilling to serve as co-guardians or co-conservators, or are not capable of adequately serving the best interests of the person with a developmental disability; and

(iii) If the court appoints co-guardians or co-conservators, the court shall also determine whether the co-guardians or co-conservators:

1. May act independently;

2. May act independently but must act jointly in specified matters; or

3. Must act jointly.

The determination by the court must be stated in the order of appointment and in the letters of guardianship or conservatorship.

(7) No individual shall be appointed as guardian or conservator of an incapacitated person unless all of the following first occurs:

(a) The proposed guardian or conservator has submitted to and paid for a criminal history and background check conducted pursuant to section 56-1004A(2) and (3), Idaho Code;

(b) In the case of a petition for guardianship and pursuant to an order of the court so requiring, any individual who resides in the incapacitated person's proposed residence has submitted, at the proposed guardian's expense, to a criminal history and background check conducted pursuant to section 56-1004A(2) and (3), Idaho Code;

(c) The findings of such criminal history and background checks have been made available to the evaluation committee by the department of health and welfare; and

(d) The proposed guardian or conservator provided a report of his or her civil judgments and bankruptcies to the evaluation committee and all others entitled to notice of the guardianship or conservatorship proceeding pursuant to subsection (4) of this section.

(8) The provisions of paragraphs (a) and (d) of subsection (7) of this section shall not apply to an institution nor to a legal or commercial entity.

(9) Each proposed guardian and conservator and each appointed guardian and conservator shall immediately report any change in his or her criminal history and any material change in the information required by subsection (7) of this section to the evaluation committee, all others entitled to notice of the guardianship or conservatorship proceeding pursuant to subsection (4) of this section and to the court.

SECTION 7. That Chapter 4, Title 66, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 66-404A, Idaho Code, and to read as follows:

66-404A. TEMPORARY GUARDIANS. (1) The court may appoint a temporary guardian if it finds:

- (a) A petition for guardianship under section 66-404, Idaho Code, has been filed, but a guardian has not yet been appointed;
- (b) Substantial evidence the person has a developmental disability;
- (c) By a preponderance of the evidence an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare; and
- (d) No other person appears to have the ability, authority and willingness to act.

(2) When a person is under guardianship, the court may appoint a temporary guardian if it finds:

- (a) Substantial evidence that the guardian is not performing the guardian's duties; and
- (b) By a preponderance of the evidence, an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare.

The authority of a guardian previously appointed by the court is suspended as long as a temporary guardian has authority. The court must hold a hearing before the expiration of the temporary guardian's authority and may enter any appropriate order.

(3) (a) A temporary guardian may be appointed without notice or hearing if the court finds from a statement under oath that the person will be immediately and substantially harmed before notice can be given or a hearing held.

(b) If the court appoints a temporary guardian without notice, notice of the appointment must be given to those designated in section 66-404(4), Idaho Code, within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court must hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person.

(c) The temporary guardian's authority may not exceed ninety (90) days, unless extended for good cause. The powers of the temporary guardian must be limited to those necessary to protect the immediate health, safety or welfare of the person until such time as a hearing may be held in the matter.

(d) A temporary guardian must make reports as the court requires.

Approved April 6, 2017

CHAPTER 262
(H.B. No. 166)

AN ACT

RELATING TO STATE PROCUREMENT; REPEALING SECTION 67-9213, IDAHO CODE, RELATING TO VOID CONTRACTS; AND AMENDING CHAPTER 92, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9213, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SOLICITATIONS, PROPOSED CONTRACT AWARDS AND CONTRACT AWARDS MADE IN VIOLATION OF THE STATE PROCUREMENT ACT.

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

SECTION 1. That Section 67-9213, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 92, 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 67-9213, Idaho Code, and to read as follows:

67-9213. CONTRACTS IN VIOLATION OF PROVISIONS OF THE ACT. (1) Prior to award of a contract, if it is determined administratively or in an administrative or judicial review authorized by this chapter that the proposed award of a contract is in violation of this chapter, the solicitation or proposed award shall be canceled or revised to comply with this chapter.

(2) After award of a contract, if it is determined in an administrative or judicial review authorized by this chapter that the award of a contract is in violation of this chapter, the following shall apply:

(a) If the bidder awarded the contract did not act fraudulently or in bad faith:

(i) The contract may be ratified and affirmed by the director upon a declaration of the administrator that immediate delivery of the property is required by public exigencies and that the acquisition of the property satisfies the standards established by the rules of the division of purchasing for an emergency procurement. The ratification shall limit the term of the ratified contract to no more than six (6) months, and any ratification shall be submitted to the board of examiners for approval;

(ii) The contract may be terminated by the director, and the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract before termination, plus a reasonable profit. Unless determined by a court, the reasonable profit due to the contractor shall be submitted to the board of examiners for approval; or

(iii) The winning bidder may request return of any goods delivered under the contract that have not been used or distributed to non-state parties, provided that in the event of a return of goods already paid for, the director may recover the fair market value of the returned goods. The director or the director's designee is authorized to negotiate the return of goods and recovery of payments in the best interests of the state.

(b) If the bidder awarded the contract acted fraudulently or in bad faith:

(i) The contract may be declared void by the director;

(ii) The contract may be ratified and affirmed by the director upon a declaration of the administrator that immediate delivery of the property is required by public exigencies and that the acquisition of the property satisfies the standards established by the rules of the division of purchasing for an emergency procurement.

The ratification shall limit the term of the ratified contract to no more than six (6) months, and any ratification shall be submitted to the board of examiners for approval. Ratification shall be without prejudice to the state's right to any damages or remedy it can prove under any theory including, but not limited to, contract or tort; or

(iii) The winning bidder may request return of any goods delivered under the contract that have not been used or distributed to non-state parties, provided that in the event of a return of goods already paid for, the director may recover the fair market value of the returned goods. The director or the director's designee is authorized to negotiate the return of goods and recovery of payments in the best interests of the state.

(c) Under no circumstances shall a person, including a person challenging a solicitation or an award of a contract or a bidder awarded a contract found in violation of this chapter, be entitled to consequential damages in relation to a solicitation or an award of a contract under this chapter, including consequential damages for lost profits, loss of business opportunities or damage to reputation.

(d) Except where a contract is ratified, in all cases in which a contract is declared void under paragraph (b) of this subsection, the state shall endeavor to return those goods delivered under the contract that have not been used or distributed to nonstate parties. No further payments shall be made under the contract, and the state is entitled to recover the greater of:

(i) The difference between payments made under the contract and the actual expenses reasonably incurred under the contract before the contract was voided;

(ii) The difference between payments under the contract and the value to the state of the property delivered before the contract was voided. The value of the property to the state shall be submitted to the board of examiners for approval; or

(iii) If the state returned goods delivered under the contract, the difference between payments made under the contract and the costs to the contractor of such goods plus the actual expenses reasonably incurred under the contract before the contract was voided.

(e) In all cases in which a contract is declared void under paragraph (b) of this subsection, the state shall be entitled to any damages it can prove under any theory including, but not limited to, contract and tort, regardless of its ratification and affirmation of the contract.

(f) In the event of a refusal or delay when payment under paragraph (d) or (e) of this subsection 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 moneys.

(3) If it is determined in administrative or judicial review authorized by this chapter that an award or proposed award of a contract is in violation of this chapter, and an employee or officer of the state acted fraudulently or in bad faith, such employee or officer shall be subject to the provisions of section 67-9233, Idaho Code, and chapters 4 and 5, title 74, Idaho Code, as applicable.

(4) Nothing provided in this section shall limit the application of the provisions of title 18, Idaho Code, or the prosecution of any person under such provisions.

CHAPTER 263
(H.B. No. 235)

AN ACT

RELATING TO PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-602NN, IDAHO CODE, TO PROVIDE APPLICATION OF A PROPERTY TAX EXEMPTION TO A CHANGE IN BASE VALUE OF CERTAIN NEW AND EXISTING PLANTS, TO REMOVE, REVISE AND ALPHABETIZE DEFINITIONS, TO REVISE TAX INCENTIVE CRITERIA, AND TO PROVIDE FOR EXECUTIVE SESSIONS AND NOTICE OF PUBLIC HEARINGS BY A BOARD OF COUNTY COMMISSIONERS CONSIDERING AN EXEMPTION.

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

SECTION 1. That Section 63-602NN, Idaho Code, be, and the same is hereby amended to read as follows:

63-602NN. PROPERTY EXEMPT FROM TAXATION -- CERTAIN BUSINESS PROPERTY. (1) ~~During tax year 2008, and each year thereafter, a board of county commissioners may declare that all or a portion of the market value of a defined project based on investment in new plant and building facilities meeting tax incentive criteria as defined in subsection (2) of this section shall be exempt from property taxation~~ Provided that there is a plant investment that meets all tax incentive criteria as defined in subsection (2) of this section, the board of county commissioners may exempt all or a part of the change from the base value attributable directly to the plant investment.

(2) As used in this section:

(a) "Base value" means the assessed value on the county's property rolls of property associated with the plant investment from the year immediately preceding the year representing the beginning of the project period during which a plant investment pursuant to this section occurs.

(b) "Building or structural components of buildings" means real property improvements to land as defined in section 63-201(11), Idaho Code, that are owned or leased by the taxpayer and located in Idaho within the boundaries of the project site.

(c) "Defined project" means a written plan presented to the county commissioners by a taxpayer outlining projected investment in new plant for new plant and building facilities during a project period and located at a project site.

(~~bd~~) "Plant investment in new plant" means investment in new or existing plant and building facilities that are+. Such plant and building facilities include buildings or structural components of buildings, related parking facilities, food service facilities, business office facilities and other building facilities directly related to the business making the plant investment. Plant investment also includes investments in the personal property associated with the plant and its facilities.

~~(i) Qualified investments; or~~

~~(ii) Buildings or structural components of buildings.~~

~~(c) "New plant and building facilities" means a manufacturing facility or facilities and personal property related thereto, producing tangible personal property or intellectual property intended for ultimate sale at retail, including related parking facilities, food service facilities, business office facilities and other building facilities directly related to the manufacturing business.~~

(~~de~~) "Project period" means the period of time beginning at the earlier of a physical change to the project site or the first employment of new

employees or contractors located in Idaho who are related to the activities at the project site, ~~but no earlier than January 1, 2008.~~

(ef) "Project site" means an area or areas at which new the affected plant and building facilities are located and at which the tax incentive criteria have been or will be met and which are either:

(i) A single geographic area located in this state at which the new affected plant and building facilities owned or leased by the taxpayer are located; or

(ii) One (1) or more geographic areas located in this state if eighty percent (80%) or more of the plant investment required in subsection (2) (h) of this section is made at one (1) of the areas.

~~(f) "Qualified investment" shall be as defined in section 63-3029B, Idaho Code.~~

~~(g) "Building or structural components of buildings" means real property improvements to land as defined in section 63-201(11), Idaho Code, which are owned or leased by the taxpayer and located in Idaho within the boundaries of the project site.~~

(hg) "Tax incentive criteria" means a taxpayer at a project site meeting the requirements of subparagraphs (i) and (ii) of this paragraph the following conditions:

(i) During the project period, making capital investments in new plant of at least three million dollars (\$3,000,000) at the project site The board of county commissioners shall by ordinance establish an investment amount not less than five hundred thousand dollars (\$500,000) at all project sites within the county for which the exemption and all exemptions thereafter granted shall apply, thereby providing uniformity to all taxpayers;

(ii) The taxpayer can demonstrate to the county that The plant investment will bring significant economic benefits will accrue to the county; and

(iii) The plant or building facilities will be for nonretail purposes that are either commercial or industrial.

(3) The board of county commissioners may grant the property tax exemption for all or a portion of the market value of the defined project for a period of up to five (5) years. The agreement shall be considered a contract arrangement between the county and the taxpayer for the exemption time period granted by the board of county commissioners and the annual approval provision contained in subsection (3) of section 63-602, Idaho Code, shall not apply to the exemption provided in this section as long as the contract enumerated in this section is valid and in force and effect. If, within the project period, the use or nature of the defined project or investment in the new plant changes such that the project would no longer qualify for the tax exemption, the board of county commissioners may unilaterally terminate the agreement and withdraw the tax exemption.

(4) When considering whether to grant the property tax exemption, the board of county commissioners may consider trade secrets, as defined in section 74-107(1), Idaho Code, in executive session as allowed in section 74-206(1) (d), Idaho Code.

(5) Before granting a property tax exemption under this section, the board of county commissioners shall hold a public meeting regarding whether to grant the exemption. The board of county commissioners shall provide a summary of the application under consideration, a written notice of the time, date and location of the public meeting, and an invitation to participate in the meeting to all affected taxing districts, urban renewal agencies and the Idaho department of commerce at least five (5) calendar days before the meeting.

(6) Property exempted under this section shall not be included on any new construction roll prepared by the county assessor in accordance with section 63-301A, Idaho Code, until the exemption ceases.

(57) The legislature declares this exemption necessary and just.

Approved April 6, 2017

CHAPTER 264
(H.B. No. 242)

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-512, IDAHO CODE, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO WAIVE THE MINIMUM NUMBER OF INSTRUCTIONAL HOURS FOR A SCHOOL DISTRICT FOLLOWING A DISASTER DECLARATION UNDER CERTAIN CONDITIONS, TO PROVIDE A LIMITATION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

Alternative schools

(any grades) 900

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) of this subsection may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c) (i) of this subsection.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

(h) The state board of education may grant a waiver of the minimum number of instructional hours for a school district when districtwide school closures are necessary as a result of natural occurrences creating unsafe conditions for students. A county or state disaster declaration must have been issued for one (1) or more of the counties in which the school district is located. A waiver request to the state board of education must describe the efforts by the school district to make up lost instructional hours, the range of grades impacted, and the number of hours the school district is requesting be waived.

(i) The reduction of instructional hours allowed in paragraphs (f) through (h) of this subsection may not be combined in a single school year.

(2) To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults, and such districts may provide classes in kindergarten;

(3) To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a curricular materials adoption committee as provided in section 33-512A, Idaho Code;

(4) To protect the morals and health of the pupils;

(5) To exclude from school, children not of school age;

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

(7) To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health and welfare or local health authorities;

(8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct

and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor;

(12) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege. For the purposes of extracurricular activities, any secondary school located in this state that is accredited by an organization approved through a process defined by the state department of education shall be able to fully participate in all extracurricular activities described in and governed by the provisions of this subsection;

(13) To govern the school district in compliance with state law and rules of the state board of education;

(14) To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994;

(15) To require that all certificated and noncertificated employees hired on or after July 1, 2008, and other individuals who are required by the provisions of section 33-130, Idaho Code, to undergo a criminal history check shall submit a completed ten (10) finger fingerprint card or scan to the department of education no later than five (5) days following the first day of employment or unsupervised contact with students in a K-12 setting, whichever is sooner. Such employees and other individuals shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. Provided however, that any individual convicted of any felony offense listed in section 33-1208 2., Idaho Code, shall not be hired. For the purposes of criminal history checks, a substitute teacher is any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (5) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost. To remain on the statewide substitute teacher list maintained by the state department of education, the substitute teacher shall undergo a criminal history check every five (5) years;

(16) To maintain a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register, by developing a school safety plan for each school and by meeting annually with emergency first responders to update the plans and discuss emergency exercises and operations;

(17) To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

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

Approved April 6, 2017

CHAPTER 265
(H.B. No. 244)

AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1830, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING NOTICE OF LAPSE OR TERMINATION OF AN INDIVIDUAL LIFE INSURANCE POLICY.

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

SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-1830, Idaho Code, and to read as follows:

41-1830. NOTICE OF LAPSE OR TERMINATION OF INDIVIDUAL LIFE INSURANCE. (1) Notwithstanding the provisions of section 41-1927, Idaho Code, an individual life insurance policy shall not be issued or delivered in this state until the applicant has been afforded the option of designating one (1) person, in addition to the applicant, to receive notice of lapse or termination of a policy for nonpayment of premium.

(2) A designation made pursuant to subsection (1) of this section shall be on a form provided by the insurer. The applicant shall, on such form, provide the full name, address and telephone number of the person designated to receive notice of lapse or termination of the policy for nonpayment of premium.

(3) The insurer shall annually notify a policy owner of the right to:

(a) Make a designation pursuant to subsection (1) of this section;

(b) Change the designee; and

(c) Update the contact information of the designee.

(4) The policy owner may, at the policy owner's discretion, change the designee or change the contact information of the designee more often than annually, and the insurer shall make available the form for such changes at the policy owner's request.

(5) No individual life insurance policy shall lapse or be terminated for nonpayment of premium unless the insurer, at least fourteen (14) days prior to the effective date of the lapse or termination, sends notice by first-class United States mail to the policy owner and to the policy owner's designee, if a designation has been made pursuant to this section, of the lapse or termination, at the address or addresses provided by the policy owner for purposes of receiving such notice.

(6) The provisions of this section shall apply to any individual life insurance policy issued or in force on or after January 1, 2018. Provided however, that the provisions of this section do not apply to any life insurance policy under which premiums are payable monthly or more frequently.

Approved April 6, 2017

CHAPTER 266
(H.B. No. 253)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE THE DEFINITIONS OF "INSTRUCTIONAL STAFF," "MEASURABLE STUDENT ACHIEVEMENT" AND "PERFORMANCE CRITERIA" AND TO MAKE TECHNICAL CORRECTIONS.

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 1 through 6 inclusive, or any combination thereof.

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

(8) "Elementary/secondary schools" are schools that serve grades 1 through 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 who hold an Idaho certificate issued under section 33-1201, Idaho Code, and who are either involved in the direct instruction of a student or group of students and or who serve in a mentor or teacher leader position for individuals 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 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 or preliminary college entrance exams such as PSAT, SAT and ACT;
- (i) District-adopted assessment;
- (j) End-of-course exams;
- (k) Advanced placement exams; and
- (l) Professional-Career 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. Each element of the performance criteria, as identified in subsection (14) of this section, shall be reported for determining movement on the career ladder.

(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, and hold a pupil personnel services certificate.

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

(18) "Secondary schools" are schools that serve grades 7 through 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.

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

(25) "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.

Approved April 6, 2017

CHAPTER 267
(H.B. No. 254)

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-5213, IDAHO CODE, TO REMOVE TERM LIMITS FOR THE COMMISSIONERS ON THE PUBLIC CHARTER SCHOOL COMMISSION.

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

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

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

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

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

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

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

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

Commissioner appointments made pursuant to this section prior to July 1, 2013, shall remain valid through the duration of the term to which each commissioner was appointed. To establish a transition to the appointing authority structure contained in this subsection, the first four (4) appointments available on or after July 1, 2013, shall be made in an alternating sequence for each appointment by the speaker of the house of representatives and the president pro tempore of the senate, followed by three (3) appointments by the governor. Subsequent appointments shall be made by the same appointing authority that originally appointed the commissioner whose term expired.

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

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

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

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

Approved April 6, 2017

CHAPTER 268
(H.B. No. 257)

AN ACT

RELATING TO THE POSTSECONDARY CREDIT SCHOLARSHIP; AMENDING SECTION 33-4605, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR THE SOURCE OF MATCHING FUNDS FOR THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM.

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

SECTION 1. That Section 33-4605, Idaho Code, be, and the same is hereby amended 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 or from a foundation affiliated with the postsecondary institution, unless the funds were donated to the postsecondary institution specifically as a match for the postsecondary credit scholarship program;~~

(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.

Approved April 6, 2017

CHAPTER 269
(H.B. No. 260)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$1,106,900	\$159,300	\$80,900		\$1,347,100
II. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund	\$1,039,400	\$33,000	\$8,000		\$1,080,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General					
Fund	\$66,400			\$11,663,300	\$11,729,700
Miscellaneous Revenue					
Fund				1,000,000	1,000,000
Federal Grant					
Fund	<u>18,800</u>	<u>\$1,000</u>		<u>3,104,600</u>	<u>3,124,400</u>
TOTAL	\$85,200	\$1,000		\$15,767,900	\$15,854,100
IV. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund	\$596,600	\$16,800	\$12,000		\$625,400
V. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund	\$605,100	\$8,000			\$613,100
VI. TECHHELP:					
FROM:					
General					
Fund	\$166,500				\$166,500
GRAND TOTAL	\$3,599,700	\$218,100	\$100,900	\$15,767,900	\$19,686,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Forest Utilization Research	11.68
Geological Survey	12.28
Scholarships and Grants	1.35
Museum of Natural History	8.20
Small Business Development Centers	7.87
TechHelp	1.75

Approved April 6, 2017

CHAPTER 270
(H.B. No. 262)

AN ACT

RELATING TO SCHOOLS; PROVIDING LEGISLATIVE INTENT REGARDING FUNDING FOR COLLEGE AND CAREER ADVISING; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE THE FUNDING FOR COLLEGE AND CAREER ADVISING; AND AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 374, LAWS OF 2016, TO REVISE THE FUNDING FOR COLLEGE AND CAREER ADVISING AND TO MAKE CODIFIER'S CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to continue to distribute all funds appropriated for college and career advising pursuant to Section 33-1212A, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(m) For an online course portal as provided for in section 33-1024, Idaho Code;

(n) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;

(o) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(p) For leadership premiums as provided in section 33-1004J, Idaho Code;

(q) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

(r) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:

(i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ~~ten~~ fourteen thousand dollars (~~\$10~~14,000), 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 forty dollars (~~\$100~~140) per student enrolled in grades 8 through 12 or ~~five~~ seven thousand dollars (~~\$5~~7,000), whichever is greater;

(s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;

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

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

to secure the total educational support distribution funds.

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

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- (f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;
- (g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- (h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (i) For expenditure as provided by the public school technology program;
- (j) For employee severance payments as provided in section 33-521, Idaho Code;
- (k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (m) For an online course portal as provided for in section 33-1024, Idaho Code;
- (n) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
- (o) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (p) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (q) For master teacher premiums as provided in section 33-1004I, Idaho Code;
- (~~sr~~) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (~~ts~~) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
 - (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ~~ten~~ fourteen thousand dollars (~~\$10~~14,000), 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 forty dollars (~~\$100~~140) per student enrolled in grades 8 through 12 or ~~five~~ seven thousand dollars (~~\$5~~7,000), whichever is greater;
- (~~ut~~) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;
- (~~vu~~) For mastery-based education as provided for in section 33-1630, Idaho Code; and
- (~~wv~~) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

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

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved April 6, 2017

CHAPTER 271
(H.B. No. 301, As Amended)

AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-329, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 47-318, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 47-315, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 47-328, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE THAT THE WASTE OF OIL AND GAS IS PROHIBITED; AMENDING SECTION 47-327, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR JURISDICTION OVER CERTAIN LANDS; AMENDING SECTION 47-317, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE THE MEMBERSHIP, QUALIFICATIONS AND TERMS OF THE OIL AND GAS CONSERVATION COMMISSION, TO PROVIDE A DUTY FOR THE OIL AND GAS ADMINISTRATOR, TO PROVIDE FOR ADDITIONAL LEGAL COUNSEL AND TO REVISE CODE REFERENCES; AMENDING SECTION 47-319, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE THE DUTIES OF THE OIL AND GAS CONSERVATION COMMISSION AND THE DEPARTMENT OF LANDS; REPEALING SECTION 47-316, IDAHO CODE, RELATING TO THE WASTE OF OIL AND GAS; AMENDING SECTION 47-320, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING A PERMIT TO DRILL A WELL, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-317, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR DRILLING LOCATIONS; AMENDING SECTION 47-321, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR WELL SPACING REQUIREMENTS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-319, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR SETBACKS; AMENDING SECTION 47-322, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE LANGUAGE REGARDING STEM PROGRAM DONATIONS AND OBJECTORS, TO REVISE THE REQUIRED MAJORITY FOR INTEGRATION AND TO PROVIDE AN EXCEPTION, TO REMOVE LANGUAGE REGARDING TRADE SECRETS, TO REVISE PROVISIONS REGARDING NONCONSENTING WORKING INTEREST OWNERS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-323, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE THE REQUIRED MAJORITY FOR UNIT OPERATION, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-322, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR OIL AND GAS METERING SYSTEMS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-323, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR COMMINGLING PRODUCTION FROM OIL AND GAS WELLS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-324, IDAHO CODE, TO PROVIDE FOR REPORTING REQUIREMENTS AND TO PROVIDE FOR VIOLATIONS; AMENDING SECTION 47-326, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-326, IDAHO CODE, TO PROVIDE THAT CERTAIN DATA IS PUBLIC AND SHALL BE AVAILABLE ON THE INTERNET AND TO PROVIDE A PROCEDURE TO CLAIM AN EXEMPTION; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-327, IDAHO CODE, TO PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; AMENDING SECTION 47-324, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR DUTIES OF THE OIL AND GAS ADMINISTRATOR AND THE COMMISSION, TO PLACE

A MORATORIUM ON CERTAIN RULEMAKING, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-325, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR THE VIOLATION OF COMMISSION ORDERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-330, IDAHO CODE, TO REVISE THE DEFINITION OF GROSS INCOME AND TO REVISE THE DISTRIBUTION OF FUNDS COLLECTED BY THE TAX COMMISSION; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-331, IDAHO CODE, TO PROVIDE FOR THE OBLIGATION TO PAY ROYALTIES AND TO PROVIDE FOR TERMS, REQUIREMENTS AND CIVIL REMEDIES; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-332, IDAHO CODE, TO REQUIRE CERTAIN REPORTS TO ROYALTY OWNERS AND TO PROVIDE FOR RECORD RETENTION; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-333, IDAHO CODE, TO AUTHORIZE A CIVIL ACTION BY A ROYALTY OWNER FOR AN ACCOUNTING AND ROYALTY PAYMENT; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-334, IDAHO CODE, TO PROVIDE FOR THE USE OF SURFACE LAND BY OWNERS AND OPERATORS AND TO PROVIDE FOR MEDIATION AND A BOND REQUIREMENT; AMENDING SECTION 74-108, IDAHO CODE, TO EXEMPT CERTAIN RECORDS FROM THE OIL AND GAS CONSERVATION COMMISSION AND THE DEPARTMENT OF LANDS FROM PUBLIC RECORDS DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-233, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 42-4003, IDAHO CODE, TO REVISE CODE REFERENCES; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 47-329, Idaho Code, be, and the same is hereby amended to read as follows:

47-329309. TITLE. This act may be cited as the Oil and Gas Conservation Act.

SECTION 2. That Section 47-318, Idaho Code, be, and the same is hereby amended to read as follows:

47-318310. DEFINITIONS. Unless the context otherwise requires, the terms defined in this section shall have the following meaning when used in this act+. The use of the plural includes the singular, and the use of the singular includes the plural.

(a1) "Commission" means the oil and gas conservation commission.

(2) "Confidential well status" refers to a well for which the operator has applied and received confidential status from the commission pursuant to section 47-327, Idaho Code. Information about a confidential well is exempt from disclosure as to the public, but not with regard to the commission or other state authority.

(b3) "Condensate" means the liquid produced by the condensation of a vapor or gas either after it leaves the reservoir or while still in the reservoir.

(e4) "Correlative rights" means the opportunity of each owner in a pool to produce his just and equitable share of oil and gas in a pool without waste.

(d5) "Department" means the Idaho department of lands.

(6) "End purchaser" means a third-party, arms-length purchaser of oil, gas or condensate that is ready for refining or other use, or a third-party, arms-length purchaser of other fluid or gaseous hydrocarbons that have been separated in a processing facility.

(7) "Exploration" means activities related to the various geological and geophysical methods used to detect and determine the existence and extent of hydrocarbon deposits. The activities related to the search for oil

and gas include without limitation aerial, geological and geophysical surveys and studies, seismic work, core drilling and the drilling of test wells.

(e8) "Field" means the general area underlaid by one (1) or more pools.

(f9) "Gas" means any petroleum hydrocarbon existing in the gaseous phase, including condensate because it originally existed in the gaseous phase natural gas, which is a mixture of hydrocarbons and varying quantities of non-hydrocarbons that exist either in the gaseous phase or in solution with crude oil in natural underground reservoirs.

(10) "Gathering facility" means a facility that receives gathering lines from wells, commingles the produced materials, and then sends those materials to a processing facility.

(g11) "Market value" means the price at the time of sale, in cash or on terms reasonably equivalent to cash, for which the oil or gas should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus from either party. The costs of marketing, transporting and processing oil and gas produced shall be borne entirely by the producer, and such cost shall not reduce the producer's severance tax directly or indirectly.

(h12) "MCF" means one thousand cubic feet of gas.

(13) "Mineral interest" means the right to explore, drill or produce oil or gas lying beneath the surface of property.

(14) "Natural gas liquids" means hydrocarbons that are gaseous in the reservoir, but will separate out in liquid form at the pressures and temperatures at which separators normally operate. The liquids consist of varying proportions of butane, propane, pentane and heavier fractions, with little or no methane or ethane.

(15) "Natural gas plant liquids" means hydrocarbon compounds in raw gas that are separated as liquids at gas processing plants, fractionating plants, and cycling plants. Natural gas plant liquids obtained include ethane, liquefied petroleum gases (propane and the butanes), and pentanes plus any heavier hydrocarbon compounds. Component products may be fractionated or mixed.

(16) "Occupied structure" means a building with walls and a roof within which individuals live or customarily work.

(i17) "Oil" or "oil" means and includes crude oil" means petroleum oil and other hydrocarbons, regardless of gravity, that are produced at the well wellhead in liquid form by ordinary production methods and are not the result of gas condensation before or after it leaves the reservoir and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas.

(j18) "Oil and gas" means oil or gas or both. "Oil and gas" refers not only to oil and gas in combination with each other but also generally to oil, gas, casinghead gas, casinghead gasoline, gas-distillate or other hydrocarbons, or any combination or combinations thereof, which may be found in or produced from a common source or supply of oil, oil and gas, or gas-distillate.

(19) "Oil and gas administrator" means the division administrator for oil and gas conservation within the department of lands, as established under section 58-104A, Idaho Code.

(20) "Oil and gas facility" means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment or processing of oil or natural gas.

(21) "Oil and gas operations" means operations to explore for, develop or produce oil and gas.

(k22) "Operator" means any duly authorized person who is in charge of the development of a lease, pool, or spacing or unitized area, or the operation of a producing well.

(~~l~~23) "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil ~~or~~ and gas that he produces therefrom, either for himself or for himself and others.

(~~m~~24) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representatives of any kind, and includes any government or any political subdivision of any agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

(~~n~~25) "Pool" means an underground reservoir containing a common accumulation of oil ~~or~~ and gas ~~or both~~. Each zone of a structure that is completely separated from any other zone in the same structure is a pool.

(26) "Processing facility" means a facility that refines gas and liquid hydrocarbons.

(~~e~~27) "Producer" means the owner of a well or wells capable of producing oil ~~or~~ and gas ~~or both~~.

(~~p~~28) "Reservoir" means a subsurface volume of porous and permeable rock in which oil ~~or~~ and gas has ~~may have~~ accumulated.

(29) "Royalty owner" means any owner of an interest in an oil and gas lease that entitles him to share in the production of the oil and gas under the lease.

(30) "Tract" means an expanse of land representing the surface expression of the underlying mineral estate that includes oil and gas rights. A tract:

(a) May be identified by its public land survey system of rectangular surveys that subdivides and describes land in the United States in the public domain and is regulated by the United States department of the interior, bureau of land management;

(b) Is of no particular size;

(c) May be irregular in form;

(d) Is contiguous;

(e) May lie in more than one (1) township or one (1) section;

(f) May have a boundary defined entirely or in part by natural monuments such as streams, divides or straight lines connecting prominent features of topography; and

(g) May be combined with other tracts to form a lease.

(~~q~~31) "Uncommitted owner" means one who is not leased or otherwise contractually obligated to the operator.

(~~r~~32) "Waste" as applied to gas shall include the escape, blowing or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil ~~or~~ and gas that might ultimately be produced; excepting gas that is reasonably necessary in the drilling, completing and testing of wells and in furnishing power for the production of wells.

(~~s~~33) "Waste" as applied to oil means and includes underground waste; inefficient, excessive or improper use or dissipation of reservoir energy, including gas energy and water drive; surface waste, open-pit storage and waste incident to the production of oil in excess of the producer's above-ground storage facilities and lease and contractual requirements, but excluding storage (other than open-pit storage) reasonably necessary for building up and maintaining crude stocks and products thereof for consumption, use and sale; the locating, drilling, equipping, operating or producing of any well in a manner that causes, or tends to cause, reduction of the quantity of oil ~~or~~ and gas ultimately recoverable from a pool under prudent and proper operations.

(~~t~~34) ~~The use of the plural includes the singular, and the use of the singular includes the plural~~ "Workover" means an operation in which a well is reentered for the purpose of maintaining or repairing it.

SECTION 3. That Section 47-315, Idaho Code, be, and the same is hereby amended to read as follows:

47-315311. PUBLIC INTEREST. It is declared to be in the public interest to foster, encourage and promote the development, production and utilization of natural resources of oil and gas in the state of Idaho in such a manner as will prevent waste; to provide for uniformity and consistency in the regulation of the production of oil and gas throughout the state of Idaho; to authorize and to provide for the operations and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be obtained and that the correlative rights of all owners be fully protected; to encourage, authorize and provide for voluntary agreements for cycling, recycling, pressure maintenance and secondary recovery operations in order that the greatest possible economic recovery of oil and gas may be obtained within the state to the end that the land owners, the royalty owners, the producers and the general public may realize and enjoy the greatest possible good from these vital natural resources.

SECTION 4. That Section 47-328, Idaho Code, be, and the same is hereby amended to read as follows:

47-328312. ACT NOT CONSTRUED TO RESTRICT PRODUCTION -- WASTE PROHIBITED. It is not the intent or purpose of this law to require the proration or distribution or the production of oil and gas among the fields of Idaho on the basis of market demand. This act shall never be construed to require, permit, or authorize the commission or any court to make, enter, or enforce any order, rule, regulation or judgment requiring restriction of production due to market demand of any pool or of any well (except as provided in section 47-319315, Idaho Code, hereof) to an amount less than the well or pool can produce without waste in accordance with sound engineering practices. The waste of oil and gas or either of them as defined in this chapter is hereby prohibited.

SECTION 5. That Section 47-327, Idaho Code, be, and the same is hereby amended to read as follows:

47-327313. LANDS SUBJECT TO THIS ACT. This act shall apply to all lands located in the state of Idaho lawfully subject to its police power, and shall apply to, however owned, including any lands owned or administered by any government or any agency or political subdivision thereof, including lands of the United States, or ~~to~~ lands subject to the jurisdiction of the United States over which the state of Idaho has police power, except to the degree that it is inharmonious with the uses, activities or regulations of the United States, and furthermore, the same shall apply to any lands committed to a unit agreement approved by the secretary of the interior or his duly authorized representative, except that the commission may, with respect to such unit agreement, suspend the application of this act or any part of this act so long as the conservation of oil and gas and the prevention of waste as in this act provided is accomplished under such unit agreements, but such suspension shall not relieve any operator from making such reports as may be required by the commission with respect to operations under any such unit agreement.

SECTION 6. That Section 47-317, Idaho Code, be, and the same is hereby amended to read as follows:

47-317314. OIL AND GAS CONSERVATION COMMISSION CREATED -- POWERS -- LIMIT ON LOCAL RESTRICTIONS -- ATTORNEY GENERAL. (1) There is hereby created an oil and gas conservation commission of the state of Idaho within the de-

partment of lands. The commission shall consist of ~~five (5)~~ the director of the department of lands, a county commissioner as described in this section, and three (3) members appointed by the governor with the advice and consent of the senate.

(a) The county commissioner shall be from a county where oil and gas are being produced or have been produced within the last ten (10) years and shall be elected by a majority of the county commissioners from such producing counties. The county commissioner shall serve a four (4) year term. A vacancy shall be filled by election for the unexpired term in the same manner provided for election to a full term.

(b) The members appointed by the governor shall serve at the pleasure of the governor. ~~One (1) member and shall be knowledgeable in oil and gas matters, one (1) member shall be knowledgeable in geological matters, one (1) member shall be knowledgeable in water matters, one (1) member shall be a private landowner who owns mineral rights with the surface in a county with oil and gas activity and one (1) member shall be a private landowner who does not own mineral rights have a college degree in geosciences or engineering and at least ten (10) years of experience in the oil and gas industry. The governor shall appoint the three (3) technical expert members: one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, and one (1) member for a term of two (2) years. Thereafter, the term of office of each appointed member of the commission shall be four (4) years. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term.~~

(2) ~~The term of office of each appointed member of the commission shall be four (4) years, except that upon July 1, 2013, the governor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years and two (2) members for terms of four (4) years. After the initial appointment, the governor shall appoint members to serve in office for a term of four (4) years commencing on July 1. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. On July 1, 2017, the terms of the existing members of the commission appointed under this section shall terminate, with the sole exception that such commission shall decide any administrative actions filed prior to July 1, 2017. Actions filed on and after July 1, 2017, shall be decided by the new commission established under this section.~~

(3) The commission shall annually elect a chairman and a vice chairman from their membership. Such officers shall hold their respective offices until their successors are elected. If a vacancy occurs in either office, the commission shall elect a member to fill such office for the remainder of the term.

(4) The commission shall meet at least annually and thereafter on dates set by the commission. A majority of the ~~voting~~ members shall constitute a quorum.

(5) The members of the commission appointed by the governor or selected by the county commissioners shall be compensated as provided in section 59-509(n), Idaho Code.

(6) ~~Unless the commission appoints another person to be the secretary of the commission, the director~~ The oil and gas administrator of the department of lands shall be the secretary ~~of~~ for the commission.

(7) The department of lands shall have the power to exercise, under the general control and supervision of the commission, all of the rights, powers and duties vested by law in the commission, except those provided in sections 47-324328 and 47-325329 ~~(e3)~~, Idaho Code.

(8) The commission shall have and is hereby given jurisdiction and authority over all persons and property, public and private, necessary to enforce the provisions of this act, and shall have power and authority to

make and enforce rules, regulations and orders, and do whatever may reasonably be necessary to carry out the provisions of this act. Any delegation of authority to any other state officer, board or commission to administer any and all other laws of this state relating to the conservation of oil and gas is hereby rescinded and withdrawn and such authority is hereby unqualifiedly conferred upon the commission, as herein provided. The commission shall follow procedures on applications as provided in section 47-324~~328~~, Idaho Code, except as provided in sections 47-320~~316~~(1) (a) and 47-325~~329~~(e3), Idaho Code.

(9) It is the intent of the legislature to occupy the field of the regulation of oil and gas exploration and production with the limited exception of the exercise of planning and zoning authority granted cities and counties pursuant to chapter 65, title 67, Idaho Code.

(10) To implement the purpose of the oil and gas conservation act, and to advance the public interest in the orderly development of the state's oil and gas resources, while at the same time recognizing the responsibility of local governments to protect the public health, safety and welfare, it is herein provided that:

(a) The commission will ~~notice~~ notify the respective city or county with jurisdiction upon receipt of an application and will remit, electronically, a copy of all application materials.

(b) No ordinance, resolution, requirement or standard of a city, county or political subdivision, except a state agency with authority, shall actually or operationally prohibit the extraction of oil and gas; provided however, that extraction may be subject to reasonable local ordinance provisions, not repugnant to law, which protect public health, public safety, public order or which prevent harm to public infrastructure or degradation of the value, use and enjoyment of private property. Any ordinance regulating extraction enacted pursuant to chapter 65, title 67, Idaho Code, shall provide for administrative permitting under conditions established by ordinance, not to exceed twenty-one (21) days, unless extended by agreement of the parties or upon good cause shown.

(c) No ordinance, resolution, requirement or standard of a city, county or political subdivision, except a state agency with authority, shall actually or operationally prohibit construction or operation of facilities and infrastructure needed for the post-extraction processing and transport of gas and oil. However, such facilities and infrastructure shall be subject to local ordinances, regulations and permitting requirements, not repugnant to law, as provided in chapter 65, title 67, Idaho Code.

(11) The commission may sue and be sued in its administration of this act in any state or federal district court in the state of Idaho having jurisdiction of the parties or of the subject matter.

(12) The attorney general shall act as the legal advisor of the commission and represent the commission in all court proceedings and in all proceedings before it, and in any proceeding to which the commission may be a party before any department of the federal government. The commission may retain additional counsel to assist the attorney general and, for such purpose, may employ any funds available under this act.

SECTION 7. That Section 47-319, Idaho Code, be, and the same is hereby amended to read as follows:

~~47-319315. LAND SUBJECT TO ACT -- AUTHORITY OF COMMISSION. (1) This act shall apply to all lands located in the state, however owned, including any lands owned or administered by any government or any agency or political subdivision thereof, over which the state under its police power, has jurisdiction.~~

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

(2) The commission and the department shall protect correlative rights by administering the provisions of this chapter in such a manner as to avoid the drilling of unnecessary wells or incurring unnecessary expense, and in a manner that allows all operators and royalty owners a fair and just opportunity for production and the right to recover, receive and enjoy the benefits of oil and gas or equivalent resources, while also protecting the rights of surface owners.

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

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

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

(a) Identification of ownership of oil ~~or~~ and gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas;

~~(b) The taking and preservation of samples and the making and filing with the commission of true and correct copies of well logs and directional surveys both in form and content as prescribed by the commission; provided however, that logs of exploratory or wildcat wells marked confidential shall be subject to disclosure according to chapter 1, title 74, Idaho Code, and shall be kept confidential by the commission for a period of one (1) year from the date of filing the log with the commission. And provided that the commission may use any well logs and directional surveys in any action to enforce the provisions of this chapter or any order or rule adopted hereunder. And provided further, that after four (4) months from the effective date of this act, the commission may require the owner of a well theretofore drilled for oil or gas to file within four (4) months of such order a true and correct copy of the log or logs of such well and findings, if taken or analyzed;~~

(c) The drilling, casing, operation and plugging of wells in such manner as to prevent: (i) the escape of oil ~~or~~ and gas out of one (1) pool into another; (ii) the detrimental intrusion of water into an oil ~~or~~ and gas pool that is avoidable by efficient operations; (iii) the pollution of fresh water supplies by oil, gas, or saltwater; (iv) blow-outs, cavings, seepages, and fires; and (v) waste as hereinabove defined in section 47-310, Idaho Code;

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

(e) The furnishing of a reasonable performance bond with good and sufficient surety, conditioned upon the performance of the duty to comply with the requirements of this law and the regulations of the commission with respect to the drilling, maintaining, operating and plugging of each well drilled for oil ~~or~~ and gas;

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

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

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

(i) That every person who produces oil and gas in the state keep and maintain for a period of five (5) years complete and accurate records

of the quantities thereof, which records, or certified copies thereof, shall be available for examination by the commission or its agents at all reasonable times within said period, and that every such person file with the commission such reasonable reports as it may prescribe with respect to such oil ~~or~~ and gas production. ~~Provided however, that reports of oil and gas production shall be kept confidential by the commission and shall be exempt from disclosure pursuant to section 74-107, Idaho Code, for a period of six (6) months from the date of filing the initial production report for a well with the commission, and thereafter all production reports for a well shall be subject to disclosure pursuant to chapter 1, title 74, Idaho Code; and~~

(j) The filing of reports of or plats with the commission that it may prescribe.

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

(a) The drilling and plugging of wells and the compression or dehydration of produced oil and gas, and all other operations for the production of oil and gas;

(b) The shooting and treatment of wells;

(c) The spacing or locating of wells;

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

(e) The disposal of saltwater produced water and oil field wastes.

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

(8) The commission is authorized to make and enforce rules, regulations, and orders reasonably necessary to prevent waste, protect correlative rights, to govern the practice and procedure before the commission, and otherwise to administer this act.

~~(9) The commission is authorized to share such records or information with the Idaho geological survey. When any such record or information is exempt from disclosure under the Idaho public records act, section 74-101, et seq., Idaho Code, the sharing of such record or information between the oil and gas conservation commission, the Idaho department of lands, the Idaho geological survey shall not render the shared information subject to disclosure to other persons under the Idaho public records act, section 74-101, et seq., Idaho Code. Notwithstanding the foregoing, nothing in this section shall be construed to limit the sharing of such records or information by the oil and gas commission and the Idaho department of lands with other state agencies, when authorized by law. The commission shall require the department to perform the following activities on an annual basis:~~

(a) Inspect and report on all active well sites and equipment;

(b) Visit and file a report on production and processing facilities;
and

(c) Submit an opinion as to any areas of concern, as identified on inspection reports.

SECTION 8. That Section 47-316, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 47-320, Idaho Code, be, and the same is hereby amended to read as follows:

47-320316. PERMIT TO DRILL OR TREAT A WELL -- FEES. (1) It shall be unlawful to commence operations for the drilling or treating of a well for oil ~~or~~ and gas without first giving notice to the commission of intention to drill or treat and without first obtaining a permit from the commission under

such rules and regulations as may be reasonably prescribed by the commission and by paying to the commission a filing and service fee as provided by this section.

(a) Any request for a permit or authorization as set forth in subsection (3) (a), (b), (c), (d), (e), (f), (g), (m), (n) or (o) of this section shall be made by application to the department of lands, and processed as provided in this section.

(b) The department shall notify the applicant within five (5) business days of receipt of an application if the application is administratively incomplete, and in such notice shall identify missing items to be supplied in order to make the application complete.

(c) The department shall notify the director of the department of water resources regarding permits to drill or treat a well. The director of water resources shall have ten (10) business days from the date of receipt of such notification from the department of lands to recommend conditions he believes necessary to protect fresh water supplies.

(d) Applications submitted under this section shall be posted on the department of lands's website for ten (10) calendar days for a written comment period.

(e) The department of lands shall approve or deny the application to drill or treat a well ~~within fifteen (15) business days of receipt of a complete application in a timely and efficient manner.~~

(f) The department's decision made under this section may be appealed to the commission by the applicant pursuant to the procedure in section ~~47-324(d), (e), (f) and (g)~~ 328(4) through (7), Idaho Code.

(2) Upon issuance of any permit, a copy thereof, including any limitations, conditions, controls, rules or regulations attached thereto for the protection of fresh water supplies as required in section ~~47-319315~~, Idaho Code, shall be forwarded to the director of the department of water resources.

(3) The department shall collect the following fees, which shall be remitted to the state treasurer for deposit in the oil and gas conservation fund and shall be used exclusively to pay the costs and expenses incurred in connection with the administration and enforcement of this chapter:

- (a) Application for a permit to drill a well \$2,000
- (b) Application to deepen a well 500
- (c) Application to plug and abandon a well, if not completed within one (1) year from issuance of permit to drill a well 500
- (d) Application to treat a well, if separate from an application for a permit to drill a well 1,000
- (e) Application to construct a pit, if separate from an application for a permit to drill a well 1,500
- (f) Application to directionally drill a well, if separate from an application for a permit to drill a well 1,000
- (g) Application for a multiple zone completion, if separate from an application for a permit to drill a well 1,000
- (h) Application for an exceptional well location, if separate from an application for a permit to drill a well 1,300
- (i) Application to change the size, ~~or~~ shape or location of a spacing unit 1,300
- (j) Application to establish or amend a field-wide spacing order . 1,300
- (k) Application for an integration order 1,300
- (l) Application for a unitization order 1,300
- (m) Application for a seismic operations permit covering less than twelve (12) miles of a 2-D survey 800
- (n) Application for a seismic operations permit covering between twelve (12) miles and twenty-four (24) miles of a 2-D survey, or up to seventy-two (72) square miles of a 3-D survey 2,000

(o) Application for a seismic operations permit covering more than twenty-four (24) miles of a 2-D survey, or more than seventy-two (72) square miles of a 3-D survey 2,500

SECTION 10. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-317, Idaho Code, and to read as follows:

47-317. DRILLING LOCATIONS. (1) To prevent or assist in preventing the waste of oil and gas, to avoid drilling unnecessary wells or to protect correlative rights, the department may, on its own motion or on the application of an interested person, and after notice and opportunity for hearing, issue an order establishing drilling units on a statewide basis, or for defined areas within the state, or for oil and gas wells drilled to varying depths.

(2) An order establishing drilling units shall comply with section 47-318(2), Idaho Code.

(3) In the absence of an order by the department establishing drilling or spacing units, or authorizing different well density patterns for particular pools or parts thereof, the following requirements shall apply:

(a) Oil wells. Every well drilled for oil shall be located in the center of a drilling unit consisting of a forty (40) acre governmental quarter-quarter section or lot or tract, or combination of lots and tracts substantially equivalent thereto, with a tolerance of two hundred (200) feet in any direction from the center location.

(i) No oil well shall be drilled less than nine hundred ninety (990) feet from any other well drilling to and capable of producing oil from the same pool; and

(ii) No oil well shall be completed in a known pool unless it is located more than nine hundred ninety (990) feet from any other well completed in and capable of producing oil from the same pool.

(b) Vertical gas wells. Every vertical well drilled for gas shall be located in a drilling unit consisting of either a one hundred sixty (160) acre governmental quarter section or lot or tract, or combination of lots and tracts substantially equivalent thereto, or a six hundred forty (640) acre governmental section or lot or tract, or combination of lots or tracts substantially equivalent thereto. A vertical gas well located on a one hundred sixty (160) acre drilling unit shall have a minimum setback of three hundred thirty (330) feet to the exterior boundaries of the quarter section. A vertical gas well located on a six hundred forty (640) acre drilling unit shall have a minimum setback of six hundred sixty (660) feet to the exterior boundaries of the governmental section.

(i) No gas well shall be drilled less than nine hundred ninety (990) feet from any other well drilling to and capable of producing gas from the same pool; and

(ii) No gas well shall be completed in a known pool unless it is located more than nine hundred ninety (990) feet from any other well completed in and capable of producing gas from the same pool.

(c) Horizontal wells. Every horizontal well drilled shall be located in a drilling unit consisting of a six hundred forty (640) acre governmental section or lot or tract, or combination of lots or tracts substantially equivalent thereto. No portion of the completed interval of a horizontal lateral shall be closer than six hundred sixty (660) feet to a section boundary or uncommitted tract within a unit. Except for wells in federal exploratory units or in secondary units, the completed interval shall be no closer than one thousand three hundred twenty (1,320) feet to any horizontal well or vertical well completed in the same formation.

(d) Notice. After drilling, testing and completing a well that meets the location requirements in paragraphs (a), (b) or (c) of this subsection, but prior to producing that well, an operator shall provide notice and opportunity for hearing for the proposed drilling unit. In addition to any other notice required by statute or rule, the operator shall provide notice of the proposed drilling unit by certified mail to all uncommitted owners within the proposed drilling unit. The department may authorize drilling units upon application, notice and an opportunity for hearing as provided in section 47-328, Idaho Code. However, prior to establishing a drilling unit for a well that meets the location requirements in paragraph (a), (b) or (c) of this subsection, the department may grant a permit to drill that provides only the notice required in section 47-316, Idaho Code.

(4) An operator may request a change in the size, shape or location of a drilling unit under this section, as provided in section 47-318(6), Idaho Code. Request may be made for drilling units that are:

- (a) Larger or smaller than forty (40) acres for oil;
- (b) Larger or smaller than one hundred sixty (160) acres for gas; or
- (c) Not located within the boundaries of a governmental section, quarter section or quarter-quarter section.

(5) Changes to drilling units may be authorized upon application, notice and an opportunity for hearing as provided in section 47-328, Idaho Code. To authorize a change, the department shall find that such change would assist in preventing the waste of oil and gas, avoid drilling of unnecessary wells, or protect correlative rights. In addition to any other notice required by statute or rule, an operator shall provide proper notice and a copy of the application to all uncommitted owners within the proposed unit and to all other parties an operator reasonably believes may be affected. In establishing drilling units under this section, the department shall review the drilling unit's size, shape and location based on the application, any supporting exhibits, and evidence introduced at a hearing.

SECTION 11. That Section 47-321, Idaho Code, be, and the same is hereby amended to read as follows:

47-321318. WELL SPACING UNITS. (1) The department shall promptly establish spacing units for each pool except in those pools that have been developed to such an extent that it would be impracticable or unreasonable to establish spacing units at the existing stage of development.

(2) An order establishing spacing units shall specify the size, shape and location of the units, which shall be such as will, in the opinion of the department, result in the efficient and economical development of the pool as a whole. Any unit established by the department shall be geographic. The geographic boundaries of the unit shall be described in accordance with the public land survey system. Except where circumstances, geologic or otherwise, affecting the orderly development of a pool reasonably require, or as provided in paragraph (b) of this subsection, the size of the spacing units shall not be smaller than the maximum area that can be efficiently and economically drained by one (1) well; provided:

(a) If, at the time of a hearing to establish spacing units, there is not sufficient evidence from which to determine the area that can be efficiently and economically drained by one (1) well, the department may shall make an order establishing temporary spacing units for the orderly development of the pool, pending the obtaining of the information required to determine what the ultimate permanent spacing should be.

(b) Where the federal agency administering federal minerals that would otherwise be included in a spacing unit has not leased or has failed to offer such federal minerals for lease in accordance with ~~30 U.S.C. section 226 and 43 CFR 3120.1-2(a)~~ auction for at least six (6) months, such

federal minerals may be excluded from the unit upon application or upon the department's own determination.

(3) Except where circumstances, geologic or otherwise, affecting the orderly development of a pool reasonably require, spacing units shall be of approximately uniform size and shape for the entire pool. The department may establish spacing units of different sizes or shapes for different parts of a pool or may grant exceptions to the size, or shape or location of any spacing unit or units or may change the sizes or shape of one (1) or more existing spacing units.

(4) An order establishing spacing units shall direct that no more than one (1) well shall be drilled to and produced from the common source of supply on any unit, and shall specify the location for the drilling of a well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the filing of the application. If the department finds that a well drilled at the prescribed location would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, or for other good cause shown, the department is authorized to make an order permitting the well to be drilled at a location other than that prescribed by such spacing order. Application for an exception shall be filed with the department and may be granted where it is shown that good cause for such exception exists and that consent to such exception has been given by the operators of all drilling units directly or diagonally offsetting the drilling unit for which an exception is requested, and, as to the lands upon which drilling units have not been established, by the majority of mineral interest owners of those lands which would be included in directly or diagonally offsetting drilling units under said order, if said order were extended to include such additional lands.

(5) An order establishing spacing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the department from time to time to include additional lands determined to be underlaid by such pool or to exclude lands determined not to be underlaid by such pool. A pool may be divided into zones and a spacing unit for each zone may be established if necessary to prevent or assist in preventing waste of oil and gas, to avoid drilling unnecessary wells, to protect correlative rights or to facilitate production through the use of innovative drilling and completion methods. The spacing units within the zone may differ in size and shape from spacing units in any other zone but may not be smaller than the maximum area that can be efficiently and economically drained by one (1) well.

(6) An order establishing spacing units may be modified by the department to change the size, or shape or location of one (1) or more spacing units, or to permit the drilling of additional wells on a reasonably uniform pattern. An operator may apply for changes to the size, shape or location of spacing units. The department will review applications to change the size, shape or location of spacing units.

(7) Upon the filing of an application to establish spacing units, no additional well shall be commenced for production from the pool until the order establishing spacing units has been made, unless the commencement of the well is authorized by order of the department.

SECTION 12. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-319, Idaho Code, and to read as follows:

47-319. SETBACKS. (1) Except as provided in this section, oil and gas wells, tank batteries and gas processing facilities shall not be constructed within three hundred (300) feet of an existing occupied structure, domestic

water well, canal, ditch or the natural or ordinary high-water mark of surface waters or within fifty (50) feet of a highway.

(2) Oil and gas wells, tank batteries and gas processing facilities may be constructed less than three hundred (300) feet but more than one hundred (100) feet from an existing occupied structure, domestic water well, canal or ditch if the operator has obtained the express written permission from the owner of the occupied structure, domestic water well, canal or ditch.

SECTION 13. That Section 47-322, Idaho Code, be, and the same is hereby amended to read as follows:

47-322320. INTEGRATION OF TRACTS -- ORDERS OF DEPARTMENT. (a₁) When two (2) or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, the interested persons may integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration, the department, upon the application of any owner in that proposed spacing unit, shall order integration of all tracts or interests in the spacing unit for drilling of a well or wells, development and operation thereof and for the sharing of production therefrom. The department, as a part of the order establishing a spacing unit or units, may prescribe the terms and conditions upon which the royalty interests in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated without the necessity of a subsequent separate order integrating the royalty interests. Each such integration order shall be upon terms and conditions that are just and reasonable.

(b₂) All operations, including, but not limited to, the commencement, drilling, or operation of a well upon any portion of a spacing unit for which an integration order has been entered, shall be deemed for all purposes the conduct of such operations upon each separately owned tract in the spacing unit by the several owners thereof. That portion of the production allocated to a separately owned tract included in a spacing unit shall, when produced, be deemed, for all purposes, to have been actually produced from such tract by a well drilled thereon.

(e₃) Each such integration order shall authorize the drilling, equipping, and operation, or operation, of a well on the spacing unit; shall designate an operator for the integrated unit; shall prescribe the time and manner in which all the owners in the spacing unit may elect to participate therein; and shall make provision for the payment by all those who elect to participate therein, of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Each such integration order shall provide for the five following options:

(i_a) Working interest owner. An owner who elects to participate as a working interest owner shall pay the proportionate share of the actual costs of drilling and operating a well allocated to the owner's interest in the spacing unit. Working interest owners who share in the costs of drilling and operating the well are entitled to their respective shares of the production of the well. The operator of the integrated spacing unit and working interest owners shall enter into a joint operating agreement approved by the department in the integration order.

(i_b) Nonconsenting working interest owner. An owner who refuses to share in the risk and actual costs of drilling and operating the well, but desires to participate as a working interest owner, is a nonconsenting working interest owner. ~~Nonconsenting working interest owners are entitled to their respective shares of the production of the well, not to exceed one-eighth (1/8) royalty, until~~ The operator of the integrated spacing unit has recovered shall be entitled to recover a risk penalty of up to three hundred percent (300%) of the nonconsenting

working interest owner's share of the cost of drilling and operating the well under the terms set forth in the integration order. After all the costs have been recovered by the consenting owners in the spacing unit, the nonconsenting owner is entitled to his respective shares of the production of the well, and shall be liable for his pro rata share of costs as if the nonconsenting owner had originally agreed to pay the costs of drilling and operating the well. The operator of the integrated spacing unit and nonconsenting working interest owners shall enter into a joint operating agreement approved by the department in the integration order.

(iii~~c~~) Leased. An owner may enter into a lease with the operator of the integrated spacing unit under the terms and conditions in the integration order. The owner shall receive one-eighth (1/8) royalty. The operator of an integrated spacing unit shall pay a leasing owner the same bonus payment per acre as the operator originally paid to other owners in the spacing unit prior to the issuance of the integration order.

~~(iv) Objector. If an owner objects to any participation or involvement of any kind in the unit, such owner may elect to be an objector. An objecting owner's interest will be deemed leased under the terms and conditions in the integration order. The owner shall receive one-eighth (1/8) royalty. Provided however, an objecting owner may elect to have any funds to which he would otherwise be entitled transferred to the STEM action center.~~

(vd) Deemed leased. If an owner fails to make an election within the election period set forth in the integration order, such owner's interest will be deemed leased under the terms and conditions in the integration order. The owner shall receive one-eighth (1/8) royalty. The operator of an integrated spacing unit shall pay a leasing owner the same bonus payment per acre as the operator originally paid to other owners in the spacing unit prior to the issuance of the integration order.

~~If one or more of the owners shall drill, equip and operate, or operate, or pay the costs of drilling, equipping and operating, or operating, a well for the benefit of another person as provided for in an order of integration, then such owners or owner shall be entitled to the share of production from the spacing unit accruing to the interest of such other person, exclusive of a royalty not to exceed one-eighth (1/8) of the production, until the market value of such other person's share of the production, exclusive of such royalty, equals the sums payable by or charged to the interest of such other person. If there is a dispute as to the costs of drilling, equipping, or operating a well, the department shall determine such costs. In instances where a well is completed prior to the integration of interests in a spacing unit, the sharing of production shall be from the effective date of the integration, except that, in calculating costs, credit shall be given for the value of the owner's share of any prior production from the well.~~

(d4) An application for an order integrating the tracts or interests in a spacing unit shall substantially contain and be limited to only the following:

- (ia) The applicant's name and address;
- (ib) A description of the spacing unit to be integrated;
- (iii~~c~~) A geologic statement concerning the likely presence of hydrocarbons;
- (iv~~d~~) A statement that the proposed drill site is leased;
- (ve) A statement of the proposed operations for the spacing unit, including the name and address of the proposed operator;
- (vi~~f~~) A proposed joint operating agreement and a proposed lease form;
- (vii~~g~~) A list of all uncommitted owners in the spacing unit to be integrated under the application, including names and addresses;
- (viii~~h~~) An affidavit indicating that at least ~~fifty-five~~ sixty-seven percent (~~55~~67%) of the mineral interest acres in the spacing unit sup-

port the integration application by leasing or participating as a working interest owner;

(ixi) An affidavit stating the highest bonus payment paid to a leased owner in the spacing unit being integrated prior to filing the integration application; and

(xj) A resume of efforts documenting the applicant's good faith efforts on at least two (2) separate occasions within a period of time no less than sixty (60) days to inform uncommitted owners of the applicant's intention to develop the mineral resources in the proposed spacing unit and desire to reach an agreement with uncommitted owners in the proposed spacing unit. Provided however, if any owner requests no further contact from the applicant, the applicant will be relieved of further obligation to attempt contact to reach agreement with that owner. At least one (1) contact must be by certified U.S. mail sent to an owner's last known address. If an owner is unknown or cannot be found, the applicant must publish a legal notice of its intention to develop and request that the owner contact the applicant in a newspaper in the county where the proposed spacing unit is located. The resume of efforts should indicate the applicant has made reasonable efforts to reach an agreement with all uncommitted owners in the proposed spacing unit. Reasonable efforts are met by complying with this subsection.

An application shall not be required to be in any particular format. An application shall not be denied or refused for incompleteness if it complies substantially with the foregoing informational requirements.

(e5) At the time the integration application is filed with the department, the applicant shall certify that, for uncommitted owners who are unknown or cannot be found, a notice of the application was published in a newspaper in the county where the proposed spacing unit is located. Each published notice shall include notice to the affected uncommitted owner of the opportunity to respond to the application, and the deadline by which a response must be filed with the department.

~~(f) The information supplied by the applicant pursuant to subsection (d) (vii) of this section and the names and addresses of the uncommitted owners pursuant to subsection (d) (x) of this section shall be deemed trade secrets and kept confidential by the department until the well is producing in the proposed spacing unit, and thereafter shall be subject to disclosure pursuant to chapter 1, title 74, Idaho Code, provided that the information regarding an uncommitted owner shall be subject to disclosure to that owner.~~

(g6) An operator who has not been able to obtain consent from sixty-seven percent (67%) of the mineral interest acres in the spacing unit may nevertheless apply for an integration order under this section if all of the conditions set forth in this subsection have been met. The department shall issue an integration order, which shall affect only the unit area described in the application, if it finds that the operator has met all of the following conditions:

(a) The operator has obtained consent from at least fifty-five percent (55%) of mineral interest acres;

(b) The operator has negotiated diligently and in good faith for a period of at least one hundred twenty (120) days prior to his application for an integration order; and

(c) The uncommitted owners in the affected unit shall receive from the operator mineral lease terms and conditions that are no less favorable to the lessee than those set forth in section 47-331 (2) , Idaho Code.

(7) An application for integration shall be subject to the procedures set forth in section 47-324328, Idaho Code.

SECTION 14. That Section 47-323, Idaho Code, be, and the same is hereby amended to read as follows:

47-323321. UNIT OPERATIONS. (1) An agreement for the unit or cooperative development or operation of a field, pool, or part thereof, may be submitted to the department for approval as being in the public interest or reasonably necessary to prevent waste or protect correlative rights. Such approval shall constitute a complete defense to any suit charging violation of any statute of the state relating to trusts and monopolies on account thereof or on account of operations conducted pursuant thereto. The failure to submit such an agreement to the department for approval shall not for that reason imply or constitute evidence that the agreement or operations conducted pursuant thereto are in violation of laws relating to trusts and monopolies.

(2) The department, upon its own determination or upon application of an owner, shall conduct a hearing to consider the need for unit operation of an entire pool or portion thereof, to increase ultimate recovery of oil and gas from that pool or portion thereof. The department shall issue an order requiring unit operation if it finds that:

(a) Unit operation of the pool or portion thereof is reasonably necessary to prevent waste or to protect correlative rights;

(b) Unit operation of the pool or portion thereof is reasonably necessary for maintaining or restoring reservoir pressure, or to implement cycling, water flooding, enhanced recovery, horizontal drilling, de-watering or a combination of these operations or other operations or objectives to be cooperatively pursued with the goal of increasing the ultimate recovery of oil and gas; and

(c) The estimated cost to conduct the unit operation will not exceed the value of the estimated recovery of additional oil and gas resulting from unit operation.

(3) An application for requesting an order providing for the operation as a unit of one (1) or more pools or parts thereof in a field shall contain:

(a) A plat map showing the proposed unit, the existing spacing units, and well(s) within the units;

(b) The names and addresses of all persons owning mineral interests and working interests in the proposed unit;

(c) An affidavit that the applicant, by certified mail, notified all persons owning unleased mineral interests and working interests in the proposed unit at least sixty (60) days prior to filing the application with the department of the applicant's intention to make the application;

(d) A proposed plan of unit operations for the proposed unit that contains the information in subsection (5) of this section; and

(e) A proposed operating agreement that is consistent with the proposed plan of unit operations.

(4) An application for unit operations shall be subject to the procedures set forth in section 47-324328, Idaho Code.

(5) An order for a unit operation must be upon just and reasonable terms and conditions and shall prescribe a plan for unit operations that include all of the following:

(a) A description of the vertical and horizontal limits of the unit area;

(b) A statement of the nature of the operation contemplated;

(c) A provision for the supervision and conduct of the unit operation that designates an operator of the unit and provides a means to remove the operator and designate a successor operator;

(d) A provision to protect correlative rights, allocating to each separately owned tract in the unit area a just and equitable share of the production that is produced and saved from the unit area, other

than production used or unavoidably lost in the conduct of the unit operation;

(e) A provision for credits and charges to adjust among working interest owners in the unit area for their interest in wells, tanks, pumps, machinery, materials and equipment that contribute to the unit operation;

(f) A provision establishing how the costs of unit operation, including capital investments and costs of terminating the unit operation, shall be determined and charged to each working interest owner or the interest of each owner, including a provision establishing how, when and by whom the share of unit production allocated to an owner who does not pay the share of those costs charged to that owner or to the interest of that owner may be sold and the proceeds applied to the payment of that owner's share of those costs, and how accounts will be settled upon termination of the unit;

(g) A provision, if necessary, for carrying or otherwise financing an owner who elects to be carried or otherwise financed, which allows owners who carry or otherwise finance to recover up to three hundred percent (300%) of the unit costs attributed to an owner who elects to be carried or otherwise financed payable out of that owner's share of the production;

(h) A time when the unit operation is to commence and the manner in which, and the circumstances under which, the unit operation is to terminate and the unit is to be dissolved; and

(i) Additional provisions found to be appropriate to carry on the unit operation, to prevent waste and to protect correlative rights.

(6) An order for a unit operation may provide for a unit operation of less than the whole of a pool so as long as the unit area is of size and shape reasonably required for that purpose and the conduct thereof will have no significant adverse effect upon other portions of the pool.

(7) The department, upon its own determination or upon the application of an owner, may for good cause terminate a unit operation and dissolve the unit on just and equitable terms. If not terminated earlier, the unit operation shall terminate upon final cessation of production from the pool or unitized portion thereof, the plugging and abandonment of unit wells and facilities, and reclamation of the surface.

(8) An order requiring a unit operation shall not become effective until the plan for unit operations approved by the department has been signed and approved in writing by the owners who, under the department's order, will be required to pay at least ~~fifty-five~~ sixty-seven percent (5567%) of the costs of the unit operation, and also signed and approved in writing by the working interest owners of at least ~~fifty-five~~ sixty-seven percent (5567%) of the production of the unit operations, and the department has made a finding in the order that the plan for unit operations has been so approved.

(9) An order providing for unit operation may be amended by an order of the department in the same manner and subject to the same conditions as an original order providing for the unit operation.

(10) The department may issue an order for the unit operation of a pool or pools or parts thereof that includes a unit created by a prior order of the department or by voluntary agreement. This subsequent order, in providing for the allocation of the unit's production, must treat first the unit area previously created as a single tract and then allocate, in the same proportions as those specified in the prior order, the portion of the new unit's production allocated to the previous unit among the separately owned tracts included in the previously created unit area.

(11) The department may approve additions to the unit of portions of a pool not previously included within the unit and may extend the unit area as reasonably necessary to prevent waste or to protect correlative rights. The department may approve exclusions from the unit area as reasonably necessary

to prevent waste or to protect correlative rights. An order adding to or excluding from a unit area must be upon just and reasonable terms.

(a) An order that amends a plan of unit operations and adds an area to a previously established unit shall not become effective until the amended plan of unit operations has been signed and approved in writing by the owners who will be required to pay at least ~~fifty-five~~ sixty-seven percent (5567%) of the costs of the unit operation in the area to be added, and also signed and approved in writing by the working interest owners of at least ~~fifty-five~~ sixty-seven percent (5567%) of the production of the unit operations, and the department has made a finding in the order that the plan for unit operations has been so approved.

(b) An order providing for an exclusion from a unit area may not become effective until an amended plan of unit operations excluding an area from the unit has been approved in writing by the owners in the original unit area that are required to pay at least ~~fifty-five~~ sixty-seven percent (5567%) of the costs of unit operations, and also approved in writing by the working interest owners in the original unit area required to pay at least ~~fifty-five~~ sixty-seven percent (5567%) of the production of the unit operations, and the department has made a finding in the order that the plan for unit operations has been so approved.

(12) Operations, including the commencement, drilling or operation of a well upon a portion of a unit area, are deemed conducted on each separately owned tract in the unit area by the owner or owners thereof. That portion of a unit's production allocated to a separately owned tract in a unit area, when produced, is deemed produced from a well drilled on that tract. Operations conducted under an order of the department providing for a unit operation shall constitute fulfillment of expressed or implied obligations of a lease or contract covering lands within the unit area to the extent that compliance with those obligations is not possible without a further order of the department.

(13) That portion of unit production allocated to a tract and the proceeds of sale for that portion are deemed the property and income of the several persons to whom or to whose credit that portion is allocated or payable under the order providing for unit operation.

(14) A division order or other contract relating to a sale or purchase of production from a separately owned tract or combination of tracts remains in force and applies to oil and gas allocated to the tract until terminated in accordance with provisions of the order providing for unit operation, or in accordance with the terms of such division order or other contract.

(15) Except to the extent that all affected parties agree, an order providing for unit operation does not result in a transfer of all or part of a person's title to the oil and gas rights in a tract in the unit area.

(16) Except to the extent that all affected parties agree, all property, whether real or personal, that may be acquired in the conduct of a unit operation hereunder is deemed acquired for the account of the owners within the unit area and is deemed the property of the owners in the proportion that the expenses of the unit operation are charged.

(17) The formation of a unit and the operation of the unit under an order of the department shall not be in violation of any statute of this state relating to trusts, monopolies, contracts or combinations in the restraint of trade.

SECTION 15. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-322, Idaho Code, and to read as follows:

47-322. OIL AND GAS METERING SYSTEMS. (1) Each meter shall be properly constructed, maintained, repaired and operated to continually and accurately register the quantity of oil and gas produced from the well.

(2) The meter shall be installed, used and operated according to industry standards and guidelines promulgated by the American petroleum institute, American gas association, and the gas processors association that are in effect at the time of installation of the meter. If standards conflict, the most current American petroleum institute standard shall apply.

(3) All custody transfer meters and all allocation meters used in the allocation of custody transfer volumes shall be calibrated by a third party at least quarterly in each calendar year. The records of calibrations shall be maintained by the operator of the meter for at least five (5) years and copies shall be submitted to the department.

SECTION 16. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-323, Idaho Code, and to read as follows:

47-323. COMMINGLING OF PRODUCTION. A producer shall not, prior to metering, commingle production from two (2) or more oil and gas wells without prior approval from the department after notice and opportunity for hearing.

SECTION 17. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-324, Idaho Code, and to read as follows:

47-324. REPORTING REQUIREMENTS. (1) All reporting parties shall file the applicable reports described in this section to the department within the time frames provided. Each report shall be completed on forms prescribed by the department.

(a) Monthly production report. Operators shall file monthly production reports to properly account for all oil, gas and water production and disposition from each well, including the amounts of oil and gas sold from each well. Production reports shall be filed on the required form before the fifteenth day of the second calendar month following the month of production.

(b) Gathering facility report. Operators of a gathering facility shall file monthly reports concerning the operation of the plant on the required form before the fifteenth day of the second calendar month following the month of operation.

(c) Gas processing plant report. The operator of each plant manufacturing or extracting liquid hydrocarbons, including gasoline, butane, propane, condensate, kerosene or other derivatives from natural gas, or refinery or storage vapors, shall file a report concerning the operation of the plant on the required form before the fifteenth day of the second calendar month following the month of operation.

(d) Monthly transportation and storage report. Each gatherer, transporter, storer or handler of crude oil or hydrocarbon products, or both, shall file monthly reports showing the required information concerning the transportation operations of the gatherer, transporter, storer or handler before the fifteenth day of the second calendar month following the month of operation. The provisions of this subsection shall not apply to the operator of any refinery, processing plant, blending plant or treating plant if the operator of the well has filed the required form.

(e) Monthly purchaser report. Any person who purchases or is entitled to purchase any product that is subject to the state of Idaho severance tax from the producer or operator of a lease located in this state shall file monthly reports to account for the purchase of all hydrocarbons, including volume and price paid. Purchaser reports shall be filed on

the required form before the fifteenth day of the second calendar month following the month in which the hydrocarbons were purchased.

(2) All well test reports. An operator shall file all well test reports within thirty (30) days of completing or recompleting the well. The reports shall include all oil, gas and water produced during all tests.

(3) Well production potential test reports. Unless otherwise provided for in this section, each operator of producing gas or oil wells shall test each producing well for a twenty-four (24) hour period every six (6) months and shall record all oil, gas and water volumes, including choke size, pressures and any interim bottom hole pressure surveys every six (6) months, resulting from the test on the form.

(4) Logs. An operator shall file all logs, including but not limited to those listed in this subsection, not later than thirty (30) days after the date the log was run, if run:

(a) An open hole electrical, radioactivity or other similar log, or combination of open hole logs of the operator's choice;

(b) A gamma ray log from total depth to ground level elevations. The operator may require a shorter-logged interval if it determines that the log is unnecessary or impractical or if hole conditions risk jeopardizing the open hole; and

(c) A cement bond log across the casing, verifying the formation seal integrity and isolation.

(5) Additional reports. An operator shall file a drilling, completion, workover or plugging report within thirty (30) days of completing or plugging the well.

(6) The department shall report quarterly to the commission on the produced volumes of oil and gas, sales volumes of oil and gas, and the meeting of industry standards.

(7) Should an operator fail to comply with this section, the commission may assess a penalty in accordance with section 47-329(3), Idaho Code, or may order the well or oil and gas facilities to be shut-in, after notice, opportunity to cure, and opportunity for a hearing.

SECTION 18. That Section 47-326, Idaho Code, be, and the same is hereby amended to read as follows:

47-326325. FALSIFICATION OF RECORDS -- LIMITATION OF ACTIONS. (a₁) Any person who, for the purpose of evading this act or any rule, regulation or order of the commission shall make or cause to be made any false entry in any report, record, account, or memorandum required by this act, or by any such rule, regulation or order, or shall omit, or cause to be omitted, from any such report, record, account, or memorandum, full, true and correct entries as required by this act, or by any such rule, regulation or order, or shall remove from this state or destroy, mutilate, alter or falsify any such record, account, or memorandum, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five thousand dollars (\$5,000) or imprisonment for a term not exceeding twelve (12) months, or to both such fine and imprisonment.

(b₂) No suit, action or other proceeding based upon a violation of this act or any rule, regulation or order of the commission hereunder shall be commenced or maintained unless same shall have been commenced within one (1) year from date of the alleged violation. Provided however, the provisions of this subsection shall not apply to actions governed by the provisions of chapter 52, title 67, Idaho Code.

SECTION 19. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-326, Idaho Code, and to read as follows:

47-326. PUBLIC DATA. (1) Subject only to any applicable provisions of section 47-327, Idaho Code, the following data is public information that shall not be considered trade secret information under chapter 8, title 48, Idaho Code, nor be exempt from public records disclosure under chapter 1, title 74, Idaho Code. Except as provided in section 47-327, Idaho Code, the department shall, upon receipt of the information, make publicly available all data under this section on its website without requiring any person to submit a public records request:

(a) All reports required under section 47-324(1) through (5), Idaho Code;

(b) All well plats; and

(c) All state-required permits, except seismic data.

(2) The department shall provide complete internet access to all documents in subsection (1) of this section, not granted confidential status, on its website by no later than December 31, 2017.

(3) A claim to exempt data from disclosure shall be supported and accompanied by a specific citation to the law authorizing an exemption from disclosure and an explanation of how the data meets the standards for being withheld from disclosure. When a portion of a record or a portion of a page in that record is subject to disclosure and the other portion is subject to a claim that it is exempt from disclosure under this chapter or chapter 1, title 74, Idaho Code, the person making the claim must clearly identify the portion claimed as exempt and the portion not claimed as exempt from disclosure at the time of submittal.

SECTION 20. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-327, Idaho Code, and to read as follows:

47-327. CONFIDENTIALITY OF WELL AND TRADE INFORMATION. (1) Information that shall be held confidential from the public includes logs of a well granted confidential well status pursuant to subsection (2) of this section, electrical or radioactivity logs, electromagnetic or magnetic surveys, core descriptions and analyses, maps, and other geological, geophysical and engineering information. Seismic data shall remain confidential from all parties at the discretion of the operator due to the nature of purchasing and licensing such data.

(2) An operator may request confidential well status at the time of filing an application for a permit to drill. The information in the application form itself will not be confidential.

(a) Confidential status shall be granted and shall include all pertinent data and information relating to drilling completion and testing the well. Such information shall be kept confidential from the public for a period of one hundred eighty (180) days after completion of the well.

(b) Well test results shall be kept confidential from the public for a period of one hundred eighty (180) days after completion of the test.

(c) No extensions shall be allowed beyond the one hundred eighty (180) day confidentiality period.

(3) An operator may request that well logs for a well with confidential well status be held confidential.

(a) To obtain confidential treatment of a well log, the operator of the well shall place the log in an envelope, noting log readings and marked "confidential."

(b) An operator may request, and the department may grant, an additional six (6) months of confidentiality for well logs.

(c) Confidential status for a well log shall terminate six (6) months after the run date on the log or, in the case of an extension, twelve (12) months after the run date on the log. Confidential status for a well log

shall not continue for a period in excess of twelve (12) months from the date the log was run on the well.

(4) The state tax commission, the oil and gas conservation commission, the Idaho geologic survey and other state agencies shall share oil and gas records when necessary for those agencies to carry out their duties assigned by law, regardless of whether the records are held confidential from the public under this section. This sharing of records shall not render the shared records subject to disclosure to the public under the public records act.

(5) All state agencies, state employees, contract personnel, temporary personnel and their agents or affiliates shall be governed by the confidentiality provisions of this section and shall be subject to sections 74-117 and 74-118, Idaho Code, should any information or records protected under statute be disclosed.

SECTION 21. That Section 47-324, Idaho Code, be, and the same is hereby amended to read as follows:

47-324328. RULES FOR COMMISSION -- ADMINISTRATIVE PROCEDURES. (a1) The commission shall have authority to hear rulemaking proceedings, complaints filed with it pursuant to this chapter and appeals from the director's oil and gas administrator's decision on an application filed pursuant to this chapter, and any other matter the commission decides should be heard by the commission. The commission may act on its own motion. The commission may prescribe rules governing the procedure before it, subject to the provisions of the administrative procedure act, chapter 52, title 67, Idaho Code. Provided however, that no rulemaking except for that done under section 67-5226, Idaho Code, may be conducted for twelve (12) months beginning on July 1, 2017.

(b2) In all cases where { a complaint is made by the commission or any person that any provision of this act, or any rule or order of the commission is being violated, notice the commission shall serve notice of any hearing to be held on such application or complaint, the commission shall serve notice on to the interested parties persons by certified mail, return receipt requested, or in the same manner as is provided in the rules of civil procedure for the service of summons in civil actions. Where the interested party person is unknown or cannot be located, the commission shall serve notice by publishing at least one (1) notice of the hearing to such person in a newspaper in the county where the affected tract is located. Such notice must be sent, delivered or published, as appropriate, at least five (5) business days before the date of the hearing.

(e3) Except as provided in section 47-320316(1) (a), Idaho Code, and subsection (b2) of this section, any request for an order related to oil and gas activities within the commission's jurisdiction, other than a civil penalty proceeding pursuant to section 47-325329, Idaho Code, or other enforcement action by the department of lands or the commission, shall be made by application to the department of lands.

(ia) The department shall notify the applicant within five (5) business days of receipt of an application if the application is administratively incomplete, and in such notice shall identify the missing item or items to be supplied in order to make the application complete.

(iib) A decision on the merits of the application shall be made by the director oil and gas administrator. The director's oil and gas administrator's decision shall not be subject to any motion for reconsideration or further review, except for appeal to the commission provided in subsection (d4) of this section.

(iiic) For applications involving an order regarding unit operations or integration of a drilling unit, the department shall send a copy of the application and supporting documents to all known and located uncommitted owners, to all working interest owners within the unit, and to the

respective city or county where the proposed unit is located. The mailing shall include notice of the hearing date on which the director oil and gas administrator will consider the application. The application shall be redacted pursuant to section 47-322(f), Idaho Code, and sent by certified mail. Upon request, the applicant shall reimburse the department for actual mailing costs incurred under this subsection. For any uncommitted owners and working interest owners who cannot be located, an applicant shall publish notice of any application for an order once in a newspaper in the county in which the affected property is located, and request the department publish notice on its website, within seven (7) calendar days of filing of the complete application. Only an uncommitted owner in the affected unit may file an objection or other response to the application, and the uncommitted owner shall file seven (7) calendar days before the hearing date provided in the notice.

(ivd) For applications not involving paragraph (iii)c) of this subsection, including exceptional locations, any uncommitted owner within the area defined in the application may file an objection or other response to the application, and the uncommitted owner shall file seven (7) calendar days before the hearing date provided in the notice.

(ve) The director oil and gas administrator shall hear an application within thirty (30) calendar days of the filing of a complete application. Discovery is not permitted. The director oil and gas administrator shall issue a written decision on any such application within thirty (30) calendar days of the hearing.

(d4) The director's oil and gas administrator's decision on an application for an order may be appealed to the commission by the applicant or any owner who filed an objection or other response to the application within the time required. An appeal must be filed with the director oil and gas administrator within fourteen (14) calendar days of the date of issuance of the director's oil and gas administrator's written decision. The date of issuance shall be three (3) calendar days after the director oil and gas administrator deposits the decision in the U.S. mail, or the date on which he remits a decision electronically. Such appeal shall include the reasons and authority for the appeal, and shall identify any facts in the record supporting the appeal. Any person appealing shall serve a copy of the appeal materials on any other person who participated in the proceedings below, by certified mail, or by personal service. Any person who participated in the proceeding below may file a response to the appeal within five (5) calendar days of service of a copy of the appeal materials. The appellant shall provide the director oil and gas administrator with proof of service of the appeal materials on other persons as required in this section. The commission shall make a decision based on the record below as set forth in the written submissions of only the appellant and any other participating qualified person, the director's oil and gas administrator's decision, and any oral argument taken by the commission at an appeal hearing.

(e5) Appeals to the commission shall be heard at the next regularly scheduled commission hearing, or at a special meeting of the commission if determined by the commission. In no case will a hearing be later than thirty (30) days after the filing of an appeal. The commission may take argument from, but not new testimony of, the appellant and other qualified participating persons at the hearing. The commission shall make a decision on the appeal at the hearing and direct the department to issue a written order within five (5) business days of the hearing. The prevailing party shall draft a proposed written order and submit it to the department within two (2) business days. The final order of the commission shall not be subject to any motion for reconsideration.

(f6) If no appeal is filed with the commission within the required time, the decision of the director oil and gas administrator shall become the final order.

(g7) Judicial review of actions taken by the commission shall be governed by the provisions of chapter 52, title 67, Idaho Code. Only a person qualified under subsection (d4) of this section who has completed the appeal procedures set forth in this section shall be considered to have exhausted administrative remedies as required in section 67-5271, Idaho Code.

(h8) Each order shall include a reasoned statement in support of the decision, including a concise statement of facts supporting any findings, a statement of available procedures and time limits for appeals. Findings must be based exclusively on materials in the record. The applicant and any participating qualified person shall be served with a copy of the order. The order shall include or be accompanied by a certificate of service.

(i9) Every application shall be signed by the applicant or his representative, and his address shall be stated thereon. The signature of the applicant or his representative constitutes a certificate by him that he has read the application and that to the best of his knowledge, information and belief there is good ground to support the same. Each application shall be of such form and content and accompanied by the number of copies required by rule of the commission. Each application shall be accompanied by a fee as established in statute or rule.

SECTION 22. That Section 47-325, Idaho Code, be, and the same is hereby amended to read as follows:

47-325329. POWERS OF COMMISSION -- WITNESSES -- PENALTY. (a1) The commission shall have the power to summon witnesses, to administer oaths, and to require the production of records, books, and documents for examination at any hearing or investigation conducted by ~~it~~ the commission.

(b2) In case of failure or refusal on the part of any person to comply with a subpoena issued by the commission, or in case of refusal of any witness to testify as to any matter regarding which he may be interrogated, any district court in the state, upon the application of the commission, may issue an attachment for such person and compel him to comply with such subpoena, and to attend before the commission and produce such records, books, and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

(e3) Any person who violates or fails to comply with any of the provisions of this chapter or any rules or orders made or promulgated hereunder may be assessed a civil penalty by the commission or its duly authorized agent of not more than ten thousand dollars (\$10,000) for each violation and shall be liable for reasonable attorney's fees. Each day the violation continues shall constitute a separate and additional violation, punishable by separate and additional civil penalties in like amount or other like civil penalties as determined by the commission; provided that the civil penalties do not begin to accrue until the date notice of violation and opportunity to be heard are given.

(1a) Assessment of a civil penalty may be made in conjunction with any other commission administrative action.

(2b) No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to chapter 52, title 67, Idaho Code, which civil penalty begins to accrue no earlier than the date notice of violation and opportunity for a hearing are given.

(3c) If the commission is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the commission, it may recover such amount by action in the appropriate district court.

(4d) Any person against whom the commission has assessed a civil penalty under the provisions of this section may, within twenty-eight (28) days of the final action by the agency making the assessment,

appeal the assessment to the district court of the county in which the violation is alleged by the commission to have occurred pursuant to chapter 52, title 67, Idaho Code.

(5e) All civil penalties collected pursuant to this section shall be remitted to the oil and gas conservation fund.

(d4) Whenever it shall appear that any person is violating or threatening to violate any provision of this act or any rule, regulation, or order made hereunder, the commission may bring a civil action in the name of the state against such person in the district court in the county of the residence of the defendant, or in the county of the residence of any defendant, if there be more than one (1) defendant, or in the county where the violation is alleged to have occurred, to restrain such person from continuing such violation or from carrying out the threat of violation. In such suit, the court may grant injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions. In such suit, the commission may seek damages to recover costs caused by such violation including, but not limited to, costs of well control, spill response and cleanup, restoration of fresh waters, well plugging and abandonment, and reclamation of surface disturbance.

(e5) Nothing in this act, and no suit by or against the commission, and no violation charged or asserted against any person under any provisions of this act, or any rule, regulation or order issued hereunder, shall impair or abridge or delay any cause of action for damages which any person may have or assert against any person violating any provision of this act, or any rule, regulation, or order issued thereunder. Any person so damaged by the violation may sue for and recover such damages as he otherwise may be entitled to receive. In the event the commission shall fail to bring suit to enjoin any actual or threatened violation of this act, or of any rule, regulation or order made hereunder, then any person or party in interest adversely affected and who has, ten (10) days or more prior thereto, notified the commission in writing of such violation or threat thereof and has requested the commission to sue, may, to prevent any or further violation, bring suit for that purpose in the district court of any county in which the commission could have brought suit.

(f6) Any person who knowingly violates any provision of this chapter, or any of the rules promulgated hereunder for carrying out the provisions of this chapter, or who knowingly fails or refuses to comply with any requirements herein specified, or who knowingly interferes with the commission, its agents, designees or employees in the execution or on account of the execution of its or their duties under this chapter or rules promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five thousand dollars (\$5,000) or be imprisoned in a county jail for not more than twelve (12) months, or be subject to both such fine and imprisonment.

(g7) Nothing in this chapter shall be construed as requiring the commission to report minor violations for prosecution when it believes that the public interest will be best served by suitable warnings or other administrative action.

SECTION 23. That Section 47-330, Idaho Code, be, and the same is hereby amended to read as follows:

47-330. OIL AND GAS CONSERVATION FUND CREATED -- TAX. (1) For the purposes of paying the expenses of administration of this act and for the privilege of extracting oil and gas in this state, there is hereby levied and imposed on all oil and gas produced, saved and sold or transported from the premises in Idaho where produced a tax of two and one-half percent (2.5%) of the gross income received by the producer of the oil ~~or~~ and gas produced. "Gross income" shall mean the amount realized by the producer for sale of the

oil ~~or~~ and gas, whether the sale occurs at the wellhead or after transportation of the product, without deduction for marketing, transportation, manufacturing, and processing costs borne by the producer. Where the parties to the sale are related parties and the sales price is lower than the price for which that oil ~~or~~ and gas could otherwise have been sold to a ready, willing, and able buyer and where the taxpayer was legally able to sell the oil ~~or~~ and gas to such a buyer, gross income shall be determined by reference to comparable arms-length sales of like kind, quality, and quantity in the same field or area. For purposes of this subsection, "related parties" shall be as defined in section 267 of the Internal Revenue Code, as defined, in section 63-3004, Idaho Code. This tax is in addition to all other taxes provided by law. It shall be the duty of the state tax commission to enforce collection of this tax and to make such rules as may be necessary, pursuant to the provisions of chapter 52, title 67, Idaho Code. All money so collected shall be remitted to the state treasurer for deposit in the oil and gas conservation fund, which fund is hereby created in the office of the state treasurer of the state of Idaho.

(2) The persons owning an interest, working interest, royalty interest, payments out of production, or any other interest in the oil and gas, or in the proceeds thereof, shall be liable for such tax in proportion to their ownership at the time of production. The tax so assessed and fixed shall be payable ~~quarterly~~ monthly, and the sum so due shall be remitted to the state tax commission, on or before the twentieth of the ~~next~~ month following the ~~preceding quarter~~ month in which the tax accrued, by the producer on behalf of himself and all other interested persons. The person remitting the tax, as herein provided, is hereby empowered and required to deduct from any amounts due the persons owning an interest in the oil and gas, or in the proceeds thereof, at the time of production a proportionate amount of such tax before making payment to such persons.

(3) The tax imposed by this section shall apply to all lands in the state of Idaho, anything in this act to the contrary notwithstanding; provided however, there shall be exempted from the tax hereinabove levied and assessed the following, to wit:

(a) The interest of the United States of America and the interest of the state of Idaho and the political subdivisions thereof in any oil ~~or~~ and gas or in the proceeds thereof.

(b) The interest of any Indian or Indian tribe in any oil ~~or~~ and gas or the proceeds thereof, produced from lands subject to the supervision of the United States.

(c) Oil and gas used in producing operations or for repressuring or recycling purposes.

(4) To the extent that such sections are not in conflict with the provisions of this act, the deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A, 63-3068, 63-3071 and 63-3075 through 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due. Said sections shall for this purpose be considered a part of this act and wherever liens or any other proceedings are defined as income tax liens or proceedings they shall, when applied in enforcement or collection pursuant to this act, be described as an oil and gas tax lien or proceeding.

The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment or any other amount erroneously or illegally collected shall be paid or satisfied out of the state refund account created by section 63-3067, Idaho Code.

(5) All moneys collected under this chapter shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) For the balance of the proceeds, forty percent (40%) shall be distributed by the end of the month following each ~~quarterly~~ monthly due date by the state tax commission into any oil and gas revenue share account as follows:

(i) ~~Twenty-eight~~ Forty-four percent (28~~44~~4%) is hereby appropriated and shall be paid to the current expense fund of the county from which the oil ~~or~~ and gas was produced, to be used to mitigate the impacts associated with oil and gas production, development and transportation in that county;

(ii) Twenty-eight percent (28%) is hereby appropriated and shall be paid to the cities within the county from which the oil ~~or~~ and gas was produced. Such funds shall be distributed to each city based upon the proportion that the city's population bears to the total population of all of the cities within the county; and

(iii) Twenty-eight percent (28%) is hereby appropriated and shall be paid to the public school income fund; and

~~(iv) Sixteen percent (16%) shall be transferred to the local economic development account that is hereby created in the agency asset fund to provide assistance in those counties experiencing a severe economic hardship due to the cutback or closure of business and industry associated with oil or gas production.~~

(c) The remainder of the moneys deposited into the oil and gas conservation fund, sixty percent (60%) of the proceeds after refunds, may be expended pursuant to legislative appropriation and shall be used for defraying the expenses of the oil and gas conservation commission in carrying out the provisions of this act. At the beginning of each fiscal year, those moneys in the oil and gas conservation fund, after applicable refunds and distribution as noted in paragraphs (a) and (b) of this subsection, that exceed two hundred percent (200%) of the current year's appropriations for the oil and gas conservation commission shall be transferred to the general fund. The oil and gas conservation commission shall audit all bills for salaries and expenses incurred in the enforcement of this act that may be payable from the oil and gas conservation fund that shall be audited, allowed and paid as to the claims against the state.

SECTION 24. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-331, Idaho Code, and to read as follows:

47-331. OBLIGATION TO PAY ROYALTIES AS ESSENCE OF CONTRACT -- INTEREST. (1) The obligation arising under an oil and gas lease to pay oil and gas royalties to the royalty owner or the owner's assignee, to deliver oil and gas to a purchaser to the credit of the royalty owner or the owner's assignee, or to pay a portion of the proceeds of the sale of the oil and gas to the royalty owner or the owner's assignee is of the essence in the lease contract.

(2) Unless otherwise agreed by the parties:

(a) A royalty of no less than twelve and one-half percent (12.5%) of the oil and gas or natural gas plant liquids produced and saved shall be paid. The lessee shall make payments in legal tender unless written instructions for payment in kind have been provided.

(b) Royalty shall be due on all production sold from the leased premises except on that consumed for the direct operation of the producing wells and that lost through no fault of the lessee.

(3) If the operator under an oil and gas lease fails to pay oil and gas royalties to the royalty owner or the owner's assignee within one hundred twenty (120) days after the first production of oil and gas under the lease is marketed, or within sixty (60) days for all oil and ninety (90) days for all gas produced and marketed thereafter, the unpaid royalties shall bear interest at the maximum rate of interest authorized under section 28-22-104(1), Idaho Code, from the date due until paid. Provided, however, that whenever the aggregate amount of royalties due to a royalty owner for a twelve (12) month period is less than one hundred dollars (\$100), the operator may remit the royalties on an annual basis without any interest due.

(4) A royalty owner seeking a remedy for failure to make payments under the lease or seeking payments under this section may file a complaint with the commission or may bring an action in the district court pursuant to section 47-333, Idaho Code. The prevailing party in any proceeding brought under this section is entitled to recover court costs and reasonable attorney's fees.

(5) This section does not apply if a royalty owner or the owner's assignee has elected to take the owner's or assignee's proportionate share of production in kind or if there is a dispute as to the title of the minerals or entitlement to royalties, the outcome of which would affect distribution of royalty payments.

SECTION 25. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-332, Idaho Code, and to read as follows:

47-332. REPORTS TO ROYALTY OWNERS. (1) Each royalty payment shall be accompanied by an oil and gas royalty check stub that includes the following information:

- (a) Lease or well identification;
- (b) Month and year of sales included in the payment;
- (c) Total volumes of oil, condensate, natural gas liquids or other liquids sold in barrels or gallons, and gas in MCF;
- (d) Price per barrel, gallon, or MCF, including British thermal unit adjustment of gas sold;
- (e) Severance taxes attributable to said interest;
- (f) Net value of total sales attributed to such payment after deduction of severance taxes;
- (g) Owner's interest in the well, expressed as a decimal to eight (8) places;
- (h) Royalty owner's share of the total value of sales attributed to the payment before any deductions;
- (i) Royalty owner's share of the sales value attributed to the payment, less the owner's share of the severance taxes;
- (j) An itemized list of any other deductions; and
- (k) An address at which additional information pertaining to the royalty owner's interest in production may be obtained and questions may be answered. If information is requested by certified mail, an answer must be mailed by certified mail within thirty (30) days of receipt of the request.

(2) All revenue decimals shall be calculated to at least eight (8) decimal places.

(3) All oil and gas volumes shall be measured by certified and proved meters.

(4) The lessee must maintain, for a period of five (5) years, and make available to the lessor upon request, copies of all documents, records or

reports confirming the gross production, disposition and market value including gas meter readings, pipeline receipts, gas line receipts and other checks or memoranda of the amount produced and put into pipelines, tanks, or pools and gas lines or gas storage, and any other reports or records that the lessor may require to verify the gross production, disposition and market value.

SECTION 26. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-333, Idaho Code, and to read as follows:

47-333. ACTION FOR ACCOUNTING FOR ROYALTY. (1) Whenever an owner of a royalty interest makes a written demand for an accounting of the oil and gas produced, but no more frequently than once every twenty-four (24) months, and makes written demand for delivery or payment of his royalty as may then be due upon the person or persons obligated for the delivery or payment of the royalty, and the obligated persons then fail to make the accounting demanded and the payment or delivery of the royalty due within a period of ninety (90) days following the date upon which the demand is made, then the royalty owner may file an action in the district court of the county wherein the lands are located to compel the accounting demanded and to recover the payment or delivery of the royalty due against the person or persons obligated.

(2) In such an action, the prevailing party or parties shall be entitled to reasonable attorney's fees to be allowed by the court, together with the costs allowed to a prevailing party, pursuant to section 12-120, Idaho Code.

(3) The remedies under this section are not exclusive and do not abrogate any right or remedy under other laws of this state.

SECTION 27. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-334, Idaho Code, and to read as follows:

47-334. USE OF SURFACE LAND BY OWNER OR OPERATOR. (1) For the purposes of this section, the following definitions shall apply:

(a) "Surface land" means land upon which oil and gas operations are conducted.

(b) "Crops" means any growing vegetative matter used for an agricultural purpose, including forage for grazing and domesticated animals.

(c) "Surface landowner" means a person who owns all or part of the surface land as shown by the records of the county in which the surface land is located. Surface landowner does not include the surface landowner's lessee, renter, tenant or other contractually related person.

(d) "Surface landowner's property" means a surface landowner's surface land, crops on the surface land and existing improvements on the surface land.

(e) "Surface use agreement" means an agreement between an owner or operator and a surface landowner addressing the use and reclamation of surface land owned by the surface landowner and compensation for damage to the surface land caused by oil and gas operations that result in loss of the surface landowner's crops on the surface land, loss of value of existing improvements owned by the surface landowner on the surface land and permanent damage to the surface land.

(2) An owner or operator may:

(a) Enter onto surface land under which the owner or operator holds rights to conduct oil and gas operations; and

(b) Use the surface land:

(i) To the extent reasonably necessary to conduct oil and gas operations; and

- (ii) Consistent with allowing the surface landowner the greatest possible use of the surface landowner's property, to the extent that the surface landowner's use does not interfere with the owner's or operator's oil and gas operations.
- (3) Except as is reasonably necessary to conduct oil and gas operations, an owner or operator shall:
 - (a) Mitigate the effects of accessing the surface landowner's surface land;
 - (b) Minimize the interference with the surface landowner's use of the surface landowner's property; and
 - (c) Compensate a surface landowner for unreasonable:
 - (i) Loss of a surface landowner's crops on the surface land;
 - (ii) Loss of value to existing improvements owned by a surface landowner on the surface land; and
 - (iii) Permanent damage to the surface land.
- (4) For the purposes of this section, an owner or operator is not required to:
 - (a) Obtain location or spacing exceptions from the department or commission; or
 - (b) Utilize directional or horizontal drilling techniques that are not:
 - (i) Technologically feasible;
 - (ii) Economically practicable; or
 - (iii) Reasonably available.
- (5) The provisions of subsection (2) of this section do not apply to the extent that they conflict with or impair a contractual provision relevant to an owner's or operator's use of surface land for oil and gas operations.
- (6) (a) The provisions of this section do not prevent:
 - (i) A person from seeking a remedy allowed by law; or
 - (ii) An owner or operator and a surface landowner from addressing the use of surface land for oil and gas operations through a lease, a surface use agreement or another written contract.(b) An agreement described in paragraph (a)(ii) of this subsection shall control:
 - (i) The use of surface land for oil and gas operations; and
 - (ii) Compensation for damage to the surface land caused by oil and gas operations.
- (7) A nonbinding mediation may be requested by a surface landowner and an owner or operator by providing written notice to the other party if they are unable to agree on the amount of damages for unreasonable crop loss on the surface land, unreasonable loss of value to existing improvements owned by the surface landowner on the surface land, or unreasonable permanent damage to the surface land. A mediator may be mutually selected by a surface landowner and an owner or operator. The surface landowner and the owner or operator shall equally share the cost of the mediator's services. The mediation provisions of this section do not prevent or delay an owner or operator from conducting oil and gas operations in accordance with applicable law.
- (8) A surface use bond shall be furnished to the department by the owner or operator in accordance with the following provisions:
 - (a) A surface use bond does not apply to surface land where the surface landowner is a party or a successor of a party to:
 - (i) A lease of the underlying privately owned oil and gas;
 - (ii) A surface use agreement applicable to the surface landowner's surface land; or
 - (iii) A contract, waiver or release addressing an owner's or operator's use of the surface landowner's surface land.
 - (b) The surface use bond shall be in the amount of six thousand dollars (\$6,000) per well site and shall be conditioned upon the performance by the owner or operator of the duty to protect a surface landowner against

unreasonable loss of crops on surface land, unreasonable loss of value of existing improvements, and unreasonable permanent damage to surface land.

(c) The surface use bond shall be furnished to the department on a form designed by the department after good faith negotiation and prior to the approval of the application for a permit to drill. The mediation process identified in this section may commence and is encouraged to be completed. The department may accept a surface use bond in the form of a cash account or a certificate of deposit. Interest will remain within the account. The department may allow the owner or operator, or a subsequent owner or operator, to replace an existing surface use bond with another bond that provides sufficient coverage. The surface use bond shall remain in effect by the operator until released by the department.

(d) The surface use bond shall be payable to the department for the use and benefit of the surface landowner, subject to this section. The surface use bond shall be released to the owner or operator after the department receives sufficient information that:

(i) A surface use agreement or other contractual arrangement has been reached;

(ii) Final resolution of the judicial appeal process for an action for unreasonable damages has occurred and damages have been paid; or

(iii) Plugging and abandonment of the well is completed.

(e) The department shall make a reasonable effort to contact the surface landowner prior to the department's release of the surface use bond.

SECTION 28. That Section 74-108, Idaho Code, be, and the same is hereby amended to read as follows:

74-108. EXEMPTIONS FROM DISCLOSURE -- ARCHAEOLOGICAL, ENDANGERED SPECIES, LIBRARIES, LICENSING EXAMS. The following records are exempt from disclosure:

(1) Records, maps or other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.

(2) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.

(3) Documents and data related to oil and gas production submitted to the department of lands or the oil and gas conservation commission under the provisions of chapter 3, title 47, Idaho Code, provided that the records qualify for confidential status under section 47-327, Idaho Code, under the conditions and for the time provided by statute.

(4) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.

(45) The material of a library, museum or archive that has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.

(56) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(67) Land management plans required for voluntary stewardship agreements entered into pursuant to law and written agreements relating to the conservation of all species of sage grouse entered into voluntarily by owners or occupiers of land with a soil conservation district.

SECTION 29. That Section 42-233, Idaho Code, be, and the same is hereby amended to read as follows:

42-233. LOW TEMPERATURE GEOTHERMAL RESOURCE. (1) The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation, except as provided in subsection (2) of this section. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; and (iii) the exemption is in the public interest.

(2) The use of low temperature geothermal resources for the development and operation of oil and gas wells permitted under section 47-320316, Idaho Code, shall not be subject to the provisions of this chapter. However, the director of the department of water resources may initiate a contested case in accordance with the provisions of chapter 52, title 67, Idaho Code, and the rules of procedure promulgated by the department, if the department has reason to believe that an oil and gas well will cause, is causing or has caused, significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to water rights existing at the time of the development of the oil and gas well or to a water resource that can be beneficially used. The evidence of causation must come from the department or be credible information from a water right or a geothermal resource permit holder existing at the time of the development of the oil and gas well. It shall be the burden of the entity operating the oil and gas well to establish that it will not cause, is not causing and has not caused significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to existing water rights existing at the time of the development of the oil and gas well or to a water resource that can be beneficially used. If the director determines that the well will cause, is causing or has caused significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to a water right existing at the time of the development of the oil and gas well or to a water resource that can be beneficially used, the director may order the operator to take measures to mitigate those impacts.

(3) Any owner of a well who engages in the drilling, redrilling, modifying or deepening of any low temperature geothermal well shall file with the director of the department of water resources a surety bond or cash bond in the penal sum of not less than five thousand dollars (\$5,000) or more than twenty thousand dollars (\$20,000) as determined by the director of the department of water resources based on the temperature, depth and pressure of the resource, the size and depth of the well, and any other relevant factors. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this chapter and chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. The bond shall remain in effect for one (1) year following completion of

drilling, redrilling, modifying or deepening of the well or until released in writing by the director, whichever occurs first.

(4) All permits, licenses, decreed rights and valid claims to a right to the use of ground water which would be classified as a low temperature geothermal resource having a priority date prior to July 1, 1987, remain valid and the bond provisions of subsection (3) of this section are not applicable unless the well from which the right diverts water is modified or deepened. The provisions of this section shall not be applicable to all permits, licenses and rights to the use of geothermal resources as defined in chapter 40, title 42, Idaho Code, which would be classified as a low temperature geothermal resource under this section, issued or proclaimed prior to July 1, 1987, and the bond provisions of subsection (3) of this section are not applicable to such wells.

SECTION 30. That Section 42-4003, Idaho Code, be, and the same is hereby amended to read as follows:

42-4003. PERMITS -- APPLICATION -- FEE -- EXCEPTIONS. (1) Any person who, as owner or operator, proposes to construct a well or to alter a well or to construct or to alter an injection well shall first apply to the director for a geothermal resource well permit, except as provided in subsection (2) of this section.

(2) The use of ground water classified as a geothermal resource or material medium for the development and operation of oil and gas wells permitted under section 47-320316, Idaho Code, shall not be subject to the provisions of this chapter. However, the director of the department of water resources may initiate a contested case in accordance with the provisions of chapter 52, title 67, Idaho Code, and the rules of procedure promulgated by the department, if the department has reason to believe that an oil and gas well will cause, is causing or has caused, significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to water rights existing at the time of the development of the oil and gas well or to a geothermal resource that can be beneficially used. The evidence of causation must come from the department or be credible information from a water right holder or a geothermal resource permit holder existing at the time of the development of the oil and gas well. It shall be the burden of the entity operating the oil and gas well to establish that it will not cause, is not causing and has not caused significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to existing water rights existing at the time of the development of the oil and gas well or to geothermal resource that can be beneficially used. If the director determines that the well will cause, is causing or has caused significant negative impacts to pressure, temperature, quality necessary for beneficial use or quantity of water available to a water right existing at the time of the development of the oil and gas well or to a geothermal resource that can be beneficially used, the director may order the operator to take measures to mitigate those impacts.

(3) Such application required pursuant to subsection (1) of this section shall set out the following information on a form or forms prescribed by the department:

(a) The name of any person making the application; if such person is a partnership, joint-venture, association, or other unincorporated group of corporate or natural persons, the names and places of domicile of each of the constituent persons who have general partnership responsibility and authority for and in such unincorporated group of persons; if any person named on a permit application is a corporation, its place of domicile, the names and places of domicile of its principal executive officers, and the names and places of domicile of any person or persons owning a thirty percent (30%) or greater interest, whether

legal, beneficial, or a combined legal and beneficial interest, in such corporate person; if the applicant is making an application as an agent for any other person, it shall be clearly so stated and any person who is the applicant's principal shall be subject to each and all of the disclosure requirements of this subsection; for purposes of this subsection, the domicile of a corporation is at all of the following:

- (i) The place of incorporation;
- (ii) The principal place of business;
- (iii) The place, by city and state, of the home office, and in any instance where domicile is required to be disclosed all of these places shall be specified.

(b) The location of the proposed well; and/or the injection well described particularly by the quarter-quarter section according to the township and range system of the United States public lands survey.

(c) The length, size, type, and thickness of casing proposed to be used in such well and/or such injection well and any other devices or techniques to be used in the drilling, operation, and maintenance of such well and/or injection well for the purpose of conserving geothermal resources and their availability, avoiding waste and for the protection of other subsurface natural resources.

(d) The character and composition of the material expected to be derived from such well.

(e) The means proposed to be used to contain and manage the material expected to be derived from such well or injected into such injection well in order to avoid unreasonable damage to life, property, or surface and atmospheric natural resources.

(f) Whether such well or such injection well is proposed to be constructed as a part of a program for exploration or for development of an already explored geothermal resource area.

(g) Such other information as the director may determine to be necessary for the administration of this chapter.

(4) Any application for a permit to construct a well which is made pursuant to this section, if the construction or operation of such well will involve the use of water, or if such well may be expected to yield water to be used, for any beneficial purpose, other than as a mineral source, an energy source, or otherwise as a material medium, shall be accompanied by an application to appropriate the public waters of this state in the form prescribed in chapter 2, title 42, Idaho Code, and by rules adopted pursuant thereto, and such application to appropriate the public waters shall be governed in all respects by that chapter.

(5) Any application for a permit made pursuant to this section shall be accompanied by a filing fee of:

- (a) Two hundred dollars (\$200) if for a well; or
- (b) One hundred dollars (\$100) for an injection well;

and no application shall be accepted and filed by the director until such filing fee has been deposited with him. All moneys received under the provisions of this chapter shall be deposited with the state treasurer in the water administration fund as provided in section 42-238a, Idaho Code.

(6) No person shall construct or alter a well or an injection well without having first secured a permit therefor; provided however, that the director may, by general rule adopted pursuant to chapter 52, title 67, Idaho Code, exempt specific categories of wells or injection wells otherwise embraced by this chapter upon a finding that the purposes of this chapter do not require that such wells be subject to the permit requirement of this section.

(7) Nothing in this chapter shall be construed as affecting any valid, vested water rights for water in use on or before July 1, 1987.

(8) The director shall have the authority to and may designate any area of the state a "geothermal area" when the director finds or has reason to believe that such designation is necessary to protect the geothermal resource

from waste and to protect other resources of the state from contamination or waste.

(9) No person shall drill a well for any purpose to a depth of three thousand (3,000) feet or more below land surface in a designated "geothermal area" without first obtaining a permit under the provisions of this section. Such permit shall be in addition to any permit required by other provisions of law.

(10) The owner of any well constructed or being constructed pursuant to section 47-320316, Idaho Code, who encounters a geothermal resource, and who intends or desires to utilize such resource, shall make application for a geothermal permit as required under this section, provided however, that no additional filing fee shall be required.

(11) A geothermal resource shall be utilized primarily for its heat value. Usage of a geothermal resource primarily for some reason other than its heat value shall not be deemed a beneficial use of the resource.

SECTION 31. 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 32. 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, except for the provisions of Section 6, which shall go into effect on July 1, 2017.

Approved April 6, 2017

CHAPTER 272

(S.B. No. 1076, As Amended)

AN ACT

RELATING TO PROTECTION OF PUBLIC EMPLOYEES; AMENDING SECTION 6-2104, IDAHO CODE, TO CLARIFY PROVISIONS REGARDING PROHIBITED ADVERSE ACTIONS AGAINST EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 6-2104, Idaho Code, be, and the same is hereby amended to read as follows:

6-2104. REPORTING OF GOVERNMENTAL WASTE OR VIOLATION OF LAW -- EMPLOYER ACTION.

(1) (a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States. Such communication shall be made at a time and in a manner which gives the employer reasonable opportunity to correct the waste or violation.

(b) For purposes of subsection ~~(1)~~ paragraph (a) of this subsection, an employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous.

(2) (a) An employer may not take adverse action against an employee because an employee in good faith participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

(b) For purposes of paragraph (a) of this subsection, an employee participates or gives information in good faith if there is a reasonable basis in fact for the participation or the provision of the information. Good faith is lacking where the employee knew or reasonably ought to have known that the employee's participation or the information provided by the employee is malicious, false or frivolous.

(3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of this state, political subdivision of this state or the United States.

(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document the existence of any waste of public funds, property or manpower, or a violation, or suspected violation of any laws, rules or regulations.

Approved April 6, 2017

CHAPTER 273

(S.B. No. 1090, As Amended)

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTION 39-4503, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONS WHO MAY CONSENT TO THEIR OWN HEALTH CARE; AMENDING SECTION 39-4511A, IDAHO CODE, TO REVISE PROVISIONS REGARDING REVOCATION OF AN ADVANCE DIRECTIVE; AMENDING SECTION 39-4511B, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUSPENSION OF AN ADVANCE DIRECTIVE; AMENDING SECTION 39-4514, IDAHO CODE, TO REVISE PROVISIONS REGARDING PRESUMED CONSENT TO RESUSCITATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-402, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 66-405, IDAHO CODE, TO REVISE PROVISIONS REGARDING ORDER IN PROTECTIVE PROCEEDINGS FOR CERTAIN DEVELOPMENTALLY DISABLED PERSONS.

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

SECTION 1. That Section 39-4503, Idaho Code, be, and the same is hereby amended to read as follows:

39-4503. PERSONS WHO MAY CONSENT TO THEIR OWN CARE. Any person, including one who is developmentally disabled and not a respondent as defined in section 66-402, Idaho Code, who comprehends the need for, the nature of and the significant risks ordinarily inherent in any contemplated hospital, medical, dental, surgical or other health care, treatment or procedure is competent to consent thereto on his or her own behalf. Any health care provider may provide such health care and services in reliance upon such a consent if the consenting person appears to the health care provider securing the consent to possess such requisite comprehension at the time of giving the consent.

SECTION 2. That Section 39-4511A, Idaho Code, be, and the same is hereby amended to read as follows:

39-4511A. REVOCATION OF ADVANCE DIRECTIVE. (1) A living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form or other ~~similar~~ advance directive may be revoked at any time by the maker thereof by any of the following methods:

(a) By being intentionally canceled, defaced, obliterated or burned, torn, or otherwise destroyed by the maker thereof, or by some person in his presence and by his direction;

(b) By a written, signed revocation of the maker thereof expressing his intent to revoke; ~~or~~

(c) By an oral expression by the maker thereof expressing his intent to revoke; or

(d) By any other action that clearly manifests the maker's intent to revoke the advance directive.

~~(2) The maker of the revoked living will and durable power of attorney for health care advance directive is responsible for notifying his health care provider of the revocation. A health care provider who does not have actual knowledge of the revocation is entitled to rely on an otherwise apparently valid advance directive as though it had not been revoked.~~

(3) There shall be no criminal or civil liability on the part of any person for the failure to act upon a revocation of a living will and durable power of attorney for health care, physician orders for scope of treatment (POST) form or other advance directive made pursuant to this chapter unless that person has actual knowledge of the revocation.

SECTION 3. That Section 39-4511B, Idaho Code, be, and the same is hereby amended to read as follows:

39-4511B. SUSPENSION OF ADVANCE DIRECTIVE. (1) A living will and durable power of attorney for health care, physician orders for scope of treatment (POST) form or other ~~similar~~ advance directive may be suspended at any time by the maker thereof by any of the following methods:

(a) By a written, signed suspension by the maker thereof expressing his intent to suspend; ~~or~~

(b) By an oral expression by the maker thereof expressing his intent to suspend; or

(c) By any other action that clearly manifests the maker's intent to suspend the advance directive.

(2) A health care provider who does not have actual knowledge of the suspension is entitled to rely on an otherwise apparently valid advance directive as though it had not been suspended.

(3) Upon meeting the termination terms of the suspension, as defined by the written or oral expression by the maker, the conditions set forth in the living will and durable power of attorney, physician orders for scope of treatment (POST) or other ~~similar~~ advance directive will resume.

SECTION 4. That Section 39-4514, Idaho Code, be, and the same is hereby amended to read as follows:

39-4514. GENERAL PROVISIONS. (1) Application. Except as specifically provided herein, sections 39-4510 through 39-4512B, Idaho Code, shall have no effect or be in any manner construed to apply to persons not executing a living will and durable power of attorney for health care, POST form or other health care directive pursuant to this chapter nor shall these sections in any manner affect the rights of any such persons or of others acting for or on behalf of such persons to give or refuse to give consent or withhold consent for any medical care; neither shall sections 39-4510 through 39-4512B, Idaho Code, be construed to affect chapter 3 or chapter 4, title 66, Idaho Code, in any manner.

(2) Euthanasia, mercy killing, or assisted suicide. This chapter does not make legal, and in no way condones, euthanasia, mercy killing, or assisted suicide or permit an affirmative or deliberate act or omission to end life, including any act or omission described in section 18-4017, Idaho Code, other than to allow the natural process of dying.

(3) Withdrawal of care. Assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision-maker in accordance with section 39-4504, Idaho Code. Health care necessary to sustain life or to provide appropriate comfort for a patient other than assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogated decision-maker in accordance with section 39-4504, Idaho Code, unless such care would be futile care as defined in subsection (6) of this section. Except as specifically provided in chapters 3 and 4, title 66, Idaho Code, health care, assisted feeding or artificial nutrition and hydration, the denial of which is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision-maker in accordance with section 39-4504, Idaho Code, shall be withdrawn and denied in accordance with a valid directive. This subsection does not require provision of treatment to a patient if it would require denial of the same or similar treatment to another patient.

(4) Comfort care. Persons caring for a person for whom artificial life-sustaining procedures or artificially administered nutrition and hydration are withheld or withdrawn shall provide comfort care as defined in section 39-4502, Idaho Code.

(5) Presumed consent to resuscitation. There is a presumption in favor of consent to cardiopulmonary resuscitation (CPR) unless:

~~(a) A completed durable power of attorney for health care or living will for that person is in effect, pursuant to section 39-4510, Idaho Code, in which the person has stated that he or she does not wish to receive cardiopulmonary resuscitation, and any terms set forth in the durable power of attorney for health care or living will upon which such statement is conditioned have been met; or CPR is contrary to the person's advance directive and/or POST;~~

~~(b) The person's surrogate decision-maker has communicated the person's unconditional wishes not to receive CPR;~~

~~(c) The person's surrogate decision-maker has communicated the person's conditional wishes not to receive cardiopulmonary resuscitation CPR and any terms on which the wishes not to receive cardiopulmonary resuscitation are conditioned those conditions have been met; or~~

~~(ed) The person has a physician orders for scope of treatment (POST) form that meets the requirements of section 39-4512A, Idaho Code, stating that the person does not wish to receive cardiopulmonary resuscitation and any terms on which the statement is conditioned have been met and/or has a proper POST identification device pursuant to section 39-4502(15), Idaho Code; or~~

~~(e) The attending health care provider has executed a DNR order consistent with the person's prior expressed wishes or the directives of the legally authorized surrogate decision-maker.~~

(6) Futile care. Nothing in this chapter shall be construed to require medical treatment that is medically inappropriate or futile; provided that this subsection does not authorize any violation of subsection (3) of this section. Futile care does not include comfort care. Futile care is a course of treatment:

(a) For a patient with a terminal condition for whom, in reasonable medical judgment, death is imminent within hours or at most a few days whether or not the medical treatment is provided and that, in reasonable medical judgment, will not improve the patient's condition; or

(b) The denial of which in reasonable medical judgment will not result in or hasten the patient's death.

(7) Existing directives and directives from other states. A health care directive executed prior to July 1, 2012, but which was in the living will, durable power of attorney for health care, DNR, or POST form pursuant to prior Idaho law at the time of execution, or in another form that contained the elements set forth in this chapter at the time of execution, shall be deemed to be in compliance with this chapter. Health care directives or similar documents executed in another state that substantially comply with this chapter shall be deemed to be in compliance with this chapter. This section shall be liberally construed to give the effect to any authentic expression of the person's prior wishes or directives concerning his or her health care.

(8) Insurance.

(a) The making of a living will and/or durable power of attorney for health care, physician orders for scope of treatment (POST) form, or DNR order pursuant to this chapter shall not restrict, inhibit or impair in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of artificial life-sustaining procedures from an insured person, notwithstanding any term of the policy to the contrary.

(b) No physician, health care facility or other health care provider and no health care service plan, insurer issuing disability insurance, self-insured employee plan, welfare benefit plan or nonprofit hospital service plan shall require any person to execute a living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form, or DNR order as a condition for being insured for, or receiving, health care services.

(9) Portability and copies.

(a) A physician orders for scope of treatment (POST) form that meets the requirements of section 39-4512A, Idaho Code, shall be transferred with the person to, and be effective in, all care settings including, but not limited to, home care, ambulance or other transport, hospital, residential care facility, and hospice care. The POST form shall remain in effect until such time as there is a valid revocation pursuant to section 39-4511A, Idaho Code, or new orders are issued by a physician, APPN or PA.

(b) A photostatic, facsimile or electronic copy of a valid physician orders for scope of treatment (POST) form may be treated as an original by a health care provider or by an institution receiving or treating a person.

(10) Registration. A directive or the revocation of a directive meeting the requirements of this chapter may be registered with the secretary of state pursuant to section 39-4515, Idaho Code. Failure to register the health care directive shall not affect the validity of the health care directive.

(11) Rulemaking authority.

(a) The department of health and welfare shall adopt those rules and protocols necessary to administer the provisions of this chapter.

(b) In the adoption of a physician orders for scope of treatment (POST) or DNR protocol, the department shall adopt standardized POST identification devices to be used statewide.

SECTION 5. That Section 66-402, Idaho Code, be, and the same is hereby amended to read as follows:

66-402. DEFINITIONS. As used in this chapter:

- (1) "Adult" means an individual eighteen (18) years of age or older.
- (2) "Artificial life-sustaining procedures" means any medical procedure or intervention which utilizes mechanical means to sustain or supplant a vital function. Artificial life-sustaining procedures shall not include the administration of medication, and it shall not include the performance of any medical procedure deemed necessary to alleviate pain, or any procedure which could be expected to result in the recovery or long-term survival of the patient and his restoration to consciousness.
- (3) "Department" means the Idaho department of health and welfare.
- (4) "Director" means the director of the department of health and welfare.
- (5) "Developmental disability" means a chronic disability of a person which appears before the age of twenty-two (22) years of age and:
 - (a) Is attributable to an impairment, such as intellectual disability, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; and
 - (b) Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
 - (c) Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and individually planned and coordinated.
- (6) "Emancipated minor" means an individual between fourteen (14) and eighteen (18) years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced.
- (7) "Evaluation committee" means an interdisciplinary team of at least three (3) individuals designated by the director or his designee to evaluate an individual as required by the provisions of this chapter. Each committee must include a physician licensed to practice medicine in the state of Idaho, a licensed social worker and a clinical psychologist or such other individual who has a master's degree in psychology as designated by the department director. Each committee member must be specially qualified by training and experience in the diagnosis and treatment of persons with a developmental disability.
- (8) "Facility" means the southwest Idaho treatment center, a nursing facility, an intermediate care facility, an intermediate care facility for people with intellectual disabilities, a licensed residential or assisted living facility, a group foster home, other organizations licensed to provide twenty-four (24) hour care, treatment and training to the developmentally disabled, a mental health center, or an adult and child development center.
- (9) "Lacks capacity to make informed decisions" means the inability, by reason of developmental disability, to achieve a rudimentary understanding of the purpose, nature, and possible risks and benefits of a decision, after conscientious efforts at explanation, but shall not be evidenced by improvident decisions within the discretion allowed nondevelopmentally disabled individuals.
- (10) "Licensed independent practitioner" or "LIP" means:
 - (a) A licensed physician or physician assistant pursuant to section 54-1803, Idaho Code; or

(b) A licensed advance practice registered nurse pursuant to section 54-1402, Idaho Code.

(11) "Likely to injure himself or others" means:

(a) A substantial risk that physical harm will be inflicted by the respondent upon his own person as evidenced by threats or attempts to commit suicide or inflict physical harm on himself; or

(b) A substantial risk that physical harm will be inflicted by the respondent upon another as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or

(c) That the respondent is unable to meet essential requirements for physical health or safety.

(112) "Manage financial resources" means the actions necessary to obtain, administer and dispose of real, personal, intangible or business property, benefits and/or income.

(123) "Meet essential requirements for physical health or safety" means the actions necessary to provide health care, food, clothing, shelter, personal hygiene and/or other care without which serious physical injury or illness would occur.

(134) "Minor" means an individual ~~seventeen (17) years of~~ under age or less eighteen (18) years.

(145) "Protection and advocacy system" means the agency designated by the governor of the state of Idaho to provide advocacy services for people with disabilities pursuant to 42 U.S.C. section 6042.

(156) "Respondent" means the individual subject to judicial proceedings authorized by the provisions of this chapter.

SECTION 6. That Section 66-405, Idaho Code, be, and the same is hereby amended to read as follows:

66-405. ORDER IN PROTECTIVE PROCEEDINGS. (1) If it is determined that the respondent does not have a developmental disability but appears in need of protective services, the court may cause the proceeding to be expanded or altered for consideration under the uniform probate code.

(2) If it is determined that the respondent is able to manage financial resources and meet essential requirements for physical health or safety, the court shall dismiss the petition.

(3) If it is determined that the respondent has a developmental disability and is unable to manage some financial resources or meet some essential requirements for physical health or safety, the court may appoint a partial guardian and/or partial conservator on behalf of the respondent. An order establishing partial guardianship or partial conservatorship shall define the powers and duties of the partial guardian or partial conservator so as to permit the respondent to meet essential requirements for physical health or safety and to manage financial resources commensurate with his ability to do so, and shall specify all legal restrictions to which he is subject. A person respondent for whom a partial guardianship or partial conservatorship has been appointed under this chapter retains all legal and civil rights except those which have by court order been limited or which have been specifically granted to the partial guardian or partial conservator by the court.

(4) If it is determined that the respondent has a developmental disability and is unable to manage financial resources or meet essential requirements for physical health or safety even with the appointment of a partial guardian or partial conservator, the court may appoint a total guardian and/or total conservator.

(5) In the event that more than one (1) person seeks to be appointed guardian and/or conservator, the court shall appoint the person or persons most capable of serving on behalf of the respondent; the court shall not cus-

tomarily or ordinarily appoint the department or any other organization or individual, public or private, that is or is likely to be providing services to the respondent. If an appointment of a guardian is made by will pursuant to section 15-5-301, Idaho Code, such appointment shall be entitled to preference as the guardian under this chapter, if the person so appointed by will is capable of serving on behalf of the respondent and the court finds that it is not in the best interests of the respondent to appoint a different person as guardian.

(6) Subject to the limitations of the provisions of subsection (7) of this section, guardians or conservators may have any of the duties and powers as provided in sections 15-5-312(1) (a) through (d), 15-5-424 and 15-5-425, Idaho Code, and as specified in the order. A guardian shall be required to report to the court at least annually on the status of the ~~person with a developmental disability~~ respondent. A conservator shall be required to file with the court an inventory within ninety (90) days of appointment, an accounting at least annually, and a final accounting at the termination of the appointment of the conservator. All required inventories, accountings and reports shall be under oath or affirmation and shall comply with the Idaho supreme court rules. The court may require a conservator to submit to a physical check of the estate in his control, to be made in any manner the court may specify.

(7) ~~No Except as otherwise provided in subsection (8) of this section, a guardian appointed under this chapter shall have the no authority to refuse or withhold consent for medically necessary treatment when the effect of withholding such treatment would seriously endanger the life or health and well-being of the person with a developmental disability respondent. To withhold or attempt to withhold consent for such treatment shall constitute neglect of the person and may be cause for removal of the guardian. No physician Except as otherwise provided in subsection (8) of this section, no health care provider or caregiver shall, based on such guardian's direction or refusal to consent to care, withhold or withdraw such treatment for a respondent whose condition is not terminal or whose death is not imminent. If the physician or caregiver health care provider cannot obtain valid consent for such medically necessary treatment from the guardian, he the health care provider or caregiver shall provide the medically necessary treatment as authorized by section 39-4504(1) (i), Idaho Code.~~

(8) A guardian appointed under this chapter may consent to withholding or withdrawal of artificial life-sustaining procedures, only if the respondent withdrawing treatment other than appropriate nutrition or hydration to a respondent, and a health care provider may withhold or withdraw such treatment in reliance upon such consent, when in the treating LIP's reasonable medical judgment any of the following circumstances apply:

(a) ~~Has an incurable injury, disease, illness or condition, certified by the respondent's attending physician and at least one (1) other physician to be terminal such that the application of artificial life-sustaining procedures would not result in the possibility of saving or significantly prolonging the life of the respondent, and would only serve to prolong the moment of the respondent's death for a period of hours, days or weeks, and where both physicians certify that death is imminent, whether or not the life-sustaining procedures are used; or~~ The attending LIP and at least one (1) other LIP certifies that the respondent is chronically and irreversibly comatose;

(b) ~~Has been diagnosed by the respondent's attending physician and at least one (1) other physician as being in a persistent vegetative state which is irreversible and from which the respondent will never regain consciousness~~ The treatment would merely prolong dying, would not be effective in ameliorating or correcting all of the respondent's life-threatening conditions, or would otherwise be futile in terms of the survival of the respondent; or

(c) The treatment would be virtually futile in terms of the survival of the respondent and would be inhumane under such circumstances.

(9) Any person who has information that medically necessary treatment of a respondent has been withheld or withdrawn in violation of this section may report such information to adult protective services or to the Idaho protection and advocacy system for people with developmental disabilities, which shall have the authority to investigate the report and in appropriate cases to seek a court order to ensure that medically necessary treatment is provided.

If adult protective services or the protection and advocacy system determines that withholding of medical treatment violates the provisions of this section, they may petition the court for an ex parte order to provide or continue the medical treatment in question. If the court finds, based on affidavits or other evidence, that there is probable cause to believe that the withholding of medical treatment in a particular case violates the provisions of this section, and that the life or health of the patient is endangered thereby, the court shall issue an ex parte order to continue or to provide the treatment until such time as the court can hear evidence from the parties involved. Petitions for court orders under this section shall be expedited by the courts and heard as soon as possible. No bond shall be required of a petitioner under this section.

(10) No partial or total guardian or partial or total conservator appointed under the provisions of this section may without specific approval of the court in a proceeding separate from that in which such guardian or conservator was appointed:

- (a) Consent to medical or surgical treatment the effect of which permanently prohibits the conception of children by the respondent unless the treatment or procedures are necessary to protect the physical health of the respondent and would be prescribed for a person who does not have a developmental disability;
- (b) Consent to experimental surgery, procedures or medications; or
- (c) Delegate the powers granted by the order.

(11) Nothing in this section shall affect the rights of a competent patient or surrogate decision-maker to withhold or withdraw treatment pursuant to section 39-4514, Idaho Code, unless the patient is a respondent as defined in section 66-402, Idaho Code.

Approved April 6, 2017

CHAPTER 274

(S.B. No. 1093, As Amended in the House)

AN ACT

RELATING TO UNLAWFUL ENTRY; AMENDING SECTION 18-7034, IDAHO CODE, TO PROVIDE THAT A PERSON WHO ENTERS A PERMANENT OR TEMPORARY DWELLING WITHOUT CONSENT WHILE BEING PURSUED BY A PEACE OFFICER IS GUILTY OF A FELONY, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 18-7034, Idaho Code, be, and the same is hereby amended to read as follows:

18-7034. UNLAWFUL ENTRY A MISDEMEANOR. (1) Every person, except under landlord-tenant relationship, who enters any dwelling house, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, closed vehicle, closed trailer, airplane, railroad

car or outbuilding, without the consent of the owner of such property or his agent or any person in lawful possession thereof, is guilty of a misdemeanor.

(2) Any person who enters any permanent or temporary dwelling without the consent of the owner of such property or his agent or any person in lawful possession thereof while being pursued by a peace officer is guilty of a felony. For purposes of this subsection "pursued" means "fresh pursuit" as defined in section 19-705, Idaho Code.

Approved April 6, 2017

CHAPTER 275
(S.B. No. 1119)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF THE STATE PUBLIC DEFENSE COMMISSION SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which 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, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section, "system" includes electrical, computer and telecommunication systems, electric power, (including production, generating, transportation, transmission and distribution), heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety or any combination of those matters.

(c) Records of the 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 pro-

ceeding 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).

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

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

Approved April 6, 2017

CHAPTER 276
(S.B. No. 1120)

AN ACT

RELATING TO FORCIBLE DETAINER; AMENDING SECTION 6-302, IDAHO CODE, TO REVISE THE DEFINITION OF "FORCIBLE DETAINER" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-310, IDAHO CODE, TO REVISE PROCEDURES IN AN ACTION FOR POSSESSION OF PROPERTY; AMENDING SECTION 6-311A, IDAHO CODE, TO PROVIDE FOR A JUDGMENT FOR FORCIBLE DETAINER; AND AMENDING SECTION 6-317, IDAHO CODE, TO REVISE WHEN TREBLE DAMAGES ATTACH.

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

SECTION 1. That Section 6-302, Idaho Code, be, and the same is hereby amended to read as follows:

6-302. FORCIBLE DETAINER DEFINED. Every person is guilty of a forcible detainer who either:

1. By force, or by menaces and threats of violence, unlawfully holds and keeps possession of any real property, whether the same was acquired peacefully or otherwise; or

2. ~~Who, in the nighttime, or during the absence of the occupant or property owner of any lands, unlawfully enters upon real property, and who, after demand made for the surrender thereof, for the period of five (5) days, refuses to surrender the same to such former occupant or property owner.~~ The occupant of real property, within the meaning of this subdivision, is one who, within five (5) days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands, regardless of whether the property was inhabited by the occupant of real property.

SECTION 2. That Section 6-310, Idaho Code, be, and the same is hereby amended to read as follows:

6-310. ACTION FOR POSSESSION -- COMPLAINT -- SUMMONS. (1) In an action exclusively for possession of a tract of land of five (5) acres or less for the nonpayment of rent, or on the grounds that a landlord has reasonable grounds to believe that any person is, or has been, engaged in the unlawful delivery, production or use of a controlled substance on the leased premises during the term for which the premises are let to the tenant, or in the event the tenant is a tenant at sufferance pursuant to subsection (11) of section 45-1506, Idaho Code, it is sufficient to state in the complaint:

- (1a) A description of the premises with convenient certainty;
- (2b) That the defendant is in possession of the premises;

(3c) That the defendant entered upon the premises, holds the premises, and is in default of the payment of rent or that the landlord has reasonable grounds to believe that any person is, or has been, engaged in the unlawful delivery, production or use of a controlled substance on the leased premises during the term for which the premises are let to the tenant;

(4d) That all notices required by law have been served upon the defendant in the required manner or no notice is required because the defendant is a tenant at sufferance pursuant to subsection (11) of section 45-1506, Idaho Code; and

(5e) That the plaintiff is entitled to the possession of the premises.

(2) Upon filing the complaint, a summons must be issued, served and returned as in other actions, provided, however, that at the time of issuance of the summons, the court shall schedule a trial within twelve (12) days from the filing of the complaint and the service of the summons, complaint and notice of trial setting on the defendant shall be not less than five (5) days before the day of trial appointed by the court.

(3) In an action for possession against a defendant alleged to be occupying property as a result of forcible detainer, a property owner shall state in a verified complaint:

(a) A description of the premises with convenient certainty;

(b) That the defendant is in possession of the premises;

(c) That the defendant entered upon the premises and holds the premises by means of forcible detainer;

(d) That neither the property owner nor any agent thereof has ever entered into a lease or any other similar agreement with the defendant;

(e) That all notices required by law have been served upon the defendant in the required manner; and

(f) That the plaintiff is entitled to the possession of the premises.

(4) Upon filing the complaint, a summons must be issued, served and returned as in other actions, provided, however, that at the time of issuance of the summons, the court shall schedule a trial within seventy-two (72) hours from the filing of the complaint, excluding weekends and official holidays. The service of the summons, complaint and notice of trial setting on the defendant shall be not less than twenty-four (24) hours before the time of trial appointed by the court.

(5) If any property owner files an action for possession against a defendant alleged to be occupying the property as a result of forcible detainer when a landlord-tenant relationship existed with the defendant and/or in bad faith, said property owner shall be liable to the defendant for treble damages as enumerated in this chapter.

SECTION 3. That Section 6-311A, Idaho Code, be, and the same is hereby amended to read as follows:

6-311A. JUDGMENT ON TRIAL BY COURT. In an action exclusively for possession of a tract of land of five (5) acres or less for the nonpayment of rent or on the grounds that the landlord has reasonable grounds to believe that a person is, or has been, engaged in the unlawful delivery, production, or use of a controlled substance on the leased premises during the term for which the premises are let to the tenant, or for forcible detainer, or if the tenant is a tenant at sufferance pursuant to subsection (11) of section 45-1506, Idaho Code, the action shall be tried by the court without a jury. If, after hearing the evidence the court concludes that the complaint is not true, it shall enter judgment against the plaintiff for costs and disbursements. If the court finds the complaint true or if judgment is rendered by default, it shall render a general judgment against the defendant and in favor of the plaintiff, for restitution of the premises and the costs and disbursements of the action. If the court finds the complaint true in part, it shall render judgment for the restitution of such part only, and the costs and disburse-

ments shall be taxed as the court deems just and equitable. No provision of this law shall be construed to prevent the bringing of an action for damages.

SECTION 4. That Section 6-317, Idaho Code, be, and the same is hereby amended to read as follows:

6-317. TREBLE DAMAGES. If a landlord or a tenant recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or other tract of land, or for an action brought pursuant to section 6-320, Idaho Code, or for an action brought against a tenant or in bad faith pursuant to section 6-310(3), Idaho Code, judgment may be entered for three (3) times the amount at which the actual damages are assessed.

Approved April 6, 2017

CHAPTER 277
(S.B. No. 1125)

AN ACT

RELATING TO COURTS; AMENDING SECTION 1-1624, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A DEFINITION, TO DEFINE A TERM, TO PROVIDE THAT A DELINQUENCY SHALL NOT EXIST IN CERTAIN INSTANCES AND TO PROVIDE FOR A WRITTEN OBJECTION TO A SET-OFF.

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

SECTION 1. That Section 1-1624, Idaho Code, be, and the same is hereby amended to read as follows:

1-1624. SET-OFF PROCEDURE FOR DELINQUENT DEBTS OWED TO THE COURTS. (1) The purpose of this legislation is to enable the Idaho supreme court, as the supervisor of the unified and integrated judicial system of this state, to apply for a set-off of state tax refunds and credits owing to a taxpayer in payment of a delinquent debt owed by the taxpayer to the courts of this state. It is the intent of the legislature that this set-off remedy be in addition to and not in substitution of any other remedy or action provided for by law for the collection of ~~these amounts~~ such delinquent debts.

(2) The state tax commission shall withhold and set-off any income tax or tax credit refund of any taxpayer, upon notification from the Idaho supreme court, to collect any debt owed to the courts by the taxpayer which is delinquent. A remittance by the state tax commission to the court pursuant to this section shall be deemed to be, to the extent of the remittance, a refund to the taxpayer and any other person who has a claim to such refund, and the state tax commission shall not be liable to any person because of a refund that has been remitted under this section.

(3) A "debt owed to the courts" means ~~any assessment of fines, court costs, surcharges, penalties, fees, restitution, moneys expended in providing counsel and other defense services to indigent defendants, or other charges which a court judgment has ordered to be paid to the court or which a party has agreed to pay in criminal or civil cases and includes assessed and contained in a judgment against, or in an agreement by, a defendant in a criminal proceeding and owed to the court, including any interest or penalty on such unpaid amounts the same as provided for in the such judgment, such agreement or by law, except.~~

(4) As used in subsections (3) and (6) of this section, "agreement" means an agreement that:

- (a) Has been filed with the court and placed in the court's case file;
- (b) Has been approved by the court;

(c) Provides that all payments due pursuant to the agreement shall be made to the clerk of the court; and

(d) If executed on and after July 1, 2017, contains provisions serving to notify the taxpayer of payment due dates; the set-off of tax refunds and credits remedy provided for in this section; and the right to object to a set-off of tax refunds and credits as provided for in subsection (8) (d) of this section.

(5) This section does not apply to a debt owed to the courts which does not exceed the sum of fifty dollars (\$50.00).

(6) A debt owed to the courts is delinquent when it is not paid according to the terms of the such judgment or order or any agreement entered into between the court and the taxpayer for the payment thereof, but at no time shall a delinquency be deemed to exist if the aggregate amount of money paid in satisfaction of an agreement equals or exceeds the total amount of money that the taxpayer was obligated to pay up to that time pursuant to the agreement.

(47) Any claims for current or past-due child support presented under section 56-203D, Idaho Code, or claims for set-off of income tax refunds against any tax liability or overpayment of benefits owed to the state department of labor pursuant to section 63-3077A, Idaho Code, shall take priority over any claim for delinquent debt owed to the courts under this section.

(58) The set-off or withholding of a refund due a taxpayer shall be remitted only after the following conditions have been met:

(a) A debt owed to the courts is delinquent. This section shall not be used to satisfy any amount ordered by the court until the order or judgment is final and the time for appealing the judgment or order has elapsed without any further right on the part of the person owing the amount to judicial review.

(b) All outstanding tax liabilities collectible by the state tax commission are satisfied.

(c) The supreme court shall forward to the state tax commission the full name and social security number of the taxpayer. The tax commission shall notify the supreme court of the amount of refund due the taxpayer and the taxpayer's address on the income tax return.

(d) Upon remittance of any set-off or part thereof, the court shall cause a written notice to be sent to the taxpayer whose refund is subject to the set-off. Notice of the set-off shall be sent by United States mail to the taxpayer at the address listed on the income tax return. Within twenty-one (21) days after such notice has been mailed (not counting Saturday, Sunday or a state holiday as the twenty-first day), the taxpayer may file a written ~~request for an administrative waiver of objection to~~ the set-off in accordance with procedures established by the supreme court, which may impose reasonable requirements concerning the information necessary to process the ~~request for an administrative waiver~~ objection. No issues or claims previously decided in a court order or judgment, or admitted or agreed to by the taxpayer, shall be considered in connection with a ~~request for an administrative waiver an~~ objection. In the case of a refund that is set-off in error under this section, the court shall reimburse the taxpayer.

(69) The supreme court shall create a suspense account to pay amounts that are found to be set-off in error under the provisions of subsection (58) (d) of this section or to refund any balance that remains after the debt to the courts is satisfied. If no written ~~request for an administrative waiver of objection to~~ the set-off is made within twenty-one (21) days, such failure shall be deemed a waiver of the right to contest the set-off and the amount of the set-off shall be removed from the suspense account and shall be credited to the taxpayer's debt to the courts. The court may waive the twenty-one (21) day time limit in appropriate circumstances.

(710) When set-off is attempted on a joint return under the provisions of this section, the taxpayer not specified to be the obligor in the judgment or agreement creating the debt owed to the court may file a written objection within the time limits specified in subsection (58) (d) of this section and the set-off will be limited to one-half (1/2) of the joint refund.

(811) If the refund is insufficient to satisfy the entire debt owed to the courts, the remainder of the debt may be collected as provided by law or submitted for set-off against subsequent refunds.

(912) The proceeds from the set-off shall be credited to the debt owing to the courts and shall be distributed as provided by law.

(103) The state tax commission and the supreme court independently may adopt rules governing its administration of this section and are authorized to enter into a written agreement to implement and facilitate the provisions of this section, including the method of making remittances of the amount which has been set-off pursuant to this section.

Approved April 6, 2017

CHAPTER 278
(S.B. No. 1139, As Amended)

AN ACT

RELATING TO HEALTH CARE; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1396, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING AUTHORITY TO ADMIT PATIENTS TO CERTAIN HOSPITALS OR FACILITIES; AMENDING SECTION 66-318, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTHORITY TO ADMIT VOLUNTARY PATIENTS IN FACILITIES FOR THE MENTALLY ILL; AMENDING SECTION 66-324, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS IN FACILITIES FOR THE MENTALLY ILL; AND AMENDING SECTION 66-409, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTHORITY TO ADMIT PERSONS INTO FACILITIES FOR THE DEVELOPMENTALLY DISABLED.

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

SECTION 1. That Chapter 13, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1396, Idaho Code, and to read as follows:

39-1396. AUTHORITY TO ADMIT PATIENTS. (1) A hospital or facility may grant to physicians, physician assistants and advanced practice nurses the privilege to admit patients to such hospital or facility; provided however, that admitting privileges may be granted only if the privileges are:

- (a) Recommended by the medical staff at the hospital or facility;
- (b) Approved by the governing board of the hospital or facility; and
- (c) Within the scope of practice conferred by the license of the physician, physician assistant or advanced practice nurse.

(2) A hospital or facility shall specify in its bylaws the process by which its governing body and medical staff oversee those practitioners granted admitting privileges. Such oversight shall include, but is not limited to, credentialing and competency review.

SECTION 2. That Section 66-318, Idaho Code, be, and the same is hereby amended to read as follows:

66-318. AUTHORITY TO ADMIT VOLUNTARY PATIENTS -- DENIAL OF ADMISSION. (1) The director of any facility or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, may admit as a

voluntary patient the following persons for observation, diagnosis, evaluation, care or treatment of mental illness:

- (a) Any person who is eighteen (18) years of age or older;
- (b) Any individual fourteen (14) to eighteen (18) years of age who may apply to be admitted for observation, diagnosis, evaluation, care or treatment and the facility director will notify the parent, parents or guardian of the individual of the admission; a parent or guardian may apply for the individual's release and the facility director will release the patient within three (3) days, excluding Saturdays, Sundays and legal holidays, of the application for discharge, unless the time period for diagnosis, evaluation, care or treatment is extended pursuant to section 66-320, Idaho Code;
- (c) Any emancipated minor;
- (d) Any individual under fourteen (14) years of age upon application of the individual's parent or guardian, provided that admission to an inpatient facility shall require a recommendation for admission by a designated examiner;
- (e) Any individual who lacks capacity to make informed decisions about treatment upon application of the individual's guardian; provided that admission to an inpatient facility shall require a recommendation for admission by a designated examiner; or
- (f) Any individual confined for examination pursuant to section 18-211 or 20-520, Idaho Code.

(2) The director of any facility or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, must refuse admission to any applicant under this section whenever:

- (a) The applicant is determined not to be in need of observation, diagnosis, evaluation, care or treatment at the facility;
- (b) The applicant is determined to lack capacity to make informed decisions about treatment unless the application is made by a guardian with authority to consent to treatment; or
- (c) The applicant's welfare or the welfare of society, or both, are better protected by the provisions of section 66-329, Idaho Code.

SECTION 3. That Section 66-324, Idaho Code, be, and the same is hereby amended to read as follows:

66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of any facility, or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, is authorized to receive therein in the facility for observation, diagnosis, evaluation, care or treatment any individual:

- (1) Committed to the department director pursuant to section 16-1619, 20-520, 18-212 or 66-329, Idaho Code;
- (2) Transferred pursuant to section 66-1201, Idaho Code; or
- (3) Detained or transferred pursuant to section 66-326, Idaho Code.

SECTION 4. That Section 66-409, Idaho Code, be, and the same is hereby amended to read as follows:

66-409. AUTHORITY TO ADMIT DEVELOPMENTALLY DISABLED PERSONS. The head of any facility licensed under state law, or a practitioner granted admitting privileges by the facility's bylaws and other process by which the facility's governing body and medical staff exercise oversight, such as through credentialing and competency review, is authorized to admit for observation, diagnosis, care or treatment any developmentally disabled person for services provided by that facility.

CHAPTER 279
(S.B. No. 1141)

AN ACT

PROVIDING FINDINGS OF THE LEGISLATURE; PROVIDING LEGISLATIVE INTENT ON USE OF FUNDS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE DISASTER EMERGENCY FUND; PROVIDING LEGISLATIVE INTENT ON THE USE OF FUNDS; PROVIDING DIRECTION REGARDING ELIGIBILITY FOR GRANT FUNDING; PROVIDING DIRECTION REGARDING MATCH REQUIREMENTS; PROVIDING DIRECTION REGARDING METHOD OF SELECTION FOR GRANTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE EMERGENCY RELIEF FUND AND GRANTING CONTINUOUS APPROPRIATION AUTHORITY; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. FINDINGS OF THE LEGISLATURE. The Legislature has found that throughout Idaho, counties have made and will continue to make disaster declarations due to extreme weather-related damage to structures, roads, and bridges; have borne excessive costs associated with snow removal and flooding; and in many instances have depleted financial reserves to repair and provide safe and secure roadways for their citizens. The Legislature has also determined that state resources are necessary to help meet the urgent need to make permanent repairs to state, county, and local roads to avoid further damage and erosion.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that funds provided for in Section 3 of this act shall be for emergency assistance for counties that have received a gubernatorial declaration of disaster and are eligible for state support.

SECTION 3. There is hereby appropriated and, upon passage and approval of this act, the State Controller shall transfer \$2,000,000 from the General Fund to the Disaster Emergency Fund in the Military Division.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that funds provided for in Section 8 of this act, and guidance provided for in Sections 5 through 7 of this act, shall be for emergency road and bridge repairs that may or may not be eligible for funding as described in Section 2 of this act.

SECTION 5. ELIGIBILITY. Eligible work shall include permanent repair or restoration of roads, bridges, surfaces, bases, shoulders, ditches, drainage structures, such as culverts, low-water crossings, decking, guardrails, girders, pavement, abutments, piers, slope protection, approaches, lighting, sidewalks, and signs, and shall meet the standards as defined in the Federal Emergency Management Agency (FEMA) Public Assistance Program and Policy Guide, with the inclusion of state ownership.

SECTION 6. MATCH REQUIREMENTS. All state and local governmental agencies will be required to provide a 10% match, of which in-kind contributions will be eligible to meet the match requirements.

SECTION 7. METHOD OF SELECTION. The Adjutant General of the Idaho National Guard shall appoint a recovery review panel comprised of one representative each from the Idaho Transportation Department, the Local Highway Technical Assistance Council (LHTAC), the Idaho Association of Counties, the Idaho Association of Cities, the Association of Highway

Districts, and the Governor's Office. The deputy chief of the Idaho Office of Emergency Management in the Military Division shall also be a member and the chairman of the review panel. The deputy chief has the authority to hire staff as necessary to implement the provisions of this act. The review panel shall use the Idaho Long-term Recovery Plan and the standards of the FEMA Public Assistance Program and Policy Guide, specifically Category C, as a basis of the grant application process regardless of FEMA eligibility for reimbursement of expenses.

SECTION 8. There is hereby appropriated and, upon passage and approval of this act, the State Controller shall transfer \$50,000,000 from the General Fund to the Emergency Relief Fund in the Military Division. The Emergency Relief Fund shall be continuously appropriated for the purposes stated in this act.

SECTION 9. There is hereby appropriated and, upon passage and approval of this act, the State Controller shall transfer \$7,448,000 from the Consumer Protection Fund in the Office of the Attorney General to the General Fund.

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 6, 2017

CHAPTER 280
(S.B. No. 1144)

AN ACT

RELATING TO REGULATION OF ALCOHOL; PROVIDING LEGISLATIVE FINDINGS; REPEALING SECTION 23-614, IDAHO CODE, RELATING TO PROHIBITED ACTS AND PENALTIES FOR THOSE ACTS; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-614, IDAHO CODE, TO PROVIDE PROHIBITED ACTS BY A PERMITTEE OR HIS AGENT OR EMPLOYEE, TO REQUIRE SUPERVISION, TO PROVIDE EXCEPTIONS, TO PROVIDE PENALTIES AND TO PROVIDE FOR ADMINISTRATIVE ACTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE FINDINGS. The legislature finds that based upon, but not limited to, the testimony of law enforcement officers, expert studies, judicial decisions, and analyses of those studies and decisions that establishments predominately in the business of offering the sale of alcohol with live sexually oriented entertainment create or enhance undesirable secondary effects that include criminal and other unlawful activities that have regularly and historically occurred in connection with such establishments. Those effects include prostitution, drug use, breaches of the peace, assaults, and sexual conduct involving contact between performers or other employees and patrons. Secondary effects also include impacts to both residential and commercial property, including depressed property values that harm economic development in the surrounding area or neighborhoods.

SECTION 2. That Section 23-614, Idaho Code, be, and the same is hereby repealed.

SECTION 3. 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 23-614, Idaho Code, and to read as follows:

23-614. PROHIBITED ACTS -- MISDEMEANORS -- PENALTIES. (1) It shall be unlawful for a licensee or his agent or employee to knowingly allow or engage in any of the following kinds of conduct on his licensed premises:

(a) Any live conduct or entertainment by any person whose genitals, female areola, anal cleft, anus, or pubic hair are exposed or who is wearing transparent clothing that reveals the genitals, female areola, anal cleft, anus, or pubic hair;

(b) Any live conduct or entertainment that includes sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any act that includes the penetration, however slight, by any object into the genital or anal opening of a person's body;

(c) Any live conduct or entertainment that simulates sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any act that simulates the penetration, however slight, by any object into the genital or anal opening of a person's body;

(d) Any live conduct or entertainment that includes the fondling of the breasts, buttocks, anus, vulva, or genitals;

(e) Individuals who are personally present and wearing or using any clothing or device that exposes in any way simulated genitals, female areola, anal cleft, anus, or pubic hair; or

(f) The showing of films, still pictures, electronic reproductions or other visual reproductions which are in violation of chapter 41, title 18, Idaho Code (indecent and obscenity), or are in violation of federal law regarding pornography, indecent or obscenity.

(2) Supervision. It shall be unlawful for a licensee to fail to supervise in person or through a manager the business for which a permit is issued.

(3) Exception. With the exception of subsection (1) (b) above, this section does not apply to any theatrical or artistic performance which, when considered as a whole and in the context that it is used, expresses matters of serious literary, artistic, scientific or political value and is:

(a) Held at a theater, concert hall, art center, museum, event center, or any other establishment or venue licensed under title 23, Idaho Code, and is held out to the public as predominately offering and which does offer such performances; or

(b) Held at a theater, concert hall, art center, museum, event center, or any other establishment or venue that does not fall within subsection (3) (a) above and is not predominately used to serve alcohol with live entertainment regulated under subsection (1) (a) through (e) of this section, but has a valid license under title 23, Idaho Code, and, if required by the city or county, a valid permit from the city or county to serve alcohol at such performance; and

(c) Is not in violation of chapter 41, title 18, Idaho Code (indecent and obscenity), or in violation of federal law regarding pornography, indecent or obscenity.

(4) 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 administrative proceedings. The director shall review the circumstances and may take action he considers appropriate against the licensee including sus-

pension of the license for not to exceed six (6) months, a fine, or both such suspension and fine or may revoke the license.

(5) 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 (4) 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 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.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 6, 2017

CHAPTER 281
(S.B. No. 1150)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-5501, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 41-5503, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PLAN OF OPERATION FOR THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-5504, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND AUTHORITY OF THE POOL; AMENDING SECTION 41-5505, IDAHO CODE, TO REVISE PROVISIONS REGARDING REINSURANCE; AMENDING SECTION 41-5506, IDAHO CODE, TO REVISE PROVISIONS REGARDING REINSURANCE PREMIUM RATES; AMENDING SECTION 41-5507, IDAHO CODE, TO REVISE PROVISIONS REGARDING PREMIUM RATES AND TO PROVIDE THAT CARRIERS SHALL NOT ISSUE HIGH RISK POOL PLANS AFTER A CERTAIN DATE; AMENDING SECTION 41-5508, IDAHO CODE, TO REVISE PROVISIONS REGARDING ASSESSMENTS; REPEALING SECTION 41-5509, IDAHO CODE, RELATING TO STANDARDS FOR AGENTS; AMENDING SECTION 41-5510, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING ELIGIBILITY; REPEALING SECTION 41-5511, IDAHO CODE, RELATING TO DESIGN OF PRODUCTS; AND AMENDING SECTION 41-5203, IDAHO CODE, TO REVISE DEFINITIONS.

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

SECTION 1. That Section 41-5501, Idaho Code, be, and the same is hereby amended to read as follows:

41-5501. DEFINITIONS. As used in this chapter:

(1) "Agent" means a producer as defined in section 41-1003(8), Idaho Code.

(2) "Board" means the board of directors of the Idaho individual high risk individual reinsurance pool established in this chapter and the Idaho small employer health reinsurance program established in section 41-4711, Idaho Code.

(3) "Carrier" means any entity that provides, or is authorized to provide, health insurance in this state. For purposes of this chapter, carrier includes an insurance company, any other entity providing reinsurance

including excess or stop loss coverage, a hospital or professional service corporation, a fraternal benefit society, a managed care organization, any entity providing health insurance coverage or benefits to residents of this state as certificate holders under a group policy issued or delivered outside of this state, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.

(4) ~~"Dependent" in any new or renewing plan means a spouse, an unmarried a child under the age of twenty-five (25) years and who receives more than one-half (1/2) of his financial support from the parent, or an unmarried child of any age who is medically certified as disabled and dependent upon the parent or any other individual listed as having coverage under the primary policy holder's or subscriber's health benefit plan.~~

(5) "Director" means the director of the department of insurance of the state of Idaho.

(6) "Eligible individual" means an Idaho resident individual or dependent of an Idaho resident who is:

(a) ~~An Idaho resident individual or dependent of an Idaho resident who is under the age of sixty-five (65) years, is nNot eligible for coverage under a group health benefit plan, part A or part B of title XVIII of the social security act (medicare), or a state plan under title XIX (medicaid) or any successor program, and who does not have other health insurance coverage; or and~~

(b) ~~An individual who is legally domiciled in Idaho on the date of application to the pool and is eligible for the credit for health insurance costs under section 35 of the Internal Revenue Code of 1986; or Enrolled in an individual health benefit plan~~

~~(c) An Idaho resident individual or a dependent of an Idaho resident who is a federally eligible individual (one who meets the eligibility criteria set forth in the federal health insurance portability and accountability act of 1996 Public Law 104-191, Sec. 2741(b) (HIPAA)).~~

~~Coverage under a basic, standard, catastrophic A, catastrophic B, or HSA compatible health benefit plan shall not be available to any individual who is covered under other health insurance coverage, except as provided in section 41-5510(4), Idaho Code. For purposes of this chapter, to be eligible, an individual must also meet the requirements of section 41-5510, Idaho Code.~~

(7) "Health benefit plan" means any hospital or medical policy or certificate, any subscriber contract provided by a hospital or professional service corporation, or health maintenance organization subscriber contract. Health benefit plan does not include policies or certificates of insurance for specific disease, hospital confinement indemnity, accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, student health benefits only, coverage issued as a supplement to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance, or nonrenewable short-term coverage issued for a period of twelve (12) months or less.

(8) ~~"Individual basic health benefit plan" means a lower cost health benefit plan developed pursuant to section 41-5511, Idaho Code "High risk medical condition" means a medical condition or diagnosis identified by the board in its plan of operation as making an individual eligible for reinsurance through the pool.~~

~~(9) "Individual carrier" means a carrier that offers health benefit plans covering eligible individuals and their dependents.~~

~~(10) "Individual catastrophic A health benefit plan" means a higher limit health benefit plan developed pursuant to section 41-5511, Idaho Code.~~

~~(11) "Individual catastrophic B health benefit plan" means a health benefit plan offering limits higher than a catastrophic A health benefit plan developed pursuant to section 41-5511, Idaho Code.~~

~~(12) "Individual HSA compatible health benefit plan" means a health savings account compatible health benefit plan developed pursuant to section 41-5511, Idaho Code.~~

~~(13) "Individual standard health benefit plan" means a health benefit plan developed pursuant to section 41-5511, Idaho Code.~~

~~(149) "Plan" or "High risk pool plan" means the an individual basic, standard, catastrophic A, catastrophic B, or HSA compatible health benefit plan established issued pursuant to section 41-5511, Idaho Code this chapter prior to April 1, 2017.~~

~~(15) "Plan of operation" means the plan of operation of the individual high risk reinsurance pool established pursuant to this chapter.~~

~~(16) "Pool" means the Idaho high risk reinsurance pool.~~

~~(1710) "High risk pool plan pPremium" means all moneys paid by an individual and eligible dependents or a dependent as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.~~

~~(11) "Individual carrier" means a carrier that offers individual health benefit plans.~~

~~(12) "Plan of operation" means the plan of operation of the individual high risk reinsurance pool established pursuant to this chapter.~~

~~(13) "Pool" means the Idaho high risk reinsurance pool.~~

~~(18) "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under:~~

~~(a) Medicare or medicaid, civilian health and medical program for uniformed services (CHAMPUS), the Indian health service program, a state health benefit risk pool, or any other similar publicly sponsored program; or~~

~~(b) Any group or individual health insurance policy or health benefit arrangement whether or not subject to the state insurance laws, including coverage provided by a managed care organization or a fraternal benefit society.~~

~~(194) "Reinsurance premium" means the premium set by the board pursuant to section 41-5506, Idaho Code, to be paid by a reinsuring carrier for plans issued under eligible individuals ceded to the pool.~~

~~(2015) "Reinsuring carrier" means a carrier participating in the individual high risk reinsurance pool established by this chapter.~~

~~(21) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier to provide health care services to covered individuals.~~

SECTION 2. That Section 41-5503, Idaho Code, be, and the same is hereby amended to read as follows:

41-5503. PLAN OF OPERATION. (1) The board shall submit to the director a plan of operation and thereafter any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the pool. The director may, after notice and hearing, approve the plan of operation if the director determines it to be suitable to assure the fair, reasonable and equitable administration of the pool, and to provide for the sharing of pool gains or losses on an equitable and proportionate basis in accordance with the provisions of this chapter. The plan of operation shall become effective upon written approval by the director.

(2) If the board fails to submit a suitable plan of operation, the director shall, after notice and hearing, adopt and promulgate a temporary plan of operation. The director shall approve the plan of operation submitted by the board, or adopt a temporary plan of operation if the board fails to submit a suitable plan. The director shall amend or rescind any plan

adopted under the provisions of this section at the time a plan of operation is submitted by the board and approved by the director.

(3) The plan of operation shall:

- (a) Establish procedures for handling and accounting of pool assets and moneys and for an annual fiscal reporting to the director;
- (b) Establish procedures for selecting an administrator, and setting forth the powers and duties of the administrator;
- (c) Establish procedures for reinsuring risks in accordance with the provisions of this chapter;
- (d) Establish procedures and conditions for a carrier to cede individuals with certain high risk medical conditions;
- (e) Define the high risk medical conditions for which carriers are allowed to cede for reinsurance;
- (f) Set forth the reinsurance parameters including, but not limited to, the initial level of claims for which the reinsuring carrier is responsible, the coinsurance percentage at which claims above the initial level are reinsured by the pool, and the maximum claims limit above which the pool no longer reimburses;
- (g) Establish procedures for collecting assessments from carriers to fund claims and administrative expenses incurred or estimated to be incurred by the pool; and
- (eh) Provide for any additional matters necessary for the implementation and administration of the pool.

SECTION 3. That Section 41-5504, Idaho Code, be, and the same is hereby amended to read as follows:

41-5504. POWERS AND AUTHORITY. (1) The pool shall have the general powers and authority granted under the laws of this state to insurance companies and managed care organizations licensed to transact business, except the power to issue health benefit plans directly to individuals. In addition thereto, the pool shall have the specific authority to:

- (a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the director, to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions;
- (b) Sue or be sued, including taking any legal actions necessary or proper to recover any assessments and penalties for, on behalf of, or against the pool or any carrier;
- (c) ~~Define the health benefit plans, which plans shall allow coordination of benefits,~~ high risk medical conditions for which reinsurance will be provided, and to issue reinsurance policies, in accordance with the requirements of this chapter;
- (d) Establish rules, conditions and procedures for reinsuring risks under the pool;
- (e) Establish actuarial functions as appropriate for the operation of the pool;
- (f) Assess carriers in accordance with the provisions of section 41-5508, Idaho Code, and make advance interim assessments of carriers as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;
- (g) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the pool;

(h) Borrow money to effect the purposes of the pool. Any notes or other evidence of indebtedness of the pool not in default shall be legal investments for carriers and may be carried as admitted assets;

(i) Establish rules, policies and procedures as may be necessary or convenient for the implementation of this chapter and the operation of the pool.

(2) Neither the board nor its employees shall be liable for any obligations of the pool. No member or employee of the board shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under this chapter, unless such act or omission constitutes willful or wanton misconduct. The board may provide for indemnification of, and legal representation for, its members and employees.

(3) No participation of a reinsuring carrier in the pool, no establishment of rates, forms or procedures, and no other joint or collective action required under the provisions of this chapter shall be grounds for any legal action, criminal or civil liability, or penalty against the pool or any of its reinsuring carriers either jointly or separately.

SECTION 4. That Section 41-5505, Idaho Code, be, and the same is hereby amended to read as follows:

41-5505. REINSURANCE. (1) Any individual carrier issuing an individual basic, standard, catastrophic A, catastrophic B, or HSA compatible a health benefit plan as provided in this chapter shall be reinsured by the pool to the level of coverage provided in the plan and shall be liable to the pool for the reinsurance premium and shall be reinsured by the pool for each eligible individual ceded in accordance with section 41-5509, Idaho Code, and the plan of operation.

(2) ~~(a)~~ The pool shall not reimburse a reinsuring carrier with respect to the claims of a reinsured individual or dependent until the carrier has incurred an initial level of claims for such individual or dependent of five thousand dollars (\$5,000) in a calendar year for benefits covered by the pool. In addition, the reinsuring carrier shall be responsible for ten percent (10%) of the next twenty-five thousand dollars (\$25,000) of benefit payments during a calendar year and the pool shall reinsure the remainder.

~~(b)~~ The board annually may adjust the initial level of claims and the maximum limit to be retained by the carrier to reflect increases in costs and utilization within the standard market for health benefit plans within the state. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the department of labor, bureau of labor statistics, unless the board proposes and the director approves a lower adjustment factor ceded eligible individual incurred during the calendar year and paid by the reinsuring carrier for benefits covered by the health benefit plan, in accordance with the reinsurance parameters set forth in the plan of operation.

(a) The board may annually adjust the reinsurance parameters by submitting an amendment to the plan of operation in accordance with section 41-5503(1), Idaho Code. The adjustments may reflect increases in costs and utilization within the individual market for health benefit plans but must consider the availability of pool funding and the stability of the individual health insurance market, as well as any objectives stated in the plan of operation.

(b) The board shall not submit for approval by the director a plan of operation or an amendment thereto with an initial level of less than twenty-five thousand dollars (\$25,000) or a reinsuring carrier coinsurance percentage of less than twenty percent (20%).

(3) A reinsuring carrier shall apply all managed care and claims handling techniques, including utilization review, individual case management, preferred provider provisions, and other managed care provisions or methods of operation consistently with respect to reinsured and nonreinsured business.

(4) Each carrier shall make a filing with the director containing the carrier's earned health insurance premium derived from health benefit plans delivered or issued for delivery in this state in the previous calendar year.

(5) Each carrier shall file with the director, in a form and manner to be prescribed by the director, an annual report. The report shall state the number of resident persons insured under the carrier's health benefit plan, or through excess or stop loss coverage.

(6) Carriers shall permit individuals and their dependents covered by a high risk pool plan to remain on the high risk pool plan as long as the individual continues to meet the conditions of section 41-5501(6) (a), Idaho Code.

SECTION 5. That Section 41-5506, Idaho Code, be, and the same is hereby amended to read as follows:

41-5506. REINSURANCE PREMIUM RATES. (1) The board, as part of the plan of operation, shall establish a methodology for determining reinsurance premium rates to be charged reinsuring carriers to reinsure individuals under this chapter. The methodology shall include a system for classification of individuals that reflects the types of case characteristics commonly used by individual carriers in the state. The methodology shall provide for the development of base reinsurance premium rates, subject to the approval of the director, which shall be set at levels which reasonably approximate gross premiums charged to individuals by individual carriers for health benefit plans ~~with benefits similar to the standard health benefit plan, adjusted to reflect retention levels required under the provisions of this chapter.~~ Rate adjustments under the provisions of this subsection shall not be subject to the provisions of section 41-5206, Idaho Code.

(2) The board periodically shall review the methodology established under the provisions of subsection (1) of this section, including the system of classification and any rating factors, to assure that it reasonably reflects the claims experience of the pool. The board may propose changes to the methodology which shall be subject to the approval of the director.

(3) The board may consider adjustments to the reinsurance premium rates charged by the pool to reflect the use of effective cost containment and managed care arrangements.

SECTION 6. That Section 41-5507, Idaho Code, be, and the same is hereby amended to read as follows:

41-5507. PREMIUM RATES FOR HIGH RISK POOL PLAN COVERAGE. (1) For high risk pool plans issued prior to April 1, 2017, ~~t~~The board shall establish premium rates for coverage under the individual basic, standard, catastrophic A, catastrophic B, and HSA compatible ~~health benefit~~ high risk pool plans.

(2) Separate schedules of premium rates based on age, individual tobacco use, geography as defined by rule of the director, gender and benefit plan design shall apply for individual risks.

(3) The board, with the assistance of the director and in accordance with appropriate actuarial principles, shall determine a standard risk rate by using the average rates that individual standard risks in this state are charged by at least five (5) of the largest health insurance carriers providing individual health insurance coverage to residents of Idaho that is substantially similar to the coverage offered by each high risk pool plan.

In determining the average rate or charges of those health insurance carriers, the rates charged by those carriers shall be actuarially adjusted to determine the rate that would have been charged for benefits similar to those provided by each plan. The standard risk rates shall be established using reasonable actuarial techniques and shall reflect anticipated claims experience, expenses, and other appropriate risk factors for such coverage.

(4) Rates for plan coverage shall not be less than one hundred twenty-five percent (125%) nor more than one hundred fifty percent (150%) of rates established as applicable for individual standard risks pursuant to subsection (3) of this section.

(5) Carriers shall not issue high risk pool plans as defined in section 41-5501(9), Idaho Code, after April 1, 2017.

SECTION 7. That Section 41-5508, Idaho Code, be, and the same is hereby amended to read as follows:

41-5508. ASSESSMENTS. (1) Prior to March 1 of each year, the board shall determine and report to the director the pool's net loss for the previous calendar year, including administrative expenses and incurred losses for the year, taking into account investment income and other appropriate gains and losses, and any premium tax funds appropriated to the pool pursuant to section 41-406, Idaho Code.

(2) Any net loss for the year shall may be recouped by assessments of carriers.

(3) (a) For the assessment of March 1, 2001, and prior to March 1 of each succeeding year, the board shall determine and file with the director an estimate of the assessments needed to fund the losses incurred by the pool in the previous calendar year.

(b) The individual assessments shall be determined by multiplying net losses, if net earnings are negative, as defined by subsection (1) of this section, by a fraction, the numerator of which shall be the carrier's total premiums earned in the preceding calendar year from all health benefit plans and policies or certificates of insurance for specific disease, and hospital confinement indemnity in this state as reported in the carrier's reports filed pursuant to section 41-5505(4) and (5), Idaho Code, including reinsurance by way of excess or stop loss coverage, and the denominator of which shall be the total premiums earned in the preceding calendar year from all health benefit plans and policies or certificates of insurance for specific disease and hospital confinement indemnity in this state, including reinsurance by way of excess or stop loss coverage.

(4) If assessments exceed net losses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this paragraph, "future losses" includes reserves for incurred but not reported claims.

(5) Each carrier's proportion of the assessment shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the carriers with the director.

(6) The plan of operation shall provide for the imposition of an interest penalty for late payment of assessments.

(7) A carrier may seek from the director a deferment from all or part of an assessment imposed by the board. The director may defer all or part of the assessment if the director determines that the payment of the assessment would place the carrier in a financially impaired condition. If all or part of an assessment against a carrier is deferred the amount deferred shall be assessed against the other carriers in a manner consistent with the basis for assessment set forth in this section. The carrier receiving the deferment shall remain liable to the pool for the amount deferred and shall be prohib-

ited from reinsuring any individuals with the pool until such time as it pays the assessments.

SECTION 8. That Section 41-5509, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 41-5510, Idaho Code, be, and the same is hereby amended to read as follows:

~~41-551009. CEDING ELIGIBILITY. (1) Any eligible individual person, who is and continues to be a resident shall be eligible for coverage under an individual basic, standard, catastrophic A, catastrophic B, and HSA compatible health benefit plan if evidence is provided that:~~

~~(a) Such person has been rejected by one (1) individual carrier on the basis of health status or claims experience; or~~

~~(b) An individual carrier refuses to issue a health benefit plan providing coverage substantially similar to coverage offered under an equivalent pool plan except at a rate exceeding the rate for the pool plan; or~~

~~(c) Such person is a federally eligible individual; or~~

~~(d) Such person is legally domiciled in Idaho on the date of application to the pool and is eligible for the credit for health insurance costs under section 35 of the Internal Revenue Code of 1986. In addition, if such person maintained creditable health insurance coverage for an aggregate period of three (3) months as of the date on which the individual seeks to enroll in pool coverage, not counting any period prior to a sixty-three (63) day break in coverage:~~

~~(i) The preexisting condition limitation set forth in section 41-5208, Idaho Code, shall not apply; and~~

~~(ii) The requirement for exhaustion of any available coverage under title X of the consolidated omnibus budget reconciliation act of 1986, public law 99-272 (COBRA) or state continuation benefits is waived.~~

~~(2) A rejection or refusal by a carrier offering only stop loss, excess of loss or reinsurance coverage with respect to an applicant under subsection (1) of this section shall not constitute sufficient evidence for purposes of subsection (1) of this section.~~

~~(3) Each resident dependent of a person who is eligible for coverage under the pool shall also be eligible for coverage under the pool.~~

~~(4) Any eligible individual person meeting the eligibility requirements of subsection (1), (2) or (3) of this section shall be eligible for coverage under a pool plan even though the person has existing coverage under other health insurance or under a group health plan provided: (a) there is a reasonable probability that the lifetime benefit maximum of the existing coverage will be exceeded within ninety (90) days; and (b) the lifetime benefit maximum under the existing coverage is at least five hundred thousand dollars (\$500,000). In all cases, coverage under a pool plan is secondary to the existing coverage and all other insurance.~~

~~(5) A person shall not be eligible for coverage under a pool plan if:~~

~~(a) The person is not a federally eligible individual and, except as provided otherwise in subsection (4) of this section, has or obtains health insurance coverage substantially similar to or more comprehensive than a pool plan, or would be eligible to have such coverage at a rate not exceeding the rate for the pool plan if the person elected to obtain it;~~

~~(b) The person is determined to be eligible for health care benefits under medicaid;~~

~~(c) The person has previously terminated pool plan coverage unless twelve (12) months have lapsed since such termination; provided how-~~

~~ever, that this provision shall not apply with respect to an applicant who is a federally eligible individual;~~

~~(d) The person is an inmate or resident of a state or other public institution, or a state, local or private correctional facility; provided however, that this provision shall not apply with respect to an applicant who is a federally eligible individual~~ The pool shall provide reinsurance to any eligible individual who qualifies for reinsurance pursuant to this chapter if evidence is provided that such person has a qualifying high risk medical condition as defined by section 41-5501(8), Idaho Code.

(62) Notwithstanding any other provision of this chapter, eligibility for continuation of coverage under COBRA shall not render a person ineligible for reinsurance coverage under a pool plan this chapter.

(73) Coverage Reinsurance through the pool shall cease:

(a) On the first day of the month following the date a person is no longer a resident of this state;

~~(b) On the first day of the month following the date a person requests coverage to~~ under the individual health benefit plan ends;

(c) Upon the death of the covered person;

(d) At the option of the board, thirty (30) days after the plan makes any inquiry concerning the person's eligibility or place of residence to which the person does not reply.

(84) Reinsurance for aA person who ceases to meet the eligibility requirements of this section chapter may be terminated on the first day of the month following the date when the individual becomes ineligible.

SECTION 10. That Section 41-5511, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 41-5203, Idaho Code, be, and the same is hereby amended to read as follows:

41-5203. DEFINITIONS. As used in this chapter:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the director that an individual carrier is in compliance with the provisions of section 41-5206, Idaho Code, based upon the person's examination and including a review of the appropriate records and the actuarial assumptions and methods used by the individual carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly through one (1) or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(3) "Agent" means a producer as defined in section 41-1003(8), Idaho Code.

(4) "Base premium rate" means, as to a rating period, the lowest premium rate charged or that could have been charged under a rating system by the individual carrier to individuals with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Carrier" means any entity that provides health insurance in this state. For purposes of this chapter, carrier includes an insurance company, a hospital or professional service corporation, a fraternal benefit society, a health maintenance organization, any entity providing health insurance coverage or benefits to residents of this state as certificate holders under a group policy issued or delivered outside of this state, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.

(6) "Case characteristics" means demographic or other objective characteristics of an individual that are considered by the individual carrier

in the determination of premium rates for the individual, provided that claim experience, health status and duration of coverage shall not be case characteristics for the purposes of this chapter.

(7) "Control" shall be defined in the same manner as in section 41-3802(2), Idaho Code.

(8) "Dependent" in any new or renewing plan means a spouse, an unmarried child under the age of twenty-five (25) years and who receives more than one-half (1/2) of his financial support from the parent, or an unmarried child of any age who is medically certified as disabled and dependent upon the parent.

(9) "Director" means the director of the department of insurance of the state of Idaho.

(10) "Eligible individual" means an Idaho resident individual or dependent of an Idaho resident:

(a) Who is under the age of sixty-five (65) years, is not eligible for coverage under a group health plan, part A or part B of title XVIII of the social security act (medicare), or a state plan under title XIX (medicaid) or any successor program, and who does not have other health insurance coverage; or

(b) Who is a federally eligible individual (one who meets the eligibility criteria set forth in the federal health insurance portability and accountability act of 1996 Public Law 104-191, Sec. 2741(b) (HIPAA)).

An "eligible individual" can be the dependent of an eligible employee, which eligible employee is receiving health insurance benefits subject to the regulation of title 41, Idaho Code.

(11) "Established geographic service area" means a geographic area, as approved by the director and based on the carrier's certificate of authority to transact insurance in this state, within which the carrier is authorized to provide coverage.

(12) "Health benefit plan" means any hospital or medical policy or certificate, any subscriber contract provided by a hospital or professional service corporation, or health maintenance organization subscriber contract. Health benefit plan does not include policies or certificates of insurance for specific disease, hospital confinement indemnity, accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, student health benefits only, coverage issued as a supplement to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance, or nonrenewable short-term coverage issued for a period of twelve (12) months or less.

(13) "Index rate" means, as to a rating period for individuals with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

(14) "Individual basic health benefit plan" means a lower cost health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(15) "Individual catastrophic A health benefit plan" means a higher limit health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(16) "Individual catastrophic B health benefit plan" means a health benefit plan with limits higher than an individual catastrophic A health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(17) "Individual HSA compatible health benefit plan" means a health savings account compatible health benefit plan developed pursuant to ~~section 41-5511~~ chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(18) "Individual standard health benefit plan" means a health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(19) "New business premium rate" means, as to a rating period, the lowest premium rate charged or offered or which could have been charged or of-

ferred by the individual carrier to individuals with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(20) "Premium" means all moneys paid by an individual and eligible dependents as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

(21) "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under:

(a) Medicare or medicaid, civilian health and medical program for uniformed services (CHAMPUS), the Indian health service program, a state health benefit risk pool, or any other similar publicly sponsored program; or

(b) Any group or individual health insurance policy or health benefit arrangement whether or not subject to the state insurance laws, including coverage provided by a managed care organization, hospital or professional service corporation, or a fraternal benefit society, that provides benefits similar to or exceeding benefits provided under the basic health benefit plan.

(22) "Rating period" means the calendar period for which premium rates established by a carrier are assumed to be in effect.

(23) "Reinsuring carrier" means a carrier participating in the Idaho individual high risk reinsurance pool established in chapter 55, title 41, Idaho Code.

(24) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier to provide health care services to covered individuals.

(25) "Risk-assuming carrier" means a carrier whose application is approved by the director pursuant to section 41-5210, Idaho Code.

(26) "Individual carrier" means a carrier that offers health benefit plans covering eligible individuals and their dependents.

Approved April 6, 2017

CHAPTER 282
(S.B. No. 1151)

AN ACT

RELATING TO WARRANTS; AMENDING SECTION 67-1022, IDAHO CODE, TO REVISE PROCEDURES WHEN A WARRANT IS LOST OR DESTROYED.

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

SECTION 1. That Section 67-1022, Idaho Code, be, and the same is hereby amended to read as follows:

67-1022. WARRANTS, HOW DRAWN -- LOST WARRANTS. (1) All warrants must be drawn in the order prescribed by the state controller.

(2) In case of the loss or destruction of any warrant heretofore issued or that may be issued by the state controller, and, after notice by the involved agency to the ~~state treasurer and state controller~~ state controller to stop payment on the lost or destroyed warrant the state controller is hereby authorized to issue his ~~duplicate replacement~~ replacement warrant to take the place of the warrant so lost or destroyed, upon ~~satisfactory proof by affidavit~~ certification of the loss of the said warrant. In the issuance of any such ~~duplicate replacement~~ replacement warrant, the state controller may require an indemnity bond, conditioned upon the payment to the state of Idaho of any loss or damage or obligation by

reason of the said lost warrant becoming a claim against the state; and, it shall be the duty of the state controller to notify the state treasurer of the issuance of the said duplicate replacement warrant.

~~(3) In all situations when the involved agency is required to send an affidavit to the state controller as proof of the loss of a warrant, the agency shall also send a duplicate or photocopy of the affidavit to the state treasurer.~~

Approved April 6, 2017

CHAPTER 283
(S.B. No. 1152)

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 2018; PROVIDING NON-GENERAL FUND REAPPROPRIATION; PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS; PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE; 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, 2017, through June 30, 2018:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$83,470,900	\$8,983,600	\$3,757,800		\$96,212,300
Unrestricted					
Fund	<u>80,951,900</u>	<u>17,589,100</u>	<u>0</u>		<u>98,541,000</u>
TOTAL	\$164,422,800	\$26,572,700	\$3,757,800		\$194,753,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$75,905,300	\$661,000	\$484,000		\$77,050,300
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>39,055,900</u>	<u>26,762,500</u>	<u>5,219,400</u>		<u>71,037,800</u>
TOTAL	\$118,570,800	\$27,423,500	\$5,703,400		\$151,697,700
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$79,656,600	\$7,691,100	\$3,633,400	\$450,000	\$91,431,100
Agricultural College Endowment Income					
Fund	923,500	65,400	358,700		1,347,600
Scientific School Endowment Income					
Fund	3,407,700		1,301,100		4,708,800
University Endowment Income					
Fund		3,005,900	1,036,900		4,042,800
Unrestricted					
Fund	<u>47,937,200</u>	<u>27,878,700</u>	<u>639,300</u>	<u>0</u>	<u>76,455,200</u>
TOTAL	\$131,925,000	\$38,641,100	\$6,969,400	\$450,000	\$177,985,500
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$14,737,300	\$1,781,000	\$775,400		\$17,293,700
Normal School Endowment Income					
Fund		2,131,200			2,131,200
Unrestricted					
Fund	<u>13,418,300</u>	<u>2,593,200</u>	<u>20,000</u>		<u>16,031,500</u>
TOTAL	\$28,155,600	\$6,505,400	\$795,400		\$35,456,400
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$907,800		\$4,158,000	\$5,065,800
GRAND TOTAL	\$443,074,200	\$100,050,500	\$17,226,000	\$4,608,000	\$564,958,700

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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that 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 including, but not limited to, projects to 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 appropriations in fiscal years 2015, 2016, and 2017. The board may use the measures of effectiveness submitted by the institutions in their budget requests or develop other measures as necessary to show the impact of funding for personnel and program on their comparative outcomes regarding course completion, degree attainment, and job placement. Reporting to the Legislature should occur no later than February 1, 2018, and shall be formatted in such a manner that allows consistent comparison within and between institutions.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2017

CHAPTER 284
(S.B. No. 1154)

AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO PROVIDE THAT THE COUNCIL MAY OBTAIN AND RETAIN CERTAIN CRIMINAL JUSTICE INFORMATION IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which that peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation of and collection of evidence in cases involving an allegation of sexual assault or battery.

(b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions.

(c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position.

(d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers.

(e) To establish the minimum requirements of courses of study, attendance, equipment, facilities of all approved schools, and the scholastic requirement, experience and training of instructors at all approved schools.

(f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers.

(g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

(h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision.

(i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advanced courses of instruction successfully completed by such peace officers while employed in this state and to include the law enforcement employment history by agency and dates of service of the officer. Such information shall be made available to any law enforcement agency upon request when a person applies for employment at the requesting law enforcement agency.

(j) To allow a peace officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said peace officer meets minimum physical and educational requirements of the academy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory com-

pletion of the peace officer standards and training academy, the tribal peace officer shall receive a certificate of satisfactorily completing the academy.

(2) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho Code, employed after January 1, 1974, except any elected official or deputy serving civil process, the deputy director of the Idaho state police, or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the Idaho state police, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of city police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which that are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(3) The council is designated as a criminal justice agency as defined in section 67-3012(7)(A)(ii), Idaho Code, for the purposes of obtaining and retaining confidential criminal justice information by means of criminal justice services as defined in section 67-3012(8), Idaho Code. Such information shall be used to provide for the certification, suspension or revocation of certification of peace officers and public safety personnel subject to certification by the council. The council may not record or retain any confidential criminal justice information without complying with the provisions of chapter 30, title 67, Idaho Code.

(4) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date upon on which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall decertify any officer who is convicted of any felony or offense which that would be a felony if committed in this state. The council may decertify any officer who:

- (a) Is convicted of any misdemeanor;
- (b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or
- (c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All proceedings taken by the council shall be conducted in accordance with chapter 52, title 67, Idaho Code.

(45) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action, shall, within fifteen (15) days of such action, make a report to the council.

(56) The council shall, pursuant to the requirements of this section, establish minimum basic training and certification standards for county detention officers that can be completed within one (1) year of employment as a county detention officer.

(67) The council may, upon recommendation of the juvenile training council and pursuant to the requirements of this section, implement minimum basic training and certification standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho department of juvenile corrections who are engaged in the direct care and management of juveniles.

(78) The council may, upon recommendation of the correction standards and training council, and pursuant to the requirements of this section, establish minimum basic training and certification standards for state correction officers and for adult probation and parole officers.

(89) The council may, upon recommendation of a probation training advisory committee and pursuant to the requirements of this section, establish minimum basic training, continuing education and certification standards for misdemeanor probation officers, whether those officers are employees of, or by private sector contract with, a county.

(910) The council may reject any applicant for certification who has been convicted of a misdemeanor, and the council shall reject an applicant for certification who has been convicted of a felony, the punishment for which could have been imprisonment in a federal or state penal institution.

(101) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding the form of judgment or withheld judgment, regardless of whether the sentence is imposed, suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or withdrawn or the case is dismissed or reduced under section 19-2604, Idaho Code, or any other comparable statute or procedure where the setting aside of the plea or conviction, or dismissal or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt or conviction.

Approved April 6, 2017

CHAPTER 285
(S.B. No. 1166)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT REGARDING YOUTH EQUINE EDUCATION; AND PROVIDING LEGISLATIVE INTENT REGARDING TRANSFERS TO THE PUBLIC SCHOOL INCOME FUND.

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

SECTION 1. There is hereby appropriated to the Idaho State Police, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$2,552,300	\$401,400	\$137,000		\$3,090,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. DIVISION OF IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$2,027,500	\$177,800	\$30,000		\$2,235,300
Idaho Law Enforcement					
Fund	128,900				128,900
Idaho Law Enforcement (Project Choice)					
Fund	108,400	1,800			110,200
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>65,000</u>	<u>18,100</u>	<u>0</u>		<u>83,100</u>
TOTAL	\$2,329,800	\$254,100	\$30,000		\$2,613,900
B. EXECUTIVE PROTECTION:					
FROM:					
General					
Fund	\$339,200	\$64,300			\$403,500
Idaho Law Enforcement (Project Choice)					
Fund	60,500	700			61,200
Miscellaneous Revenue					
Fund	<u>102,900</u>	<u>6,000</u>			<u>108,900</u>
TOTAL	\$502,600	\$71,000			\$573,600
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$6,365,700	\$869,800	\$59,700		\$7,295,200
Idaho Law Enforcement (Project Choice)					
Fund	913,500	8,900			922,400
Drug & DWUI Enforcement Donation					
Fund	208,700	456,300			665,000
Federal Grant					
Fund	<u>156,300</u>	<u>512,300</u>	<u>0</u>	<u>\$110,000</u>	<u>778,600</u>
TOTAL	\$7,644,200	\$1,847,300	\$59,700	\$110,000	\$9,661,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. PATROL:					
FROM:					
General					
Fund	\$6,235,000	\$2,670,800	\$1,621,400		\$10,527,200
Idaho Law Enforcement					
Fund	15,652,900	2,837,500	221,700		18,712,100
Idaho Law Enforcement (Project Choice)					
Fund	3,230,500	36,000			3,266,500
Hazardous Materials/Waste Enforcement					
Fund	433,300	92,900	93,900	\$67,800	687,900
Miscellaneous Revenue					
Fund	185,300	29,300			214,600
Federal Grant					
Fund	<u>3,143,200</u>	<u>1,148,200</u>	<u>167,000</u>	<u>2,497,600</u>	<u>6,956,000</u>
TOTAL	\$28,880,200	\$6,814,700	\$2,104,000	\$2,565,400	\$40,364,300
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$328,000	\$261,800			\$589,800
Alcohol Beverage Control					
Fund	1,115,700	393,500			1,509,200
Idaho Law Enforcement (Project Choice)					
Fund	185,900	1,900			187,800
Miscellaneous Revenue					
Fund	<u>0</u>	<u>12,600</u>			<u>12,600</u>
TOTAL	\$1,629,600	\$669,800			\$2,299,400
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,856,500	\$1,326,300	\$245,900		\$3,428,700
Idaho Law Enforcement					
Fund	110,300	100			110,400
Idaho Law Enforcement (Project Choice)					
Fund	99,400	2,400			101,800
Idaho Law Enforcement Telecommunications					
Fund	610,700	840,000	12,800		1,463,500
Miscellaneous Revenue					
Fund	1,241,400	1,353,900	12,800		2,608,100
Federal Grant					
Fund	<u>0</u>	<u>35,800</u>	<u>0</u>		<u>35,800</u>
TOTAL	\$3,918,300	\$3,558,500	\$271,500		\$7,748,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
G. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$3,706,600	\$665,200	\$127,400		\$4,499,200
Idaho Law Enforcement (Project Choice)					
Fund	327,200	6,600			333,800
Drug & DWUI Enforcement Donation					
Fund		418,400			418,400
Miscellaneous Revenue					
Fund	84,200	130,500			214,700
Federal Grant					
Fund	<u>125,100</u>	<u>286,900</u>	<u>0</u>		<u>412,000</u>
TOTAL	\$4,243,100	\$1,507,600	\$127,400		\$5,878,100
DIVISION TOTAL	\$49,147,800	\$14,723,000	\$2,592,600	\$2,675,400	\$69,138,800
III. POST ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$82,000	\$1,900			\$83,900
Peace Officers Training					
Fund	2,256,500	1,913,700	\$42,300	\$105,900	4,318,400
Miscellaneous Revenue					
Fund		29,000			29,000
Federal Grant					
Fund	<u>36,200</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>257,400</u>
TOTAL	\$2,374,700	\$2,165,800	\$42,300	\$105,900	\$4,688,700
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission					
Fund	\$239,200	\$165,000			\$404,200
Pari-mutuel Distributions					
Fund	<u>0</u>	<u>0</u>		<u>\$245,900</u>	<u>245,900</u>
TOTAL	\$239,200	\$165,000		\$245,900	\$650,100
GRAND TOTAL	\$54,314,000	\$17,455,200	\$2,771,900	\$3,027,200	\$77,568,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred eighty-seven and eighty-five hundredths (587.85) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appro-

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

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated from the Economic Recovery Reserve Fund to the Idaho State Police for endpoint installation and a recording system related to the Regional Communications Centers console system for fiscal year 2017, to be used for non-recurring expenditures related to the installation and the recording system for the period July 1, 2017, through June 30, 2018.

SECTION 4. YOUTH EQUINE EDUCATION. Of the amount appropriated in Section 1 of this act from the Pari-mutuel Distributions Fund, the balance of the Idaho Horse Council Youth Programs Account, up to \$143,400, shall be used solely for youth equine education and promotion of equine-related youth development programs of the Idaho Horse Council.

SECTION 5. PUBLIC SCHOOL INCOME FUND TRANSFER. Notwithstanding any other provision of law to the contrary, the State Controller shall transfer to the Public School Income Fund amounts appropriated in Section 1 of this act from the Pari-mutuel Distributions Fund that are associated with balances of the Breed Distribution Account and are otherwise allocated for distribution to the Idaho Quarter Horse Association and the Idaho Thoroughbred Association. On July 1, 2017, or as soon thereafter as practicable, upon notification from the Idaho State Racing Commission that said amounts are available, the State Controller shall transfer up to \$7,234 of the Idaho Quarter Horse Association's allocation and up to \$65,105 of the Idaho Thoroughbred Association's allocation to the Public School Income Fund.

Approved April 6, 2017

CHAPTER 286
(S.B. No. 1177)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2018;
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN
APPROPRIATION AND TRANSFER OF MONEYS TO THE IDAHO OPPORTUNITY FUND;
PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE GENERAL FUND;
AND PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE TOURISM AND
PROMOTION 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,491,800	\$1,023,600	\$15,100	\$2,250,000	\$5,780,500
Idaho Opportunity					
Fund				3,000,000	3,000,000
Indirect Cost Recovery					
Fund	43,000				43,000
Tourism and Promotion					
Fund	821,300	6,488,600	5,100	5,890,900	13,205,900
Miscellaneous Revenue					
Fund		157,500			157,500
Seminars and Publications					
Fund		378,400			378,400
Federal Grant					
Fund	<u>394,800</u>	<u>248,700</u>	<u>0</u>	<u>15,620,800</u>	<u>16,264,300</u>
TOTAL	\$3,750,900	\$8,296,800	\$20,200	\$26,761,700	\$38,829,600

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Commerce and the State Controller shall transfer \$2,000,000 from the General Fund to the Idaho Opportunity Fund, on July 1, 2017, or as soon thereafter as practicable for the period July 1, 2017, through June 30, 2018.

SECTION 4. There is hereby appropriated to the Department of Commerce and the State Controller shall transfer \$31,800 from the Indirect Cost Recovery Fund to the General Fund, on July 1, 2017, or as soon thereafter as practicable for the period July 1, 2017, through June 30, 2018.

SECTION 5. There is hereby appropriated to the Department of Commerce and the State Controller shall transfer \$8,200 from the Indirect Cost Recovery Fund to the Tourism and Promotion Fund, on July 1, 2017, or as soon thereafter as practicable for the period July 1, 2017, through June 30, 2018.

Approved April 6, 2017

CHAPTER 287
(S.B. No. 1178)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$517,100
Operating Expenditures	86,700
Capital Outlay	<u>2,900</u>
TOTAL	\$606,700

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2017

CHAPTER 288
(S.B. No. 1179)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$5,750,300	\$4,301,000	\$441,700	\$10,493,000
Multistate Tax Compact				
Fund	97,300	485,700	81,500	664,500
Administration and Accounting				
Fund	37,100	28,100	2,500	67,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration Services for Transportation				
Fund	507,100	667,200	105,500	1,279,800
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>0</u>	<u>19,100</u>
TOTAL	\$6,391,800	\$5,501,100	\$631,200	\$12,524,100

II. AUDIT DIVISION:

FROM:

General

Fund	\$7,492,900	\$1,074,600		\$8,567,500
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Multistate Tax Compact

Fund	1,507,800	483,700		1,991,500
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Administration and Accounting

Fund	13,900	24,400		38,300
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Administration Services for Transportation

Fund	1,748,800	345,500		2,094,300
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Federal Grant

Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
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TOTAL	\$10,763,400	\$1,936,200		\$12,699,600
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III. COLLECTIONS DIVISION:

FROM:

General

Fund	\$6,274,900	\$997,900		\$7,272,800
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Administration Services for Transportation

Fund	<u>197,700</u>	<u>23,500</u>		<u>221,200</u>
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TOTAL	\$6,472,600	\$1,021,400		\$7,494,000
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IV. REVENUE OPERATIONS:

FROM:

General

Fund	\$4,138,900	\$1,656,800		\$5,795,700
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Multistate Tax Compact

Fund		4,000		4,000
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Administration and Accounting

Fund	87,600	33,100		120,700
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Administration Services for Transportation

Fund	645,900	256,800	\$2,300	905,000
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Seminars and Publications

Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
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TOTAL	\$4,872,400	\$1,977,100	\$2,300	\$6,851,800
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$3,232,500	\$425,900		\$3,658,400
Seminars and Publications				
Fund	<u>0</u>	<u>131,000</u>	<u>\$8,800</u>	<u>139,800</u>
TOTAL	\$3,232,500	\$556,900	\$8,800	\$3,798,200
GRAND TOTAL	\$31,732,700	\$10,992,700	\$642,300	\$43,367,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred fifty-five (455) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2017

CHAPTER 289
(S.B. No. 1185)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Industrial Commission, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration					
Fund	\$3,705,000	\$1,115,300	\$59,800	\$1,185,100	\$6,065,200
Peace Officer and Detention Officer Temporary Disability					
Fund	8,100	3,800		156,100	168,000
Miscellaneous Revenue					
Fund	<u>0</u>	<u>45,000</u>	<u>0</u>	<u>0</u>	<u>45,000</u>
TOTAL	\$3,713,100	\$1,164,100	\$59,800	\$1,341,200	\$6,278,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. REHABILITATION:					
FROM:					
Industrial Administration					
Fund	\$3,460,700	\$632,500	\$146,500		\$4,239,700
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation					
Fund	\$847,600	\$229,100	\$24,400	\$2,000,000	\$3,101,100
Federal Grant					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>800,000</u>	<u>800,000</u>
TOTAL	\$847,600	\$229,100	\$24,400	\$2,800,000	\$3,901,100
IV. ADJUDICATION:					
FROM:					
Industrial Administration					
Fund	\$1,843,500	\$551,900	\$28,100		\$2,423,500
GRAND TOTAL	\$9,864,900	\$2,577,600	\$258,800	\$4,141,200	\$16,842,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty-eight and twenty-five hundredths (138.25) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2017

CHAPTER 290
(S.B. No. 1186)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2018; 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$26,647,700	\$3,614,600	\$1,001,000	\$31,263,300
Equine Education				
Fund	<u>0</u>	<u>24,000</u>	<u>0</u>	<u>24,000</u>
TOTAL	\$26,647,700	\$3,638,600	\$1,001,000	\$31,287,300

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2017

CHAPTER 291
(S.B. No. 1187)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2018; 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; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; PROVIDING LEGISLATIVE INTENT REGARDING USE OF CERTAIN MONEYS FOR AGRICULTURAL BEST MANAGEMENT PRACTICES; AND PROVIDING LEGISLATIVE INTENT REGARDING THE HAZARDOUS WASTE EMERGENCY 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,788,400	\$1,607,100	\$99,400		\$3,494,900
Air Quality Permitting					
Fund	229,800	98,600	17,600		346,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Public Water System Supervision					
Fund	379,900	51,000	17,600		448,500
Water Pollution Control					
Fund	77,300	21,500	1,500		100,300
Environmental Remediation (Basin)					
Fund		26,300			26,300
Department of Environmental Quality (Receipts)					
Fund	269,100	118,300	8,500		395,900
Idaho Underground Storage Tank Program					
Fund	53,700	29,200			82,900
Bunker Hill Trust					
Fund		12,400			12,400
Department of Environmental Quality (Federal)					
Fund	<u>1,786,800</u>	<u>1,736,000</u>	<u>114,700</u>		<u>3,637,500</u>
TOTAL	\$4,585,000	\$3,700,400	\$259,300		\$8,544,700

II. AIR QUALITY:

FROM:

General

Fund	\$3,341,400	\$207,600	\$225,500		\$3,774,500
Air Quality Permitting					
Fund	1,246,800	82,700		\$40,000	1,369,500
Department of Environmental Quality (Receipts)					
Fund	307,100	243,000			550,100
Department of Environmental Quality (Federal)					
Fund	<u>1,511,400</u>	<u>1,474,200</u>	<u>20,000</u>	<u>41,400</u>	<u>3,047,000</u>
TOTAL	\$6,406,700	\$2,007,500	\$245,500	\$81,400	\$8,741,100

III. WATER QUALITY:

FROM:

General

Fund	\$6,999,900	\$1,054,900	\$48,300	\$1,178,500	\$9,281,600
Hazardous Waste Emergency					
Fund		212,000	68,000		280,000
Public Water System Supervision					
Fund	1,086,800	499,700			1,586,500
Water Pollution Control					
Fund	647,300	334,300		158,200	1,139,800
Department of Environmental Quality (Receipts)					
Fund	502,700	158,000		51,600	712,300
Department of Environmental Quality (Federal)					
Fund	<u>4,757,800</u>	<u>1,649,500</u>	<u>0</u>	<u>2,333,200</u>	<u>8,740,500</u>
TOTAL	\$13,994,500	\$3,908,400	\$116,300	\$3,721,500	\$21,740,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General					
Fund	\$114,000	\$10,200			\$124,200
Environmental Remediation (Basin)					
Fund	66,300	15,500			81,800
Department of Environmental Quality (Federal)					
Fund	<u>15,300</u>	<u>253,400</u>		<u>\$50,000</u>	<u>318,700</u>
TOTAL	\$195,600	\$279,100		\$50,000	\$524,700
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General					
Fund	\$2,607,800	\$102,700	\$5,500	\$134,600	\$2,850,600
Environmental Remediation (Box)					
Fund	30,000	76,600		150,500	257,100
Environmental Remediation (Basin)					
Fund	169,000	441,800			610,800
Department of Environmental Quality (Receipts)					
Fund	791,200	1,447,100		51,800	2,290,100
Idaho Underground Storage Tank Program					
Fund	232,100	25,000			257,100
Bunker Hill Trust					
Fund	47,100	920,000		300,000	1,267,100
Department of Environmental Quality (Federal)					
Fund	<u>2,933,100</u>	<u>12,706,100</u>	<u>0</u>	<u>3,015,500</u>	<u>18,654,700</u>
TOTAL	\$6,810,300	\$15,719,300	\$5,500	\$3,652,400	\$26,187,500
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General					
Fund	\$86,600	\$8,700			\$95,300
Department of Environmental Quality (Federal)					
Fund	<u>980,200</u>	<u>918,800</u>	<u>\$20,000</u>	<u>\$146,900</u>	<u>2,065,900</u>
TOTAL	\$1,066,800	\$927,500	\$20,000	\$146,900	\$2,161,200
GRAND TOTAL	\$33,058,900	\$26,542,200	\$646,600	\$7,652,200	\$67,899,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-two (382) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations

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

SECTION 3. 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, 2017, through June 30, 2018.

SECTION 4. LEGISLATIVE INTENT -- ENVIRONMENTAL REMEDIATION BASIN FUND. 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 -- WATER POLLUTION CONTROL FUND. 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.

SECTION 6. LEGISLATIVE INTENT -- AGRICULTURAL BEST MANAGEMENT PRACTICES. It is the intent of the Legislature that \$500,000 of the ongoing General Fund moneys appropriated to the Water Quality Program for trustee and benefit payments, in Section 1 of this act, be used for a statewide grant program to support implementation of agricultural Best Management Practices (BMPs) in high-priority watersheds throughout Idaho. The department is to administer this funding through existing BMP grant procedures and personnel. Funding is to be used by farmers and ranchers to modify their agricultural practices in order to improve water quality and help meet the objectives of Total Maximum Daily Loads (TMDLs).

SECTION 7. LEGISLATIVE INTENT -- HAZARDOUS WASTE EMERGENCY FUND. Notwithstanding Section 39-4417, Idaho Code, the moneys appropriated from the Hazardous Waste Emergency Fund, in Section 1 of this act, are to be used for onetime costs of developing the Idaho Pollutant Discharge Elimination System.

Approved April 6, 2017

CHAPTER 292
(S.B. No. 1189)

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 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; 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 FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS;

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILDREN'S MENTAL HEALTH PROGRAM, COMMUNITY HOSPITALIZATION PROGRAM AND SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ADULT MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$4,793,200	\$834,400		\$4,151,000	\$9,778,600
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>2,502,400</u>	<u>1,358,100</u>		<u>1,092,600</u>	<u>4,953,100</u>
TOTAL	\$7,295,600	\$2,192,500		\$5,408,100	\$14,896,200
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$14,459,100	\$2,765,100		\$13,883,800	\$31,108,000
Cooperative Welfare (Dedicated)					
Fund	111,200			350,000	461,200
Cooperative Welfare (Federal)					
Fund	<u>2,179,900</u>	<u>1,143,100</u>		<u>778,700</u>	<u>4,101,700</u>
TOTAL	\$16,750,200	\$3,908,200		\$15,012,500	\$35,670,900
DIVISION TOTAL	\$24,045,800	\$6,100,700		\$20,420,600	\$50,567,100
II. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$3,364,700	\$3,364,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,427,600	\$140,100		\$105,500	\$7,673,200
Cooperative Welfare (Dedicated)					
Fund	154,100				154,100
State Hospital North Endowment Income					
Fund	<u>397,000</u>	<u>1,119,100</u>	<u>\$15,700</u>	<u>44,500</u>	<u>1,576,300</u>
TOTAL	\$7,978,700	\$1,259,200	\$15,700	\$150,000	\$9,403,600
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$9,769,300	\$286,400	\$175,000	\$241,900	\$10,472,600
Cooperative Welfare (Dedicated)					
Fund	3,664,900	1,020,200		900	4,686,000
Mental Hospital Endowment Income					
Fund	3,018,500	1,380,500	215,000		4,614,000
Cooperative Welfare (Federal)					
Fund	<u>4,927,600</u>	<u>1,169,000</u>	<u>0</u>	<u>25,900</u>	<u>6,122,500</u>
TOTAL	\$21,380,300	\$3,856,100	\$390,000	\$268,700	\$25,895,100
DIVISION TOTAL	\$29,359,000	\$5,115,300	\$405,700	\$3,783,400	\$38,663,400
III. SUBSTANCE ABUSE TREATMENT AND PREVENTION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$296,300	\$673,500		\$1,505,400	\$2,475,200
Prevention of Minors' Access to Tobacco					
Fund		43,800			43,800
Cooperative Welfare (Dedicated)					
Fund	48,800	438,300			487,100
Liquor Control					
Fund				650,000	650,000
Cooperative Welfare (Federal)					
Fund	<u>1,082,000</u>	<u>3,459,200</u>		<u>6,628,400</u>	<u>11,169,600</u>
TOTAL	\$1,427,100	\$4,614,800		\$8,783,800	\$14,825,700
GRAND TOTAL	\$54,831,900	\$15,830,800	\$405,700	\$32,987,800	\$104,056,200

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Adult Mental Health	210.56
Children's Mental Health	90.67
State Hospital North	107.10
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 2018.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision 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, 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 included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall, no later than July 16, 2017, 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, 2017, through June 30, 2018.

SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. It is the intent of the Legislature that the Behavioral Health Community Crisis Center located in Idaho Falls, share an updated plan, and the Behavioral Health Community Crisis Center located in Coeur d'Alene, 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 centers. The contractually required plan is to be submitted to the Legislative Services Office no later than December 31, 2017. 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 (2) years of operations.

SECTION 10. In addition to the appropriation made in Section 1, Chapter 250, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended for the designated programs and expense classes, from the 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:					
FROM:					
Cooperative Welfare (General)					
Fund	\$100,200	\$13,200	\$14,300		\$127,700
Cooperative Welfare (Federal)					
Fund	<u>100,200</u>	<u>13,200</u>	<u>14,300</u>		<u>127,700</u>
TOTAL	\$200,400	\$26,400	\$28,600		\$255,400
II. PSYCHIATRIC HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$500,000	\$500,000
III. SUBSTANCE ABUSE TREATMENT & PREVENTION:					
FROM:					
Cooperative Welfare (Federal)					
Fund				\$1,500,000	\$1,500,000
GRAND TOTAL	\$200,400	\$26,400	\$28,600	\$2,000,000	\$2,255,400

SECTION 11. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Adult Mental Health Program, in Section 1, Chapter 250, Laws of 2016, from the Cooperative Welfare (General) Fund, is hereby reduced by \$500,000 for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 12. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare for the Children's Mental Health Program, in Section 2, Chapter 250, Laws of 2016, is increased by eleven (11) for the period July 1, 2016, through June 30, 2017.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 10, 11 and 12 of this act shall be in full force and effect on and after passage and approval.

Approved April 6, 2017

CHAPTER 293
(S.B. No. 1190)

AN ACT

RELATING TO ELECTIONS AND ELECTION CONTESTS; REPEALING CHAPTER 21, TITLE 34, IDAHO CODE, RELATING TO ELECTION CONTESTS; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR JURISDICTION, TO PROVIDE FOR GROUNDS OF CONTEST, TO PROVIDE FOR LEGISLATIVE RULES, TO PROVIDE FOR CONTEST FOR LEGISLATIVE OFFICES AND AN EXCEPTION, TO PROVIDE FOR MISCONDUCT OF ELECTION JUDGES, TO PROVIDE FOR NOTICE, SERVICE AND ANTICIPATED DISCOVERY, TO PROVIDE FOR SUMMARY DISMISSAL, TO PROVIDE FOR EXAMINATION OF WITNESSES AND SUBPOENAS, TO PROVIDE FOR DEPOSITIONS, TO PROVIDE FOR PRODUCTION OF CERTAIN PAPERS AND TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR EXAMINATION OF POLL BOOKS AND BALLOTS, TO PROVIDE FOR DELIVERY OF CONTEST PAPERS, TO PROVIDE FOR NOTICE, TO PROVIDE FOR OPENING OF CERTAIN PAPERS, CUSTODY OF SUCH PAPERS AND APPOINTMENT OF A COMMITTEE, TO PROVIDE FOR PRESERVATION OF EVIDENCE, TO PROVIDE FOR SECURITY COSTS AND ASSESSMENT OF CERTAIN COSTS AND FEES, TO PROVIDE FOR FORMS OF RELIEF, TO PROVIDE FOR CONTEST OF NOMINATION AT PRIMARIES, TO PROVIDE FOR JURISDICTION OVER PRIMARY CONTESTS, TO PROVIDE FOR FILING OF AN AFFIDAVIT, TO PROVIDE FOR SECURITY FOR COSTS, TO ESTABLISH PROVISIONS REGARDING FRAUD OR ERROR BY CERTAIN OFFICIALS, TO PROVIDE FOR DISCOVERY, TO PROVIDE REMEDIES, TO PROVIDE FOR APPEALS AND TO ESTABLISH PROVISIONS REGARDING COST ON APPEAL; AND AMENDING SECTION 18-2315, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN ELECTION OFFENSES.

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

SECTION 1. That Chapter 21, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 21, Title 34, Idaho Code, and to read as follows:

CHAPTER 21
ELECTION CONTESTS ACT

34-2101. SHORT TITLE -- INTENT. (1) This chapter shall be known and may be cited as the "Election Contests Act."

(2) The purpose of this act is to simplify and clarify the laws governing election contests of legislative seats and election contests for all officers of the executive department.

34-2102. DEFINITIONS. For the purposes of this chapter, the following terms have the following meanings:

(1) "Body" means the Idaho senate or the Idaho house of representatives or both.

(2) "Contestee" means the individual against whom the contest of election is filed.

(3) "Contestor" means the individual who files the contest of election.

(4) "Elector" has the same meaning as "qualified elector" provided in section 34-104, Idaho Code.

(5) "Eligible for the office" means the qualifications of members provided in section 34-614, Idaho Code.

(6) "Individual" means a natural person and not an artificial person such as a corporation, partnership, or other entity created by law.

(7) "Legislature" means the Idaho senate or the Idaho house of representatives or both.

(8) "Office" means any senate member, house of representatives member, executive office holder, or all.

(9) "Parties" means the contestor and the contestee.

(10) "Party" means the contestor or the contestee.

(11) "Presiding officer" means the Idaho senate president pro tempore or the speaker of the Idaho house of representatives. In the event the contestee or the contestor is the presiding officer, then the next ranking member of majority leadership who is able and willing serves as presiding officer. In the event the contestee or the contestor is an office holder in the executive department, then both the Idaho senate president pro tempore and the speaker of the Idaho house of representatives will serve as presiding officers.

34-2103. JURISDICTION -- CONTESTS OVER LEGISLATIVE OFFICES -- CONTESTS OVER EXECUTIVE OFFICES. (1) Contests over legislative offices.

(a) The senate will hear and determine contests of the election of its members.

(b) The house of representatives will hear and determine contests of the election of its members.

(2) Contests over executive offices. The legislature, in joint meeting, will hear and determine cases of contested election for all officers of the executive department. The meeting of the two (2) bodies to decide upon those elections will be held in the house of representatives, and the speaker of the house of representatives will preside.

34-2104. GROUNDS OF CONTEST. The election of any person to any legislative or state executive office may be contested:

(1) For misconduct, fraud or corruption as provided in section 34-2107, Idaho Code, on the part of one (1) or more judges of election in any precinct or township, or on the part of one (1) or more members of any board of canvassers sufficient to change the result;

(2) When, in an election contest regarding a legislative seat, the contestee was not eligible for the office at the time of the election as provided in section 34-614, Idaho Code;

(3) When, in an election contest regarding an executive office, the contestee was not eligible for the office at the time of the election as provided in chapter 6 of this title;

(4) When the contestee has been convicted of one (1) or more felonies, unless at the time of the election his civil rights have been restored;

(5) When the contestee has been charged with giving or offering to any elector, clerk, or canvasser of the election, or to any judge as provided in section 34-2107, Idaho Code, any bribe or reward in money or property, for the purpose of procuring his election;

(6) When the contestee has been charged with violating one (1) or more of the provisions found in sections 18-2301 through 18-2313, Idaho Code;

(7) When illegal votes have been received or legal votes rejected at the polls sufficient to change the result;

(8) For any error in any board of canvassers in counting votes or in declaring the result of the election, if the error would change the result;

(9) When the contestee holds the office of the state treasurer or the state controller as provided in section 1, article IV, of the constitution of the state of Idaho, and is in default as a collector and custodian of public money or property;

(10) For any other cause or allegation which, if sustained, would show that a person other than the contestee was the person duly elected to the office in question.

34-2105. LEGISLATIVE RULES. In addition to the provisions of this chapter, the legislature may provide:

(1) Senate rules regarding senate election contests.

(2) House of representatives rules regarding house of representatives election contests.

(3) Joint rules regarding executive department election contests.

In the event the provisions of this chapter are inconsistent with legislative rules, the legislative rules control.

34-2106. CONTEST FOR LEGISLATIVE OFFICES -- EXCEPTION REGARDING PRESIDING OFFICERS. Notwithstanding the provisions of sections 34-2101 through 34-2119, Idaho Code, in the event a presiding officer occupies the legislative seat that is the subject of an election contest, the majority leader or the next available and willing member of majority leadership of the appropriate body must serve as the presiding officer for purposes of this chapter.

34-2107. MISCONDUCT OF ELECTION JUDGES -- WHEN SUFFICIENT TO SET ASIDE AN ELECTION. Misconduct on the part of the judges of election is sufficient to set aside the election if the misconduct would change the result regarding that office.

34-2108. NOTICE OF CONTEST -- LEGISLATIVE -- EXECUTIVE DEPARTMENT -- GROUNDS -- SERVICE -- ANTICIPATED DISCOVERY. (1) Legislative contest. Within twenty (20) days after the election, whenever any elector of a legislative district chooses to contest the election of any member of the legislature from that district, the elector must give written notice of the contest and leave a copy of the notice of contest with the office of the secretary of state. The elector must make reasonable efforts to provide written notice of the contest to:

(a) The person whose election the elector is contesting by serving the notice at the address of the person reflected on his declaration of candidacy filed with the office of the secretary of state; and

(b) The secretary of the senate, if the election contest concerns an Idaho senate seat, or the chief clerk of the house of representatives, if the election contest concerns an Idaho house of representatives seat, at the statehouse in Boise.

(2) Executive department contest. Within twenty (20) days after the election, whenever any elector of this state chooses to contest the validity of the election of any of the officers of the executive department of the state, the elector must give written notice of the contest and leave a copy of the notice of contest with the office of the secretary of state. The elector must make reasonable efforts to provide written notice of the contest to:

(a) The person whose election the elector is contesting by serving the notice at the address that appears on the person's declaration of candidacy filed with the office of the secretary of state;

(b) The chief clerk of the house of representatives and the secretary of the senate at the statehouse in Boise.

(3) Notification by secretary of state to legislature. On or before the first day of the legislature's organizational session, the secretary of state must provide a copy of the notice of election contest to:

- (a) The secretary of the senate, if the election contest concerns an Idaho senate seat;
- (b) The chief clerk of the house of representatives, if the election contest concerns an Idaho house of representatives seat;
- (c) The secretary of the senate and the chief clerk of the house of representatives, if the election contest concerns an officer of the executive department.

(4) Grounds for contest. For any contest of election provided for in subsection (1) or (2) of this section, the notice of contest of election must include one (1) or more grounds upon which the election will be contested, as provided in section 34-2104, Idaho Code.

(5) Anticipated discovery. In the notice of contest, the parties must identify anticipated initial discovery, including witnesses to be deposed and the anticipated date and location of depositions. Relevant additional discovery will be allowed by the parties.

(6) Notice of contest may not be amended. A notice of contest required by this section may not be amended subsequent to the expiration of the twenty (20) days' notice required in subsections (1) and (2) of this section.

34-2109. SUMMARY DISMISSAL. (1) If the notice of contest fails to recite any grounds required by section 34-2104, Idaho Code, or fails to identify anticipated discovery as provided in section 34-2108, Idaho Code, or the contestor fails to timely post bond as provided in section 34-2118, Idaho Code, or the contestor otherwise fails to comply with the provisions of this chapter in a material way, the notice of contest may be stayed or dismissed as provided in subsections (3) and (4) of this section.

(2) Failure to advance contest. If the contestor fails to advance the contest due to death, incapacity, failure to comply with orders of the presiding officer, relocation out of the contested legislative district, or failure to advance the contest, then the presiding officer may enter a written order staying the proceedings. The provisions of subsections (3) and (4) of this section will then apply.

(3) Stay of proceedings. The presiding officer may enter a written order staying the proceedings if any of the instances provided in subsection (1) or (2) of this section apply. Upon issuance of the order, discovery in the contest must cease. The order must state the basis for the stay.

(4) Ratification or rejection. On or after the second day of the next regular session of the legislature, the body must either accept or reject the presiding officer's stay.

(a) A vote by the body to accept the order constitutes a dismissal of the contest.

(b) A vote by the body to reject the order constitutes a reversal of the order. Following the rejection of the order, the presiding officer or his designee must issue an order to the parties providing a schedule for reasonable discovery and hearing. The order must provide reasonable time for the parties to develop their record, not to exceed twenty (20) days. The order must define how and when the record must be completed and delivered to the office of the secretary of state and when the secretary of state will deliver the contest papers to the appropriate body.

34-2110. EXAMINATION OF WITNESSES -- SUBPOENAS. Unless otherwise provided for in legislative rule, the following provisions apply:

(1) Examination of witnesses. Unless otherwise ordered by the presiding officer or his designee, any party may take the testimony of any person by deposition upon oral examination pursuant to the provisions of the Idaho

rules of civil procedure. Depositions must be transcribed in writing. Any other form of deposition must be approved by the presiding officer or his designee. All testimony and discovery must be completed on or before December 29 following the election. The completed record must be delivered to the office of the secretary of state no later than the close of business on the next business day following December 29.

(2) (a) Subpoenas and subpoenas duces tecum. An election contest held pursuant to the provisions of this chapter is not a judicial proceeding. The principles of rule 45 of the Idaho rules of civil procedure, however, must be used as a framework for the form, content, issuance and service of subpoenas. Every subpoena and subpoena duces tecum must reasonably approximate the form found in appendix B of the Idaho rules of civil procedure.

(b) Unless prevented by sickness or unavoidable necessity, any person who has been summoned in the manner provided for in this section and refuses or neglects to attend and testify:

(i) Forfeits the sum of twenty dollars (\$20.00), to be recovered by the party at whose instance the subpoena was issued; and

(ii) Is guilty of a misdemeanor.

(c) Every witness who provides testimony pursuant to a subpoena provided for in this chapter is entitled to receive the witness fees as allowed under the Idaho rules of civil procedure.

34-2111. TESTIMONY -- HOW TAKEN, CERTIFIED AND PRESERVED. The testimony by deposition upon oral examination must be taken and preserved pursuant to the provisions of the Idaho rules of civil procedure. The deposition record must be entitled: "Deposition taken in the matter of the contest of the election of [INSERT NAME OF CONTESTEE HERE] to the office of," and be directed to the secretary of state, who must preserve the same, until the meeting of the legislature. Any testimony taken pursuant to this section must be filed with the secretary of state. Upon request of a presiding officer, the secretary of state must provide copies of depositions to the requesting presiding officer in a timely manner, prior to the time established in section 34-2114, Idaho Code.

34-2112. PRODUCTION OF PAPERS -- REFUSAL OR NEGLECT TO PRODUCE A MISDEMEANOR. The presiding officer has power to require the production of papers. Any person who refuses or neglects to produce and deliver any paper or papers in his possession pertaining to the election or, in case they be official papers, refuses or neglects to produce and deliver certified or sworn copies of the same shall be guilty of a misdemeanor.

34-2113. EXAMINATION OF POLL BOOKS AND BALLOTS. (1) Except as provided in subsection (2) of this section, if, at the time of taking depositions to be used in a contested election, the notice of contest alleges that it is necessary for the determination of the contest that the ballots or the poll books of any election district or districts should be inspected, then, on the request of either party to the contest, the presiding officer may issue an order requiring the county auditor, or other person in whose custody or possession the ballots or poll books may be, naming the district or districts mentioned in the notice, to deliver them to the person or persons issuing the order. The officer or officers must transmit the ballots or poll books to the secretary of state, who must preserve the same unopened until the meeting of the legislature.

(2) Any order issued pursuant to subsection (1) of this section must not be executed until after the time has lapsed for the filing of:

(a) An election contest provided for in chapter 20 of this title; or

(b) A recount filed as provided for in chapter 23 of this title.

(c) (i) If more than one (1) election contest is filed pursuant to chapter 20 or 21 of this title that implicate the same ballots or poll books, or part of the same ballots or poll books, the office of the secretary of state and the appropriate county auditor, or other person in whose custody or possession the ballots or poll books may be, must agree to a process for the examination of ballots or poll books that reasonably accommodates each contest filed.

(ii) If one (1) or more election contests are filed pursuant to chapter 20 or 21 of this title and one (1) or more recounts of ballots are filed pursuant to chapter 23 of this title, and if the election contests and the recounts of ballots implicate the same ballots or poll books, or part of the same ballots or poll books, the office of the secretary of state, the office of the attorney general and the appropriate county auditor or other person in whose custody or possession the ballots or poll books may be must agree to a process for the examination of ballots or poll books that reasonably accommodates each contest filed and each recount of ballots filed.

34-2114. CONTEST PAPERS DELIVERED TO PRESIDING OFFICERS. (1) Senate election contests. On the second day of the next regular session of the legislature, the secretary of state must deliver to the presiding officer of the senate all papers regarding a contested election of any member of the senate.

(2) House of representatives election contests. On the second day of the next regular session of the legislature, the secretary of state must deliver to the presiding officer of the house of representatives all papers regarding a contested election of any member of the house of representatives.

(3) Executive department election contests. On the second day of the next regular session of the legislature, the secretary of state must deliver to the speaker of the house of representatives all papers regarding a contest of elections of executive officers. The senate president pro tempore, or his designee, must attend the house of representatives during its receipt of the contest papers.

34-2115. NOTICE OF RECEIVING PAPERS. (1) Senate election contest. On the day of the receipt by the presiding officer of the senate, or his designee, of papers relating to contested elections, the presiding officer, in the appropriate order of business, must give notice to the senate of receipt of the papers.

(2) House of representatives election contest. On the day of the receipt by the presiding officer of the house of representatives, or his designee, of papers relating to contested elections, the presiding officer, in the appropriate order of business, must give notice to the house of representatives of receipt of the papers.

(3) State Executive Department Election Contest. Where the papers relate to the contest of a state executive officer, the house of representatives must notify the senate, and the day must be fixed by both houses, by concurrent resolution, for uniting the two (2) bodies to decide upon the same, in which decision the yeas and nays must be taken and entered upon the journal. A joint committee may be appointed by the presiding officers, or designees, of the two (2) bodies to produce a committee report on the election contest.

34-2116. OPENING AND CUSTODY OF PAPERS -- APPOINTMENT OF COMMITTEE. (1) Unless otherwise provided by legislative rule, the papers relating to any contest of election must be opened only in the presence of the body as directed by the presiding officer. Except as provided in subsection (2) of this section or unless otherwise provided for by legislative rule, the

papers must remain in the custody of the presiding officer or his designee until the election contest is decided. Upon a final decision by the body, the provisions of section 34-2117, Idaho Code, governing preservation of evidence will apply.

(2) Appointment of committee. The presiding officer may appoint a standing or special committee to hear the contest of election.

(a) The chairman of the committee will act as the temporary custodian of the papers. The presiding officer, or his designee, has discretion to deliver to the committee chairman all papers delivered to the presiding officer by the secretary of state or a portion of those papers. The committee chairman, or his designee, is authorized to efficiently manage or organize the papers.

(b) Upon conclusion of hearing the contest, the committee will report to the body its recommendation on the contest. The body must vote on the committee report. Upon the body's vote on the report, the committee chairman must return the papers to the presiding officer, who will preserve the evidence as provided in section 34-2117, Idaho Code.

34-2117. PRESERVATION OF EVIDENCE. (1) Except as provided for in subsection (2) of this section, all the evidence in any contest provided for in this chapter will be returned by the presiding officer, or his designee, to the secretary of state and will be preserved in the office of the secretary of state.

(2) Any ballots or poll books, other than copies, will be returned by the presiding officer to the secretary of state, who will return them to the office of the county auditor in which they were first required to be filed.

34-2118. SECURITY FOR COSTS -- ASSESSMENT OF COSTS AND FEES -- ASSESSMENT OF ATTORNEY'S FEES. (1) The contestor must file with the secretary of state a bond in the amount of one thousand dollars (\$1,000) conditioned to pay the contestee's costs if the election be confirmed by the legislature.

(2) The parties are liable for witness fees and the costs of discovery made by them respectively. If the election is upheld by the legislature, the legislature may assess costs and fees, other than attorney's fees, against the contestor. If the election is annulled by the legislature, the legislature may assess costs and fees, other than attorney's fees, against the contestee.

(3) Attorney's fees.

(a) Attorney's fees may be awarded against the contestor if the legislature determines the contest of election is frivolous and has no foundation in law or fact.

(b) Attorney's fees may be awarded against the contestee if the election is annulled by the legislature due to misconduct, fraud or corruption on the part of the contestee.

(4) If the election is set aside or annulled on the grounds of fraud or error by the election officials in conducting the election or in canvassing the returns, the contest costs will be a charge against the county in which the fraud or error occurred.

(5) If a special election is called by the legislature pursuant to section 34-2119, Idaho Code, the costs associated with the special election will be allocated in equal amounts to the state of Idaho and the county or counties where the special election is held.

34-2119. FORMS OF RELIEF. (1) The legislature must confirm or annul the election and must declare as elected the person who appears duly elected.

(2) If two (2) or more persons have the highest and an equal number of votes for the same office, or if the legal ballots cast or intended to be cast for them had been counted and they would have had the highest and an equal number of votes for the same office, then the election will be decided by lot,

in a manner directed by the legislature, which of the persons receiving such votes will be declared duly elected.

(3) When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes will not be declared elected and the legislature must declare the election void.

(4) If a vacancy is created pursuant to this section, the legislature may declare the office vacant and order the office filled pursuant to chapter 9, title 59, Idaho Code.

(5) Notwithstanding the provisions of chapter 1 of this title, the legislature may call for a special election regarding a specific contested office in which an accurate vote count cannot be obtained or discovered by the legislature. The legislature has the authority to set the date of the special election and the office and candidates to be placed on the ballot. In setting a special election, the legislature may provide for a filing period and notice provisions for the election.

(6) (a) Upon a final decision and award of costs and fees against the contestor, the legislature may direct the secretary of state to pay the award from the bond provided in section 34-2118, Idaho Code.

(b) Upon a final decision and award of costs, fees or attorney's fees against the contestor, and if the costs, fees and attorney's fees exceed the amount of the bond filed pursuant to section 34-2118, Idaho Code, the contestee may petition the district court for execution of the award.

(c) Upon a final decision and award of costs and fees against the contestee, the contestor may petition the district court for execution of the award.

34-2120. CONTEST OF NOMINATION AT PRIMARIES. Any candidate at a primary election may contest the nomination of any candidate for the same office based on the grounds as set out in this chapter.

34-2121. JURISDICTION OVER PRIMARY CONTESTS. A district court in the respective legislative district has jurisdiction over the primary contest involving a legislative election. For election contests involving statewide executive offices, the district court whose jurisdiction includes the state capitol has jurisdiction.

34-2122. FILING OF AFFIDAVIT. A candidate wishing to contest a primary election must file an affidavit with the appropriate court within five (5) days of the completion of the canvass of the election. The affidavit must set forth information as required in section 34-2108, Idaho Code, and must be served on all necessary parties in the same manner as a complaint and summons are served pursuant to the Idaho rules of civil procedure.

34-2123. SECURITY FOR COSTS. Upon filing of the affidavit, the contestor must file with the court a bond in the amount of one thousand dollars (\$1,000) to be used to pay costs of the contestee in the event the primary election be confirmed or the prosecution fail.

34-2124. FRAUD OR ERROR BY THE ELECTION OFFICIAL. If the primary election is set aside or annulled on the grounds of fraud or error by the election officials in conducting the election or in canvassing the election returns, the court costs must be a charge against the state of Idaho.

34-2125. DISCOVERY. The court may order the production of such evidence as it deems necessary for the proper disposition of the primary contest

pursuant to the Idaho rules of civil procedure. The election contest must be given priority on the court's calendar.

34-2126. REMEDIES. Not more than ten (10) days after the hearing, the court must render an opinion in a primary contest as soon as practicable and must prescribe such remedies provided in this chapter as it deems just. The court may award attorney's fees if the court finds the contest of nomination is frivolous and has no foundation in law or fact.

34-2127. APPEALS. (1) In primary election contests, the party against whom judgment is rendered on cases filed in the district court may appeal to the supreme court. The appeal must be taken within ten (10) days of the judgment of the district court.

(2) The supreme court must give the primary contest appeal priority and in no case may it render a decision more than ten (10) days after the receipt of an appeal.

(3) The supreme court may award attorney's fees if it finds the appeal is frivolous and has no foundation in law or fact.

34-2128. COST ON APPEAL. The appellant must file a bond sufficient to cover the cost of appeal of a primary contest. The amount of the bond on appeal must be set by the court.

SECTION 3. That Section 18-2315, Idaho Code, be, and the same is hereby amended to read as follows:

18-2315. ELECTION OFFENSES NOT OTHERWISE PROVIDED FOR. Unless a different punishment is otherwise prescribed by law, every person who wilfully willfully violates any of the provisions of the laws of this state relating to elections is, ~~unless a different punishment for such violation is prescribed by law,~~ punishable by fine not exceeding \$1,000, or by imprisonment in the state prison not exceeding five (5) years, or by both.

Approved April 6, 2017

CHAPTER 294
(S.B. No. 1191)

AN ACT

RELATING TO DIETITIANS; AMENDING SECTION 54-3502, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3502A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIETETIC PRACTICE; AMENDING SECTION 54-3503, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE; AMENDING SECTION 54-3504, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DIETETIC LICENSURE BOARD; AMENDING SECTION 54-3505, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3506, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR LICENSURE AS A DIETITIAN; REPEALING SECTION 54-3507, IDAHO CODE, RELATING TO THE EXAMINATION FOR LICENSURE; AMENDING SECTION 54-3508, IDAHO CODE, TO PROVIDE FOR LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-3509, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING SECTION 54-3510, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROFESSIONAL DISCIPLINE; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3510A, IDAHO CODE, TO PROVIDE FOR SANCTIONS; AMENDING SECTION 54-3511, IDAHO CODE, TO PROVIDE A CORRECT

CODE REFERENCE; AMENDING SECTION 54-3512, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3513, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 54-3502, Idaho Code, be, and the same is hereby amended to read as follows:

54-3502. DEFINITIONS. As used in this chapter:

(1) "Academy of nutrition and dietetics" means the national organization that credentials dietetics professionals and accredits undergraduate and graduate programs that prepare dietetics professionals.

(2) "Accreditation council for education in nutrition and dietetics" or "ACEND" means the accrediting organization of the academy of nutrition and dietetics that is recognized by the United States department of education as the accrediting agency for education programs that prepare dietetics professionals.

(3) "Board" means the Idaho state board of medicine.

~~(3) "Licensure board" means the dietetic licensure board established by this chapter.~~

(4) "Commission on dietetic registration" or "CDR" means the credentialing organization of the academy of nutrition and dietetics that awards and administers credentials to individuals at entry, specialist and advanced levels who have met CDR's specified criteria to practice in the dietetics profession, including successful completion of its national accredited certification examination and recertification by continuing professional education and/or examination.

(5) "Dietetics" means the integration, application and communication of principles derived from food, nutrition, social, business and basic sciences to achieve and maintain optimal nutrition status of individuals through the development, provision and management of effective food and nutrition services in a variety of settings.

~~(26) "Dietitian" or "dietician" are interchangeable terms and means a person licensed under the provisions of this chapter as a licensed dietitian (LD) who:~~

~~(a) Is trained in the science of nutrition and dietetics and who has met current minimum academic requirements with successful completion of specified didactic education and supervised practice experiences through programs accredited by ACEND or a similar agency approved by the board with substantially equivalent educational requirements; and~~

~~(b) Has successfully completed the registration examination for dietitians administered by the CDR or a similar agency approved by the board with a substantially equivalent examination and has been granted and maintains the title registered dietitian (RD) or registered dietitian nutritionist (RDN).~~

(7) "Evidence-based dietetics practice" means the process of asking questions, systematically finding research evidence and assessing its validity, applicability and importance to food and nutrition practice decisions, including the application of relevant evidence in the context of the practice situation and the values of clients, customers and communities to achieve positive outcomes.

~~(38) "Licensure board" means the dietetic licensure board established by this chapter.~~

(9) "Medical nutrition therapy" or "MNT" means an evidence-based application of the nutrition care process. The provision of MNT to a patient/client may include one (1) or more of the following: nutrition as-

assessment or reassessment, nutrition diagnosis, and nutrition intervention for the prevention, delay or management of diseases or conditions.

(10) "Nutrition care process" means a systematic approach to providing high-quality nutrition care that consists of four (4) distinct, interrelated steps:

(a) Nutrition assessment, which means a systematic method for obtaining, verifying and interpreting data needed to identify nutrition-related problems, their causes and their significance;

(b) Nutrition diagnosis, which means the identification of a specific nutrition problem that a dietitian is responsible for treating independently;

(c) Nutrition intervention, which means a purposefully planned action intended to positively change a nutrition-related behavior, environmental condition or aspect of health status for the patient/client and family or caregivers, target group or the community at large; and

(d) Nutrition monitoring and evaluation, in which:

(i) Nutrition monitoring means the preplanned review and measurement of selected nutrition care indicators of the patient/client's status relevant to the defined needs, nutrition diagnosis, nutrition intervention and outcomes; and

(ii) Nutrition evaluation means the systematic comparison of current findings with the previous status, nutrition intervention goals, effectiveness of overall nutrition care or comparison to a reference standard.

(411) "Provisionally licensed dietitian" means a person provisionally licensed under the provisions of this chapter.

SECTION 2. That Chapter 35, 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 54-3502A, Idaho Code, and to read as follows:

54-3502A. DIETETIC PRACTICE. (1) Dietetic practice focuses on food and nutrition and related services developed and provided by dietitians to protect the public, enhance the health and well-being of patients/clients, and deliver quality products, programs and services, and medical nutrition therapy. Dietitians practice across varied settings, including health care, business and industry, communities and public health systems, schools, colleges, the military, government, research, food service management, teaching, consulting, media, writing, public speaking and informatics and private practice.

(2) Clinical nutrition and dietetics practice is the utilization of skills, knowledge and applied judgment of the dietitian whose practice involves nutrition care, medical nutrition therapy and related services provided to individuals and groups of all ages to address health promotion and prevention, delay or management of diseases and conditions.

(3) Clinical privileges. Authorization for clinical privileges is granted by the appropriate authority or a health care organization to a dietitian to provide specific care, treatment or services in the organization within well-defined limits based on licensure, education, training, experience, judgment and demonstrated and documented competence or certification.

(4) A licensed dietitian, in accordance with established protocols consistent with facility policy or procedure, may:

(a) Order patient diets, including therapeutic diets;

(b) Implement medical nutrition therapy;

(c) Order medical laboratory tests related to nutritional therapeutic treatments;

(d) Initiate, implement and adjust pharmacotherapy plans; and

(e) Perform nutrition-focused physical assessments to evaluate for nutritional risk.

(5) A board-certified specialist is a registered dietitian or registered dietitian nutritionist credentialed by the CDR or other certifying entity who has met empirically established criteria, who has successfully completed a specialty certification examination that simulates and tests practice-related knowledge, skills or abilities, and who:

- (a) Conforms to the scope of practice and standards of practice as defined by the specialty certification entity;
- (b) Carries out functions beyond the basic educational preparation for the registered dietitian or registered dietitian nutritionist; and
- (c) Maintains specialty certification by meeting the requirements specified by the certifying entity.

SECTION 3. That Section 54-3503, Idaho Code, be, and the same is hereby amended to read as follows:

54-3503. LICENSE REQUIRED. (1) ~~From and after January 1, 1995, i~~It is unlawful for any person to assume or use the title or designation of "dietitian," "certified licensed dietitian (LD)," "registered dietitian (RD)," "registered dietitian nutritionist" (RDN), or any other combination of terms that include the title "dietitian," unless such person has been issued a license pursuant to this chapter and the license is in good standing pursuant to rules of the board. Nothing contained herein shall be construed to prohibit the use of the term "dietetic nutrition" or "diet" as a descriptive term in connection with a person's occupation or employment.

(2) No person shall use any other title, designation, words, letters, abbreviations, or sign, card or device which indicates to the public that such person is a dietitian or has been issued a temporary permit pursuant to this chapter unless the person is so licensed or has been issued such permit, and the license or permit is in good standing pursuant to rules of the board.

(3) A person who is a registered dietitian, as determined by the commission on dietetic registration of the academy of nutrition and dietetics, or ~~who is credentialed as a dietitian by any other association which is also recognized by the national commission for certifying agencies,~~ its successor organization may continue to use such credential without being licensed pursuant to this chapter as long as the person does not engage in activities the practice of dietetics as set forth in section 54-3505(3), Idaho Code this chapter.

(4) Exemptions for licensure. The provisions of this chapter shall not apply to the following:

(a) Persons who are not licensed dietitians but are licensed under title 54, Idaho Code, acting within the scope of their profession and doing work of a nature consistent with their training, provided that they do not represent themselves by any title or practice description prohibited by subsection (1) of this section; or

(b) Persons who are licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine under chapter 18, title 54, Idaho Code, provided that they do not represent themselves as licensed dietitians.

SECTION 4. That Section 54-3504, Idaho Code, be, and the same is hereby amended to read as follows:

54-3504. DIETETIC LICENSURE BOARD CREATED -- APPOINTMENT -- TERMS. (1) A dietetic licensure board is hereby created and the members thereof shall be appointed by the Idaho state board of medicine within sixty (60) days following the effective date of this chapter.

(2) The dietetic licensure board shall consist of four (4) members, three (3) of whom shall be dietitians and one (1) member shall be a member

of the public with an interest in the rights of the consumer of health care services.

(3) In making appointments to the dietetic licensure board, the board shall give consideration to recommendations made by the Idaho academy of nutrition and dietetics, other professional organizations and dietitians and physicians.

(4) All members of the dietetic licensure 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) dietitian members of the dietetic licensure board shall be persons registered by the commission on dietetic registration, academy of nutrition and dietetics, who are eligible to become licensed pursuant to this chapter, and who shall, within such time as may be established by the board, become licensed pursuant to this chapter.~~

~~(6) The initial dietetic licensure board shall be appointed for staggered terms, the longer of which will not exceed four (4) years. After the initial appointments, all terms shall be four (4) years, and a member may be reappointed one (1) time. In the event of death, resignation, or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~(7) The board may, upon recommendation of the dietetic licensure board, or upon its own motion, remove any member of the dietetic licensure board, for cause, prior to the expiration of the member's term.~~

~~(8) The dietetic licensure board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chairperson. The licensure board may hold additional meetings on the call of the chairperson or at the written request of any two (2) members of the licensure board. The licensure board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the licensure board shall constitute a quorum.~~

~~(9) Each member of the licensure board shall be compensated as provided in section 59-509(n), Idaho Code.~~

SECTION 5. That Section 54-3505, Idaho Code, be, and the same is hereby amended to read as follows:

54-3505. BOARD OF MEDICINE AND DIETETIC LICENSURE BOARD -- POWERS AND DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate, and enforce the provisions of this chapter, and, for that purpose, may hire such employees as may be necessary. The dietetic licensure board shall make recommendations to, and consult with, the board concerning qualification of applicants for licensure, issuance of licenses, revocation discipline of licenses licensees and rules to be promulgated under this chapter.

(2) The board of medicine shall may, upon recommendation of the dietetic licensure board, adopt rules, pursuant to chapter 52, title 67, Idaho Code, necessary to implement the provisions of this chapter including, but not limited to, rules relating to professional licensure, examination, the establishment of ethical standards of practice, disciplinary proceedings, and license suspension, restriction or revocation for persons holding a license to practice dietetics in this state.

~~(3) The board of medicine, in performing its duties pursuant to this chapter, shall, for the purpose of providing for the determination of the qualifications of applicants for licensure, as it relates to the educational, preprofessional practice programs or dietetic internships, or as it relates to the examination requirements for applicants, the establishment of ethical standards of practice, or the conducting or determining disciplinary proceedings, consider the following definitions to apply to such applicants and to persons licensed pursuant to this chapter:~~

~~(a) "Dietetic practice," "practice of dietetics," or "practice dietetics," means the integration and application of principles derived from the sciences of nutrition, biochemistry, food physiology, management, and behavioral and social sciences to achieve and maintain human health through the provision of medical nutrition services and the development of therapeutic nutrition care plans to assist in the maintenance of health and the prevention and treatment of disorders of body functions, systems or organs.~~

~~(b) "Medical nutrition services" means nutritional assessment, the design and implementation of therapeutic nutrition care plans, and nutrition therapy counseling.~~

~~(c) "Nutritional assessment" means the evaluation of nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data which is necessary to determine nutrient needs and to recommend appropriate enteral or parenteral nutritional intake.~~

~~d) "Therapeutic nutrition care plan" means:~~

~~(i) Design and implementation of nutrition goals and objectives for individuals and groups for the maintenance of health and prevention of disease;~~

~~(ii) Design and implementation of therapeutic nutrition regimens, including enteral and parenteral nutrition for the treatment of disorders of body functions, systems or organs;~~

~~(iii) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;~~

~~(iv) Developing, implementing, and managing nutrition care systems; or~~

~~(v) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services.~~

~~(e) "Nutrition therapy counseling" means advising or assisting individuals or groups on appropriate nutrient intake by integrating information from the nutritional assessment and therapeutic nutrition care plan with information on food and other sources of nutrients and meal preparation consistent with health needs, disease state, psychosocial status, cultural background, and available resources.~~

~~(4) The dietetic licensure board shall hold meetings, conduct hearings and keep records and minutes as are necessary to carry out its functions.~~

~~(54) All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the state board of medicine fund created in section 54-1809, Idaho Code, and all costs and expenses incurred by the board and dietetic licensure 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. In no instance shall the state board of medicine fund be obligated to pay any claims which that, in aggregate with claims already allowed, exceed the income to the state board of medicine fund which has been derived from the application of this chapter. Money paid into the state board of medicine fund pursuant to this chapter is hereby continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and dietetic licensure board in carrying out and enforcing the provisions of this chapter.~~

SECTION 6. That Section 54-3506, Idaho Code, be, and the same is hereby amended to read as follows:

54-3506. REQUIREMENTS FOR LICENSURE AS A DIETITIAN. A person applying for a license shall file a written application provided by the board show-

ing to the satisfaction of the board that such person meets the following requirements:

(1) ~~Has successfully completed the following academic and supervised practice requirements of an education program in dietetics approved by the licensure board; and:~~

~~(a) A minimum of a baccalaureate degree granted by a United States regionally accredited college or university or a foreign equivalent;~~

~~(b) An ACEND-accredited didactic program in dietetics or a substantially similar program approved by the board;~~

~~(c) An ACEND-accredited supervised practice program in the United States or its territories or a substantially similar program approved by the board; and~~

~~(2) Has successfully completed a dietetic internship or preprofessional practice program, coordinated program, or such other equivalent experience as may be approved by the licensure board.~~

~~(3) Has passed an successfully completed the registration examination for registered dietitians as provided in section 54-3507, Idaho Code administered by the commission on dietetic registration or its successor organization as recognized by the licensure board.~~

~~The board may require an applicant to be personally interviewed by the board or by a designated committee of the board. Such an interview shall be limited to a review of the applicant's qualifications and professional credentials.~~

SECTION 7. That Section 54-3507, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 54-3508, Idaho Code, be, and the same is hereby amended to read as follows:

54-3508. ~~WAIVER OF REQUIREMENTS LICENSURE BY ENDORSEMENT. (1) The licensure board shall grant a license to any person who, on the effective date of this chapter, is registered as a dietitian by and with the commission on dietetic registration for the academy of nutrition and dietetics, a member of the national commission for certifying agencies.~~

~~(2) The licensure board may waive the examination, education, or experience requirements and grant a license to any person registered by the commission after the effective date of this chapter if the board determines the requirements for such registration to be equivalent to the requirements for licensure set forth in this chapter.~~

~~(3) The licensure board may waive the examination, education, or experience requirements and grant a license by endorsement to any applicant who shall:~~

~~(1) Presents proof of current registration by the commission on dietetic registration;~~

~~(2) Presents proof of current licensure to engage in the practice of dietetics in another state, or the District of Columbia, or territory of the United States which that requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this chapter; and~~

~~(3) Does not have any disciplinary action, whether past, pending, public or confidential, by any licensing board, licensing authority, professional association, hospital or institution in any state or district.~~

SECTION 9. That Section 54-3509, Idaho Code, be, and the same is hereby amended to read as follows:

54-3509. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under the provisions of this chapter shall be subject to annual or biennial renewal

and shall expire unless renewed in the manner prescribed by the rules of the licensure board, upon payment of a renewal fee.

(2) The board shall establish the following fees relating to licensing, which fees shall be established in an amount which is sufficient to defray all costs necessary for the administration of this chapter:

- (a) Initial license and examination fee;
- (b) Renewal of license fee;
- (c) Inactive license fee;
- (d) Limited permit fee;
- (e) Late renewal fees.

(3) No license which that has been expired for more than twenty-four (24) months, may be renewed. The applicant shall comply with the requirements of section 54-3506, Idaho Code, for obtaining an initial license.

(4) Maintenance of registration by the CDR or its successor organization is required for license renewal.

SECTION 10. That Section 54-3510, Idaho Code, be, and the same is hereby amended to read as follows:

54-3510. SUSPENSION AND REVOCATION OF LICENSE GROUNDS FOR DISCIPLINE. The board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may, upon recommendation of the licensure board, refuse to issue a license or permit, refuse to renew a license or permit, or may suspend, restrict or revoke a license or permit, under such conditions as the board may determine, if the licensee, permittee or applicant for license:

(1) Has been convicted of a felonious act, felony or crime involving moral turpitude or has entered a plea of guilty to, or been found guilty of, the commission of a felony or a crime involving moral turpitude;

(2) Obtained a license or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;

(3) Practiced dietetics under a false or an assumed name in this or any other state;

(4) Knowingly aided or abetted the unlicensed practice of dietetics;

(35) Engaged in the practice of dietetics in a manner which that does not meet the generally accepted standards for the practice of dietetics within the state of Idaho;

(6) Divided fees or gifts or agreed to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for a referral;

(47) Has failed to maintain the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law;

(58) Engaged in any conduct which that constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the dietitian by the patient;

(9) Failed to supervise the activities of a provisionally licensed dietitian;

(10) Continued to practice as a dietitian when a license pursuant to this chapter was suspended, revoked or inactive;

(11) Practiced as a dietitian in violation of a voluntary restriction or terms of probation pursuant to this chapter;

(12) Continued to practice as a dietitian when registration by the CDR or its successor organization was not renewed or was suspended or revoked; or

(13) Failed to comply with a board order.

SECTION 11. That Chapter 35, 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 54-3510A, Idaho Code, and to read as follows:

54-3510A. DISCIPLINARY SANCTIONS. If grounds for discipline are found to exist, the board of medicine, upon the recommendation of the licensure board, may issue an order to:

- (1) Revoke the dietitian's license to practice dietetics;
 - (2) Suspend or restrict the dietitian's license to practice dietetics;
- and/or
- (3) Impose conditions or probation upon the dietitian's license to practice dietetics.

SECTION 12. That Section 54-3511, Idaho Code, be, and the same is hereby amended to read as follows:

54-3511. PENALTIES. (1) A person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

(2) The representation to another person that a person is licensed pursuant to this chapter, when such representation is untrue, constitutes the using of a method, act, or practice which is declared to be unlawful under the provisions of chapter 66, title 48, Idaho Code.

SECTION 13. That Section 54-3512, Idaho Code, be, and the same is hereby amended to read as follows:

54-3512. INAPPLICABILITY OF CHAPTER. (1) This chapter shall not be construed to prevent any person from ~~engaging in activities set forth in section 54-3505(3), Idaho Code, or from~~ rendering advice, guidance or counsel regarding medical nutrition service, therapeutic nutrition care, nutritional assessments, nutrition therapy counseling, weight control services, or from providing nutrition information in connection with the marketing and distribution of a food product, dietary supplement, or wellness/exercise program.

(2) This chapter shall not be construed to prevent any person licensed or registered in this state, pursuant to any other law of the state, from engaging in the profession or occupation for which such person is licensed or registered.

SECTION 14. That Chapter 35, 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 54-3513, Idaho Code, and to read as follows:

54-3513. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.

Approved April 6, 2017

CHAPTER 295
(S.B. No. 1192)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2018;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND
REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$9,837,900	\$4,505,800	\$129,800		\$14,473,500
Inmate Labor					
Fund	105,300				105,300
Parolee Supervision					
Fund	207,300	92,300			299,600
Miscellaneous Revenue					
Fund	<u>830,400</u>	<u>97,400</u>	<u>0</u>		<u>927,800</u>
TOTAL	\$10,980,900	\$4,695,500	\$129,800		\$15,806,200
 II. STATE PRISONS:					
A. PRISONS ADMINISTRATION:					
FROM:					
General					
Fund	\$1,526,200	\$554,500			\$2,080,700
Miscellaneous Revenue					
Fund	263,500	161,400	\$250,000		674,900
Penitentiary Endowment Income					
Fund			200,700		200,700
Federal Grant					
Fund	<u>497,400</u>	<u>583,400</u>	<u>0</u>		<u>1,080,800</u>
TOTAL	\$2,287,100	\$1,299,300	\$450,700		\$4,037,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$22,541,800	\$3,625,500	\$196,800		\$26,364,100
Inmate Labor					
Fund		46,800			46,800
Miscellaneous Revenue					
Fund	741,200	145,600	122,600		1,009,400
Penitentiary Endowment Income					
Fund		1,017,000	180,100		1,197,100
Federal Grant					
Fund	<u>170,200</u>	<u>0</u>	<u>0</u>		<u>170,200</u>
TOTAL	\$23,453,200	\$4,834,900	\$499,500		\$28,787,600
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:					
FROM:					
General					
Fund	\$22,265,500	\$5,630,400	\$219,100		\$28,115,000
Miscellaneous Revenue					
Fund		381,900	34,100		416,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>37,500</u>		<u>37,500</u>
TOTAL	\$22,265,500	\$6,012,300	\$290,700		\$28,568,500
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$7,988,200	\$1,648,500	\$56,400		\$9,693,100
Inmate Labor					
Fund	993,800	667,500	88,500		1,749,800
Work Crews - Inmate Labor					
Fund		1,200			1,200
Miscellaneous Revenue					
Fund	59,700	131,700			191,400
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>50,200</u>	<u>17,800</u>		<u>68,000</u>
TOTAL	\$9,041,700	\$2,499,100	\$162,700		\$11,703,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$10,866,700	\$1,560,700	\$187,900		\$12,615,300
Inmate Labor					
Fund		49,700			49,700
Miscellaneous Revenue					
Fund	69,700	48,600	14,500		132,800
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>15,400</u>	<u>59,700</u>		<u>75,100</u>
TOTAL	\$10,936,400	\$1,674,400	\$262,100		\$12,872,900
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$4,918,600	\$1,067,900	\$87,400		\$6,073,900
Inmate Labor					
Fund		41,400			41,400
Miscellaneous Revenue					
Fund	48,900	76,400	22,900		148,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>17,000</u>	<u>46,000</u>		<u>63,000</u>
TOTAL	\$4,967,500	\$1,202,700	\$156,300		\$6,326,500
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$6,601,800	\$1,783,900	\$46,100		\$8,431,800
Inmate Labor					
Fund	1,240,500	649,400	85,100		1,975,000
Work Crews - Inmate Labor					
Fund		1,900			1,900
Miscellaneous Revenue					
Fund	124,000	73,300	352,600		549,900
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>32,000</u>	<u>130,000</u>		<u>162,000</u>
TOTAL	\$7,966,300	\$2,540,500	\$613,800		\$11,120,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$2,450,500	\$418,400	\$53,900		\$2,922,800
Inmate Labor					
Fund	921,800	522,500			1,444,300
Work Crews - Inmate Labor					
Fund		900			900
Miscellaneous Revenue					
Fund		8,300			8,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,900</u>	<u>0</u>		<u>1,900</u>
TOTAL	\$3,372,300	\$952,000	\$53,900		\$4,378,200
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$5,702,000	\$990,600	\$22,000		\$6,714,600
Inmate Labor					
Fund	311,600	74,600			386,200
Work Crews - Inmate Labor					
Fund		100			100
Miscellaneous Revenue					
Fund	235,500	124,100	20,600		380,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>60,600</u>	<u>43,000</u>		<u>103,600</u>
TOTAL	\$6,249,100	\$1,250,000	\$85,600		\$7,584,700
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$3,424,600	\$602,300	\$29,500		\$4,056,400
Inmate Labor					
Fund	59,900	48,500			108,400
Miscellaneous Revenue					
Fund		32,700	66,900		99,600
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>10,800</u>	<u>38,700</u>		<u>49,500</u>
TOTAL	\$3,484,500	\$694,300	\$135,100		\$4,313,900
DIVISION					
TOTAL	\$94,023,600	\$22,959,500	\$2,710,400		\$119,693,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. COUNTY & OUT-OF-STATE PLACEMENT:					
FROM:					
General					
Fund		\$11,460,000			\$11,460,000
IV. CORRECTIONAL ALTERNATIVE PLACEMENT:					
FROM:					
General					
Fund		\$8,607,900	\$993,900		\$9,601,800
Miscellaneous Revenue					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL		\$8,807,900	\$993,900		\$9,801,800
V. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund	\$17,944,300	\$1,789,500	\$96,100		\$19,829,900
Inmate Labor					
Fund		54,100			54,100
Parolee Supervision					
Fund	5,136,500	1,837,200	379,100		7,352,800
Drug and Mental Health Court Supervision					
Fund	470,000	27,200			497,200
Miscellaneous Revenue					
Fund	<u>90,700</u>	<u>0</u>	<u>0</u>		<u>90,700</u>
TOTAL	\$23,641,500	\$3,708,000	\$475,200		\$27,824,700
B. COMMUNITY WORK CENTERS:					
FROM:					
General					
Fund	\$3,015,700	\$2,000	\$372,400		\$3,390,100
Inmate Labor					
Fund	769,800	1,555,800	6,500		2,332,100
Community Work Centers - Inmate Labor					
Fund		6,900			6,900
Miscellaneous Revenue					
Fund		30,700			30,700
Federal Grant					
Fund	<u>66,700</u>	<u>0</u>	<u>0</u>		<u>66,700</u>
TOTAL	\$3,852,200	\$1,595,400	\$378,900		\$5,826,500
DIVISION					
TOTAL	\$27,493,700	\$5,303,400	\$854,100		\$33,651,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,374,000	\$161,000		\$6,286,300	\$7,821,300
Substance Abuse Treatment					
Fund	<u>0</u>	<u>0</u>		<u>36,500</u>	<u>36,500</u>
TOTAL	\$1,374,000	\$161,000		\$6,322,800	\$7,857,800
VII. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$43,539,200			\$43,539,200
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$43,674,200			\$43,674,200
GRAND TOTAL	\$133,872,200	\$97,061,500	\$4,688,200	\$6,322,800	\$241,944,700

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 eighty-seven and eighty-five hundredths (1,987.85) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Correction in Management Services any unexpended and unencumbered balances appropriated to the Department of Correction in Management Services for an offender management system evaluation for fiscal year 2017, to be used for nonrecurring expenditures related to the evaluation for the period July 1, 2017, through June 30, 2018.

Approved April 6, 2017

CHAPTER 296
(S.B. No. 1193)

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 2018; 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; REQUIRING QUARTERLY REPORTS ON FACILITY LICENSING AND CERTIFICATION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated divisions, programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$162,800	\$24,800	\$1,000		\$188,600
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>339,200</u>	<u>196,600</u>	<u>0</u>	<u>\$31,600</u>	<u>567,400</u>
TOTAL	\$502,000	\$236,400	\$1,000	\$31,600	\$771,000
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$13,700	\$1,300			\$15,000
Domestic Violence Project					
Fund	181,600	163,200		\$171,800	516,600
Cooperative Welfare (Dedicated)					
Fund		20,000			20,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)					
Fund	<u>178,200</u>	<u>166,900</u>		<u>7,415,400</u>	<u>7,760,500</u>
TOTAL	\$373,500	\$351,400		\$7,587,200	\$8,312,100
DIVISION TOTAL	\$875,500	\$587,800	\$1,000	\$7,618,800	\$9,083,100
II. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,812,600	\$6,505,700	\$1,322,400		\$18,640,700
Cooperative Welfare (Dedicated)					
Fund	1,680,600	1,571,500			3,252,100
Cooperative Welfare (Federal)					
Fund	<u>14,109,800</u>	<u>8,325,300</u>	<u>2,053,800</u>		<u>24,488,900</u>
TOTAL	\$26,603,000	\$16,402,500	\$3,376,200		\$46,381,700
III. HEALTHCARE POLICY INITIATIVES:					
FROM:					
Cooperative Welfare (General)					
Fund		\$4,200		\$251,500	\$255,700
Cooperative Welfare (Federal)					
Fund	<u>\$689,700</u>	<u>11,373,800</u>		<u>623,500</u>	<u>12,687,000</u>
TOTAL	\$689,700	\$11,378,000		\$875,000	\$12,942,700
IV. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,553,900	\$274,000			\$1,827,900
Cooperative Welfare (Dedicated)					
Fund	798,000	12,200			810,200
Cooperative Welfare (Federal)					
Fund	<u>3,634,100</u>	<u>623,500</u>			<u>4,257,600</u>
TOTAL	\$5,986,000	\$909,700			\$6,895,700
GRAND TOTAL	\$34,154,200	\$29,278,000	\$3,377,200	\$8,493,800	\$75,303,200

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law, it is the intent of the Legislature that the Department of Health and Welfare has

the authority to transfer authorized full-time equivalent positions between budgeted programs.

Developmental Disabilities Council	6.0
Domestic Violence Council	4.0
Indirect Support Services	295.6
Healthcare Policy Initiatives	7.6
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 2018.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision 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 2017. 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, 2017.

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 is to contain information from July 1, 2017, through December 31, 2017, and shall be submitted no later than January 15, 2018, and the second report shall include information from January 1, 2018, through June 30, 2018, as well as information for the entire year, and shall be submitted by June 30, 2018, or as soon thereafter as practicable.

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 December 1, 2017, the second report shall be submitted no later than March 1, 2018, and the third report shall be submitted by June 1, 2018.

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, 2017.

SECTION 12. REQUIRING BIENNIAL 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 biennial 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 December 31, 2017, and the second report shall be submitted no later than June 30, 2018.

SECTION 13. In addition to the appropriation made in Section 1, Chapter 312, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$1,360,000 from the Cooperative Welfare (Federal) Fund to the Department of Health and Welfare, for Indirect Support Services, to be expended for personnel costs, for the period July 1, 2016, through June 30, 2017.

SECTION 14. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare, for Indirect Support Services, in Section 1, Chapter 312, Laws of 2016, from the Cooperative Welfare (General) Fund, is hereby reduced by \$244,900 for personnel costs, for the period July 1, 2016, through June 30, 2017.

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, Sections 13 and 14 of this act shall be in full force and effect on and after passage and approval.

Approved April 6, 2017

CHAPTER 297
(S.B. No. 1194)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2018; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2018; PROVIDING A GENERAL FUND CASH TRANSFER; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; PROVIDING LEGISLATIVE INTENT RELATING TO REALLOCATION OF PROJECT SAVINGS; AND PROVIDING DIRECTION ON THE TIMING OF THE USE OF FUNDS FOR SPECIFIC PROJECTS.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$71,425,700 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2017, through June 30, 2018.

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.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alteration and Repair Projects	\$13,911,100
Asbestos Abatement	200,000
Statewide Americans with Disabilities Act Compliance	800,000
Capitol Mall Maintenance	<u>1,216,500</u>
TOTAL	\$16,127,600

CAPITAL PROJECTS:

Department of Correction Waste Water Project	\$1,915,000
Idaho State University Gale Life Sciences Building Remodel	10,000,000
University of Idaho WWAMI Building Remodel	2,400,000
Military Division's Youth Challenge Project	
Roof Repair	686,900

Psychiatric Hospital Transformation	10,296,200
Boise State University Center for Materials Science	10,000,000
Lewis-Clark State College Career-Technical Education Building	10,000,000
University of Idaho Center for Agriculture, Food and the Environment	<u>10,000,000</u>
TOTAL	\$55,298,100
GRAND TOTAL	\$71,425,700

SECTION 3. GENERAL FUND CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$45,296,200 from the General Fund to the Permanent Building Fund, on July 1, 2017, or as soon thereafter as practicable.

SECTION 4. 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 5. 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 project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 6. TIMING OF THE USE OF PERMANENT BUILDING FUNDS FOR SPECIFIC PROJECTS. The appropriation of \$20,000,000 in the Permanent Building Fund in Section 2 of this act shall be expended only after institution presidents have secured pledges for their portion of the project costs for the Lewis-Clark State College Career-Technical Education Building and the University of Idaho Center for Agriculture, Food, and the Environment. Verification of such pledges shall be confirmed by a signed attestation letter from the presidents of the University of Idaho and Lewis-Clark State College to the Division of Public Works in the Department of Administration.

Approved April 6, 2017

CHAPTER 298
(S.B. No. 1196)

AN ACT

RELATING TO THE IDAHO UNBORN INFANTS DIGNITY ACT; AMENDING SECTION 39-9306, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROHIBITIONS.

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

SECTION 1. That Section 39-9306, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ applicable materials used in 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.

Approved April 6, 2017

CHAPTER 299
(S.B. No. 1198)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2018.

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. 1165, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare, for the Physical Health Services program, \$15,000 to be expended for operating expenditures, from the Cooperative Welfare (General) Fund, for the period July 1, 2017, through June 30, 2018.

Approved April 6, 2017

CHAPTER 300
(S.B. No. 1199)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2018; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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 Commission of Pardons and Parole the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$271,000
Operating Expenditures	<u>36,900</u>
TOTAL	\$307,900

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Commission of Pardons and Parole is hereby increased by three (3) for the period July 1, 2017, through June 30, 2018.

Approved April 6, 2017

CHAPTER 301
(S.B. No. 1200)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE FORENSIC SERVICES PROGRAM FOR FISCAL YEAR 2018.

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. 1166, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Idaho State Police for the Forensic Services program \$183,500 from the General Fund to be expended for operating expenditures for the period July 1, 2017, through June 30, 2018, for the purpose of processing deoxyribonucleic acid (DNA) samples for registered sex offenders.

Approved April 6, 2017

CHAPTER 302
(S.B. No. 1201)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE SUPREME COURT PROGRAM FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE DISTRICT COURTS PROGRAM FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE MAGISTRATES DIVISION PROGRAM FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE COURT OF APPEALS PROGRAM FOR FISCAL YEAR 2018; 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 Senate Bill No. 1160, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the Supreme Court program \$57,100 from the General Fund to be expended for personnel costs for the period July 1, 2017, through June 30, 2018, for the purpose of judicial salary increases.

SECTION 2. In addition to the appropriation made in Section 1 of Senate Bill No. 1160, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the District Courts program \$250,000 from the General Fund to be expended for personnel costs for the period July 1, 2017, through June 30, 2018, for the purpose of judicial salary increases.

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1160, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the Magistrates Division program \$348,000 from the General Fund to be expended for personnel costs for the period July 1, 2017, through June 30, 2018, for the purpose of judicial salary increases.

SECTION 4. In addition to the appropriation made in Section 1 of Senate Bill No. 1160, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Supreme Court for the Court of Appeals program \$52,700 from the General Fund to be expended for personnel costs for the period July 1, 2017, through June 30, 2018, for the purpose of judicial salary increases.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2017

CHAPTER 303
(S.B. No. 1202)

AN ACT

RELATING TO GARNISHMENTS; AMENDING THE HEADING FOR CHAPTER 5, TITLE 8, IDAHO CODE, TO REVISE THE CHAPTER DESCRIPTION; REPEALING SECTIONS 8-507 THROUGH 8-523, IDAHO CODE, RELATING TO GARNISHMENT, SERVICE OF WRIT OF ATTACHMENT, EXECUTION OR GARNISHMENT, BANKS, SERVICE ON DEFENDANT AND THIRD PARTIES BY SHERIFF, SERVICE ON DEFENDANT AND THIRD PARTIES BY BANK OR DEPOSITORY INSTITUTION, FORMS, DOCUMENTS TO BE PROVIDED BY PLAINTIFF, DUTIES OF SHERIFF, SERVICE AND MAILING CRITERIA, TIME COMPUTATION, LIABILITY OF GARNISHEE, EXAMINATION OF GARNISHEE, NOTICE OF GARNISHMENT, DISCHARGE OF GARNISHEE, INTERROGATORIES SUBMITTED TO GARNISHEE, ANSWER TO INTERROGATORIES, JUDGMENT AGAINST GARNISHEE, EXCEPTION TO ANSWER, AMENDMENT, DENIAL OF ANSWER, REPLICATION, TRIAL, JUDGMENT AND EXECUTION, JUDGMENT ON ANSWER, COSTS AND ALLOWANCES, JUDGMENT AGAINST GARNISHEE, ALLEGATION OF ASSIGNMENT OF DEBT, PROCEDURE, ALLEGATION OF ASSIGNMENT OF DEBT, TRIAL OF ISSUE, CLAIM OF EXEMPTION BY DEFENDANT, LIABILITY OF GARNISHEE ON NEGOTIABLE PAPER, LIABILITY OF OFFICERS AND EXECUTORS AS GARNISHEES, APPEALS IN GARNISHMENT PROCEEDINGS AND APPLICATION OF PRECEDING SECTIONS; AMENDING CHAPTER 5, TITLE 8, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 8-507, IDAHO CODE, TO PROVIDE FOR APPLICABILITY; AMENDING SECTION 11-201, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY IS LIABLE TO SEIZURE BY COURT ORDER; REPEALING SECTION 11-202, IDAHO CODE, RELATING TO DEBTS OWING BY THE STATE OF IDAHO SUBJECT TO EXECUTION OR GARNISHMENT AFTER JUDGMENT; AMENDING SECTION 11-203, IDAHO CODE, TO PROVIDE THAT CERTAIN PARTIES MAY MOVE THE COURT FOR AN ORDER OF EXEMPTION AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 11-301, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 11-604, IDAHO CODE, TO REMOVE A PROVISION REGARDING EXEMPTIONS FOR CERTAIN FUNDS; AMENDING TITLE 11, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 11, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR WHEN A GARNISHMENT EXECUTION MAY BE MADE RETURNABLE, TO PROVIDE FOR A RECORD IN AN EXECUTION BOOK, TO PROVIDE THAT THE SHERIFF SHALL SERVE CERTAIN DOCUMENTS, TO PROVIDE PROCEDURES FOR SERVICE OF DOCUMENTS, TO PROVIDE APPLICABILITY FOR CERTAIN LEVIES, TO PROVIDE FOR CONTINUOUS GARNISHMENT BY AN EMPLOYER, TO PROVIDE FOR THE SHERIFF'S RETURN ON CONTINUOUS WAGE GARNISHMENT AND CONTINUOUS GARNISHMENT FOR CHILD SUPPORT, TO PROVIDE FOR DOCUMENTS TO BE PROVIDED BY A JUDGMENT CREDITOR, DUTIES OF THE SHERIFF, SERVICE AND MAILING CRITERIA, AND TIME COMPUTATION, TO PROVIDE FOR THE USE AND AVAILABILITY OF CERTAIN FORMS, TO PROVIDE THAT INTERROGATORIES SHALL BE DELIVERED TO A GARNISHEE WITH CERTAIN CONDITIONS, TO PROVIDE THAT THE SHERIFF SHALL SERVE CERTAIN DOCUMENTS ON A JUDGMENT DEBTOR AND THIRD PARTIES UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A FINANCIAL INSTITUTION SHALL SERVE CERTAIN DOCUMENTS ON A JUDGMENT DEBTOR AND THIRD PARTIES UNDER CERTAIN CONDITIONS, TO AUTHORIZE A JUDGMENT DEBTOR TO FILE A CLAIM OF EXEMPTION, TO PROVIDE FOR RESTRICTIONS ON WAGE GARNISHMENT, TO PROVIDE THAT CERTAIN DEPOSITS INTO FINANCIAL INSTITUTIONS SHALL NOT BE SUBJECT TO GARNISHMENT, TO PROVIDE FOR CERTAIN OBLIGATIONS OF FINANCIAL INSTITUTIONS WHEN SERVED WITH A WRIT OF GARNISHMENT, TO PROVIDE FOR CERTAIN LIABILITY OF A GARNISHEE, TO PROVIDE FOR A NOTICE OF GARNISHMENT AND THE DISCHARGE OF A GARNISHEE, TO PROVIDE FOR THE EXAMINATION OF A GARNISHEE UNDER CERTAIN CONDITIONS, TO PROVIDE THAT DEBTS OWING BY THE STATE SHALL BE SUBJECT TO EXECUTION OR GARNISHMENT AFTER JUDGMENT, TO PROVIDE THAT A GARNISHEE SHALL ANSWER INTERROGATORIES, TO PROVIDE THAT JUDGMENT AGAINST A GARNISHEE SHALL BE ISSUED UNDER CERTAIN CONDITIONS,

TO PROVIDE THAT A JUDGMENT CREDITOR MAY EXCEPT TO AND AMEND AN ANSWER UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A JUDGMENT CREDITOR MAY DENY THE ANSWER OF A GARNISHEE, TO PROVIDE PROCEDURES FOLLOWING DENIAL OF AN ANSWER, TO PROVIDE PROCEDURES FOR JUDGMENT ON AN ANSWER, TO PROVIDE THAT COSTS SHALL BE ADJUDGED UNDER CERTAIN CONDITIONS, TO PROVIDE FOR JUDGMENT AGAINST A GARNISHEE UNDER CERTAIN CONDITIONS, TO PROVIDE PROCEDURES FOR WHEN A GARNISHEE ALLEGES THE ASSIGNMENT OF A DEBT, TO PROVIDE FOR HOW AN ALLEGATION OF AN ASSIGNMENT OF DEBT SHALL BE TRIED, TO PROVIDE FOR THE LIABILITY OF A GARNISHEE ON NEGOTIABLE PAPER UNDER CERTAIN CONDITIONS, TO PROVIDE THAT OFFICERS AND EXECUTORS SHALL NOT BE LIABLE AS GARNISHEES IN CERTAIN INSTANCES, TO AUTHORIZE AN EMPLOYER WHO IS A GARNISHEE TO DEDUCT A CERTAIN FEE, TO AUTHORIZE THE SHERIFF TO COLLECT CERTAIN FEES FOR SERVICE, TO PROVIDE THAT FEES FOR SERVICE SHALL BE PUBLISHED, TO PROVIDE FOR APPEALS IN THE GARNISHMENT PROCESS AND TO PROVIDE APPLICABILITY; AMENDING SECTION 31-3203, IDAHO CODE, TO PROVIDE FOR A WRIT OF WAGE GARNISHMENT AND FINANCIAL INSTITUTION GARNISHMENT, TO REMOVE A FEE AND TO PROVIDE FOR A CERTAIN FEE REGARDING GARNISHMENT; AND AMENDING SECTION 32-1605, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That the Heading for Chapter 5, Title 8, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 5
ATTACHMENTS AND ~~GARNISHMENTS~~

SECTION 2. That Sections 8-507 through 8-523, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Chapter 5, Title 8, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8-507, Idaho Code, and to read as follows:

8-507. APPLICABILITY. To the extent that the provisions of chapter 7, title 11, Idaho Code, are not inconsistent with the provisions of this chapter, such provisions shall apply to the attachment process.

SECTION 4. That Section 11-201, Idaho Code, be, and the same is hereby amended to read as follows:

11-201. PROPERTY LIABLE TO SEIZURE. All goods, chattels, moneys and other property, both real and personal, or any interest therein of the judgment debtor, not exempt by law or by court order, and all property and rights of property, seized and held under attachment in the action, are liable to execution. Shares and interest in any corporation or company, and debts and credits, and all other property both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be attached on execution in like manner as upon writs of attachment. Gold dust must be returned by the officer as so much money collected, at its current value, without exposing the same to sale. Until a levy, property is not affected by the execution.

SECTION 5. That Section 11-202, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 11-203, Idaho Code, be, and the same is hereby amended to read as follows:

11-203. CLAIM OF EXEMPTION BY DEFENDANT OR THIRD PARTY CLAIM -- MOTION TO CONTEST CLAIM AND HEARING -- HOLDING AND RELEASE OF PROPERTY BY SHERIFF. The following procedures shall apply to a claim by the defendant or the defendant's representative that property levied upon is exempt and to any claim by a third party that property levied upon is his property or that he has a security interest therein. The defendant or the defendant's representative shall complete the claim of exemption form as provided in section 8-507C 11-707, Idaho Code. A third party claimant shall prepare a written claim setting forth the grounds upon which he claims the property, and in the case of a secured party, also stating the dollar amount of the claim. Except as provided in subsection (h) of this section, a claim of exemption or third party claim may be filed only if property has been levied upon.

(a) The claim of exemption or third party claim shall be delivered or mailed to the sheriff within fourteen (14) days after the date the sheriff hand delivers or mails the documents required to be served upon the defendant and third parties under section 8-507A 11-709, Idaho Code. If the claim is mailed, it must be received by the sheriff within the fourteen (14) day period. In computing the fourteen (14) day period, intervening weekends and legal holidays shall be counted, but if the last day of the period falls on a weekend or legal holiday, the period shall be deemed to run until the close of business of the first business day following the weekend or holiday.

Within one (1) business day after receiving a claim, the sheriff shall deliver or mail a copy thereof to the plaintiff or other person in whose favor the writ of execution runs. The sheriff may provide notification of the claim by telephone but must also mail a copy of the claim within one (1) business day as herein provided.

(b) The plaintiff or other person in whose favor the writ of execution runs shall have five (5) business days after the date a copy of the claim is delivered or mailed to him by the sheriff within which to file a motion with the court stating the grounds upon which he contests the claim of exemption or third party claim. When the motion is filed, the plaintiff shall lodge with the court a copy of the claim to which the motion pertains. Hearing on the motion shall be set for a date within not less than five (5) nor more than twelve (12) days after the filing date of the motion and may be continued only at the request of the defendant. A copy of the motion and notice of hearing shall be delivered or mailed to the defendant or third party claimant on the date the motion is filed. The prevailing party at the hearing may be awarded costs pursuant to the Idaho rules of civil procedure.

Within the period for filing a motion to contest, the moving party shall notify the sheriff that the motion has been filed. Such notification may be by telephone but a copy of the motion and notice of hearing shall also be mailed or hand delivered to the sheriff within the filing period herein prescribed.

(c) The sheriff shall not deliver to the plaintiff or sell the property levied upon, except if perishable as provided by law, until the period for filing a claim has elapsed. The sheriff shall refuse to accept or honor a claim not filed with him within that period and unless otherwise ordered by the court, shall, after such period has elapsed, proceed to sell or deliver the property levied upon to the plaintiff or other person in whose favor the execution runs. If, after notice from the sheriff of the filing of a claim, the plaintiff or other person in whose favor the execution runs, notifies the sheriff that the claim will be uncontested or fails to notify the sheriff within the time provided in subsection (b) of this section that the claim is being contested, the sheriff shall release the claimed property to the defendant or his agent.

(d) If a plaintiff or other person in whose favor the execution runs has failed to contest a claim of exemption within the time allowed by this section or if property has been determined by a court to be exempt, and the plaintiff or other person in whose favor the execution runs thereafter levies upon or otherwise seeks to apply the property toward the satisfaction of the same money judgment, the plaintiff or other person in whose favor the execution runs is not entitled to recover the subsequent costs of collection unless the property is applied to satisfaction of the judgment.

(e) If a security agreement to the third party claimant is in default, rendering said claimant the legal right to possession, the claimant may file with the sheriff an affidavit of release to the claimant executed by the defendant-debtor, or his agent; or, in lieu of said affidavit of release, the third party claimant may file an affidavit setting forth the defendant-debtor's default and claiming possession under default and a hold harmless agreement in favor of the sheriff, supported by an undertaking qualifying in the state of Idaho, indemnifying the sheriff and said defendant-debtor in double the actual value of the property as stated in said third party claim. Upon receipt of either of the foregoing, the sheriff shall release said property to the third party claimant, taking receipt therefor; these proceedings to be reported to the court by sheriff's return in the action.

(f) Nothing in this section shall be construed to prevent the defendant from pursuing his common law remedies.

(g) Personal service shall be accomplished in the same manner provided for service of summons under the Idaho rules of civil procedure. Mailing shall be by first class mail. The date when an item is deposited in the United States mails shall constitute the date of mailing. In computing any period of time prescribed in this section, the day of the act or event after which the designated period of time begins to run is not to be included.

(h) At any time after the entry of a judgment that may be enforced by writ of execution as provided in section 11-104, Idaho Code, the judgment debtor, or any third party who claims a security interest or other interest in the property of the judgment debtor, may move the court for an order of exemption identifying the property for which the exemption is claimed and setting forth the grounds, arising under this title or common law, upon which he claims an exemption or, in the case of a third party, an interest in the property, and in the case of a secured party, also stating the dollar amount of such secured party's claim.

SECTION 7. That Section 11-301, Idaho Code, be, and the same is hereby amended to read as follows:

11-301. EXECUTION OF WRIT. The sheriff must execute the writ against the property of the judgment debtor by levying on a sufficient amount of property if there be sufficient; collecting or selling the things in action, and selling the other property, and paying to the plaintiff or his attorney so much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accruing costs must be returned to the judgment debtor unless otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accruing costs within the view of the sheriff, he must levy only on such part of the property as the judgment debtor may indicate, if the property indicated be amply sufficient to satisfy the judgment and costs.

The provisions of sections 8-507 through 8-507D 11-703, 11-706, 11-707, 11-709 and 11-710, Idaho Code, shall apply to a levy upon personal property.

SECTION 8. That Section 11-604, Idaho Code, be, and the same is hereby amended to read as follows:

11-604. PROPERTY EXEMPT TO EXTENT REASONABLY NECESSARY FOR SUPPORT. (1) An individual is entitled to exemption of the following property to the extent reasonably necessary for the support of him and his dependents:

- (a) benefits paid or payable by reason of disability or illness;
- (b) money or personal property received, and rights to receive money or personal property for alimony, support, or separate maintenance;
- (c) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a result of bodily injury of the individual or of the wrongful death or bodily injury of another individual of whom the individual was or is a dependent; and
- (d) proceeds or benefits paid or payable on the death of an insured, if the individual was the spouse or a dependent of the insured.

(2) The phrase "property to the extent reasonably necessary for the support of him and his dependents" means property required to meet the present and anticipated needs of the individual and his dependents, as determined by the court after consideration of the individual's responsibilities and all the present and anticipated property and income of the individual, including that which is exempt.

~~(3) The exemptions allowed by this section shall be lost immediately upon the commingling of any of the funds or amounts described in this section with any other funds.~~

SECTION 9. That Title 11, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 7, Title 11, Idaho Code, and to read as follows:

CHAPTER 7 GARNISHMENTS

11-701. DEFINITIONS. As used in this chapter:

(1) "Continuing garnishment" means a garnishment of wages of the judgment debtor that continues, subject to the limitations found in section 11-705, Idaho Code, until the debt is satisfied.

(2) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld. This does not include amounts due to or received by a taxpayer in the form of an Idaho income tax refund.

(3) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(4) "Financial institution" means any state bank, national bank, trust company, savings and loan association, savings bank, federal savings and loan association, federal savings bank or credit union, as those terms are defined in title 26, Idaho Code, or any federal credit union organized under the federal credit union act, 12 U.S.C. 1751, et seq., or a state credit union organized under the Idaho credit union act in chapter 21, title 26, Idaho Code. The term also includes any other institution that holds and receives deposits, savings or share accounts; issues certificates of deposit; or provides to its customers any deposit accounts that are subject to withdrawal by check, instrument, order or electronic means to effect third-party payments.

(5) "Garnishee" means a person or institution that is indebted to or is in possession of property, money or credits of a debtor whose property has been subjected to garnishment.

(6) "Garnishment" means a judicial proceeding in which a creditor or potential creditor asks the court to order a third party who is indebted to, or is in possession of, property, money or credits of the debtor to turn over

to the creditor any of the debtor's property, money or credits held by that third party.

(7) "Wage garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

11-702. TIME WHEN RETURNABLE -- RECORD IN EXECUTION BOOK. A garnishment execution may be made returnable at any time not less than ten (10) but not more than ninety (90) days after its receipt by the sheriff, to the clerk with whom the judgment roll is filed. When the execution is returned, the clerk must attach it to the judgment roll and record the execution and the return thereto at large, and certify the same under his hand as true copies in a book to be called the "execution book," which book must be indexed with the names of the judgment creditors and judgment debtors in execution alphabetically arranged, and kept open at all times during office hours for the inspection of the public without charge. It is evidence of the contents of the originals whenever they, or any part thereof, may be destroyed, mutilated or lost.

11-703. GARNISHMENT -- SERVICE OF WRIT OF EXECUTION OR GARNISHMENT -- FINANCIAL INSTITUTIONS. (1) Upon receiving written directions from the judgment creditor or his attorney, that any person or corporation, public or private, has in his or its possession or control, any credits or other personal property belonging to the judgment debtor, or is owing any debt to the judgment debtor, the sheriff shall serve upon any such person, or corporation identified in the judgment creditor's written directions all of the following documents:

- (a) A copy of the writ;
- (b) A notice that such credits, or other property, or debts, as the case may be, are attached in pursuance of such writ;
- (c) A notice of exemptions available under federal and state law;
- (d) Instructions to debtors and third parties for asserting a claim of exemption;
- (e) A form for making a claim of exemption; and
- (f) If the garnishee is a financial institution, a search fee of five dollars (\$5.00) and the last known mailing address of the judgment debtor and, if known, a tax identification number that will enable the garnishee to identify the judgment debtor on its records.

The documents specified in paragraphs (c) through (e) of this subsection shall be in a form as provided in section 11-707, Idaho Code.

(2) In case of service upon a corporation including, but not limited to, any financial institution, the same may be had by delivering a copy of the papers to be served, if upon a private corporation, to any officer, manager or designated agent thereof, and if upon a public or municipal corporation, to the mayor, president of the council or board of trustees, or any presiding officer, or to the secretary or clerk thereof.

(3) In the event a financial institution operates more than one (1) office where deposits are received within the state of Idaho, the banking or trust corporation may, by notifying the Idaho department of finance, designate a particular office for the service of attachment, execution and garnishment papers. Such office may be located either within or outside the state of Idaho. The Idaho department of finance shall post the list of such designated offices on its web page for access by the public.

If a financial institution operating more than one (1) office where deposits are received has designated a particular office for the attachment, execution, or garnishment, then service of such papers made on the office so designated shall be valid and effective as to moneys to the judgment debtor's credit held in the possession or control of any of the financial institution's branches or offices located within or outside the state of Idaho.

If service of the attachment, execution or garnishment papers is not made on the designated office of the financial institution, but instead is made on another office of the financial institution located in the state of Idaho, then service of such papers shall be valid and effective as to moneys to the judgment debtor's credit in that particular office and as to other personal property belonging to the judgment debtor held in the possession or control of that particular office, but shall only become valid and effective as to moneys to the judgment debtor's credit held in the possession or control of any of the financial institution's other offices upon receipt of the attachment, execution or garnishment papers by the designated office. Such financial institution may, but is under no obligation to, transmit the original or a copy of the papers from the particular office served to the designated office.

Service on any financial institution is effective as against the moneys and other personal property to the judgment debtor's credit which are in the possession or control of the financial institution named in the garnishment, but not any affiliate, parent or subsidiary not named. If the garnishment fails to sufficiently distinguish the financial institution from any affiliate, parent or subsidiary thereof, such that it is not clear which entity is intended to be the garnishee, the garnishment may be returned unsatisfied.

(4) The provisions of this section and sections 11-706, 11-707, 11-709 and 11-710, Idaho Code, shall apply to any levy by execution pursuant to chapter 5, title 8, Idaho Code.

11-704. EMPLOYER -- CONTINUOUS GARNISHMENT. When the garnishee is the employer of the judgment debtor, the judgment creditor, upon application to the court, shall have issued by the clerk of court, a continuing garnishment directing the employer-garnishee to pay to the sheriff such future moneys coming due to the judgment debtor as may come due to said judgment debtor as a result of the judgment debtor's employment. This continuing garnishment shall continue in force and effect until the judgment is satisfied. The judgment creditor shall be solely responsible for ensuring that the amounts garnished do not exceed the amount due on the judgment. If additional garnishments are issued during the term of a continuing garnishment and the continuing garnishment is the maximum allowed under the provisions of section 11-712, Idaho Code, the additional garnishments cannot be served until the continuing garnishment is satisfied, or until the amount taken by the continuing garnishment is less than the maximum allowed. Additional garnishments issued during the term of a continuing garnishment must be served in the order in which presented.

11-705. SHERIFF'S RETURN ON CONTINUOUS WAGE GARNISHMENT AND CONTINUOUS GARNISHMENT FOR CHILD SUPPORT. (1) In the case of continuing garnishments for wages, the sheriff shall file interim returns at intervals not to exceed fourteen (14) days, whenever the amount collected in the fourteen (14) day period is at least one hundred dollars (\$100), but in any event, interim returns on such continuous garnishment shall be filed by the sheriff at intervals not to exceed sixty (60) days.

(2) Where an execution or garnishment against earnings or unemployment benefits for a delinquent child support obligation is served upon any person or upon the state of Idaho and there is in possession of such person or the state of Idaho any such earnings or any unemployment benefits of the judgment debtor, the execution and the garnishment shall operate continuously and shall require such person or the state of Idaho to withhold the nonexempt portion of earnings or unemployment benefits at each succeeding earnings or unemployment benefits disbursement interval until released by the sheriff at the written request of the judgment creditor or until the judgment for child support debt, in the dollar amount specifically set forth on the writ of execution and subject to garnishment as of the date the writ of exe-

cution is issued, is discharged or satisfied in full; provided however, that interim returns on such continuous execution or garnishment shall be filed by the sheriff at intervals not to exceed fourteen (14) days, whenever the amount collected in the fourteen (14) day period is at least equal to fifty dollars (\$50.00), but in any event, interim returns on such continuous garnishment shall be filed by the sheriff at intervals not to exceed thirty (30) days. The proportion of earnings subject to garnishment as compared to total available earnings or unemployment benefits shall be limited to the percentage restrictions on garnishment of wages for child support as provided in section 11-712, Idaho Code.

11-706. DOCUMENTS TO BE PROVIDED BY JUDGMENT CREDITOR -- DUTIES OF SHERIFF -- SERVICE AND MAILING CRITERIA -- TIME COMPUTATION. With respect to any garnishment or execution, the judgment creditor shall provide the sheriff with sufficient copies of the writ and other documents required to be served for service on the judgment debtor and each additional party identified in the judgment creditor's written directions and shall provide an envelope addressed to each person required to be served. If the documents are to be mailed, proper postage shall be affixed. The sheriff shall not delay service for lack of sufficient copies or postage and shall make any additional copies and affix any additional postage necessary. The sheriff may charge the judgment creditor for the actual costs of any additional copies and postage required, which costs shall be in addition to the fees permitted under section 11-729, Idaho Code.

Personal service shall be accomplished in the same manner provided for service of summons under the Idaho rules of civil procedure. Provided however, that in the case of garnishments the county sheriff shall have the option of accomplishing personal service by United States certified mail, return receipt requested, or United States first class mail with a facsimile or electronic mail acknowledgment of such service by the garnishee. Unless otherwise provided to the contrary, the date when an item is deposited in the United States mail shall constitute the date of mailing and the date of service shall be the date when the garnishee signs the return receipt for the certified mail or the date the garnishee sends its facsimile or electronic mail acknowledgment of service. In computing any period of time within which an act is to be accomplished, the day of the act after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it falls on a weekend or legal holiday, in which event the period runs until the close of business of the first business day after the weekend or holiday, except that this provision shall not extend the time within which hearing on a motion to contest a claim of exemption or third-party claim must be set as provided in section 8-540, Idaho Code, and section 11-203, Idaho Code.

The sheriff shall not be required to investigate or assure the accuracy and completeness of the addresses of the parties to be served or any other information provided by the judgment creditor.

11-707. FORMS FOR NOTICE OF EXEMPTIONS, INSTRUCTIONS TO DEBTORS AND THIRD PARTIES AND CLAIM OF EXEMPTION. The forms used for notice of exemptions, instructions to debtors and third parties and claims of exemption shall be those prescribed by rules promulgated or orders issued by the supreme court and posted on the website of the supreme court. The forms shall be made available in English and Spanish language translations in the offices of each county sheriff. Notice, written in Spanish, of the availability of these documents in Spanish translation shall be set forth on the notice of exemptions.

11-708. INTERROGATORIES SUBMITTED TO GARNISHEE. Written interrogatories shall be delivered to the garnishee at the time of serving notice of gar-

nishment. The interrogatories shall be in a form prescribed by rules promulgated or orders issued by the supreme court.

11-709. SERVICE ON JUDGMENT DEBTOR AND THIRD PARTIES BY SHERIFF. Within two (2) business days after service of the writ and other documents as provided in section 11-703, Idaho Code, or if service is upon a financial institution, within one (1) business day, the sheriff shall hand deliver or mail to the judgment debtor and any third party named in the judgment creditor's written directions as a co-owner or having an interest in the property or money to be levied upon, one (1) copy of all the documents and if the garnishee is a financial institution, the search fee and other information specified in section 11-703(1), Idaho Code. The judgment creditor shall identify in the judgment creditor's written directions the last known mailing address of the judgment debtor and any third party to be served. The sheriff shall indicate on the return of the writ filed with the court the date and manner of service upon the judgment debtor and any third party and shall indicate the documents served.

If at the time of service of the writ the sheriff receives written answer from the garnishee stating that it has no money or other personal property belonging or owing to the judgment debtor, compliance with the provisions of this section shall not be required.

11-710. SERVICE ON JUDGMENT DEBTOR AND THIRD PARTIES BY A FINANCIAL INSTITUTION. If the writ and notice of garnishment are served upon a financial institution holding money or accounts belonging to the judgment debtor, the garnishee shall within three (3) business days after such service, mail or hand deliver a copy of all documents served upon it by the sheriff:

(1) To the judgment debtor at the address to which account statements or other pertinent account documentation are normally sent, or if the money is not in an account, to the last known address of the judgment debtor shown upon the records of the garnishee at the time of service upon it of the writ; and

(2) To any other person shown upon the records of the garnishee as a co-owner or having an interest in the money or accounts garnished at the last known address of the third party shown upon the records of the garnishee at the time of service upon it of the writ.

The financial institution shall be entitled to deduct a single fee of not to exceed ten dollars (\$10.00) from the money transferred to the sheriff pursuant to the garnishment to cover the costs associated with the processing and service of the documents. The fee herein provided shall be the only processing and service fee to which the financial institution is entitled regardless of the number of parties to which documents are sent and is in addition to the search fee specified in section 11-703(1)(f), Idaho Code. Upon being notified by the sheriff that money transferred pursuant to the garnishment has been released as a result of a court determination that the money is exempt or a failure by the judgment creditor to contest the claim of exemption, the garnishee shall recredit the fee to the judgment debtor's account or reimburse the judgment debtor therefor and the judgment creditor shall reimburse the garnishee for the fee.

The garnishee shall indicate in the answer to interrogatories as provided in section 11-708, Idaho Code, the date and manner of service of the documents upon the judgment debtor and any third party as herein required but shall not be required to disclose the names or addresses of any third party served.

The garnishee shall only be required to serve on the judgment debtor and any third-party copies of those documents served upon it by the sheriff.

11-711. CLAIM OF EXEMPTION BY JUDGMENT DEBTOR. The judgment debtor in the main action may file a claim of exemption setting forth any facts showing that the debt or the property with which it is sought to charge the garnishee

is exempt from execution, or for any other reason is not liable for the judgment creditor's claim, and if issue thereon be joined by the judgment creditor it shall be tried with the issues as to the garnishee's liability, and if the property or debt, or any part thereof, is found to be thus exempt or not liable, judgment shall be rendered accordingly.

11-712. RESTRICTION ON WAGE GARNISHMENT -- MAXIMUM. (1) Except as provided in subsection (2) of this section, the maximum amount of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment shall not exceed:

- (a) Twenty-five percent (25%) of his disposable earnings for that week; or
- (b) The amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C.A. 206(a)(1) in effect at the time the earnings are payable, whichever is less.

In the case of earnings for any pay period other than a week, the Idaho commissioner of labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in paragraph (b) of this subsection.

(2) (a) The restrictions of subsection (1) of this section shall not apply in the case of any order of any court for the support of any person, any order of any court of bankruptcy under chapter XIII of the bankruptcy act, or any debt due for any state or federal tax.

(b) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

- (i) Where such individual is supporting his spouse or dependent child, other than a spouse or child with respect to whose support such order is used, fifty percent (50%) of such individual's disposable earnings for that week; and
- (ii) Where such individual is not supporting such a spouse or dependent child described in subparagraph (i) of this paragraph, sixty percent (60%) of such individual's disposable earnings for that week; except that with respect to the disposable earnings of any individual for any workweek, the fifty percent (50%) specified in subparagraph (i) of this paragraph shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in this subparagraph shall be deemed to be sixty-five percent (65%), if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve (12) week period which ends with the beginning of such workweek.

11-713. DEPOSITS INTO FINANCIAL INSTITUTIONS NOT SUBJECT TO GARNISHMENT. (1) Money, funds, benefits and personal property that are exempt from execution as provided in section 11-604(1), Idaho Code, including payable or paid for disability and illness, alimony, support and child support, as a result of bodily injury, wrongful death and the death of an insured shall remain exempt in an account at a financial institution.

(2) Wages that are exempt from execution as provided in sections 11-207 and 11-712, Idaho Code, shall remain exempt when deposited into an account at a financial institution. This subsection shall not apply to any accumulation of wages greater than seven thousand five hundred dollars (\$7,500).

(3) All funds that are exempt under federal and state law; section 11-603, Idaho Code, including social security, SSI and veteran benefits, federal and state public assistance, medical savings accounts, child support payments deposited by the Idaho department of health and welfare, and unemployment benefits; section 11-604A, Idaho Code, retirement and pension

benefits including public employee retirement system of Idaho (PERSI) and United States government benefits; and section 72-802, Idaho Code, worker's compensation benefits shall remain exempt without limitation when deposited into an account at a financial institution.

(4) The application of subsections (1), (2) and (3) of this section shall not be affected by the commingling of exempt and nonexempt funds in an account. For the purposes of identifying exempt funds in an account, first in, first out accounting principles shall be used.

(5) The provisions of this chapter shall not prevent a debtor from claiming any exemption that otherwise may be available under law for any amounts garnished from an account at a financial institution.

11-714. FINANCIAL INSTITUTION OBLIGATIONS WHEN SERVED WITH WRIT OF GARNISHMENT. (1) If a notice of garnishment is served upon a financial institution that has an account or accounts of the debtor, the financial institution shall conduct a garnishment review of all accounts in the name of the debtor before taking any action that may affect funds in those accounts.

(2) The garnishment review shall be limited to the sixty-four (64) day period immediately preceding the date of service upon the financial institution of the garnishment. Solely for purposes of the garnishment review, any balance in the accounts on the sixty-fourth day immediately preceding the date of service upon the financial institution of the garnishment shall be deemed to be exempt. If the financial institution determines, solely from information transmitted to the financial institution by the payor, that one (1) or more payments of exempt funds as described in section 11-713(1), (2) or (3), Idaho Code, were deposited by direct or electronic deposit payment in an account of the debtor the total balance of deposited exempt funds in the debtor account is not subject to garnishment.

(3) The financial institution conducting the garnishment review need only review information transmitted to the financial institution by the payor of direct or electronic deposit payments in making its determination that funds in the accounts are of the types of payments described in section 11-713(1), (2) or (3), Idaho Code. The financial institution conducting the garnishment review shall have no obligation to inquire into the source of funds or examine any deposit item made by any means other than direct or electronic deposit, even if such review would disclose that the funds so deposited may be exempt from garnishment as described in section 11-713(1), (2) or (3), Idaho Code.

(4) If a notice of right to garnish federal benefits from the United States government or from a state child support enforcement agency is attached to or included in the garnishment as provided in 31 CFR 212, the financial institution shall not conduct a garnishment account review under this section and shall proceed on the garnishment.

(5) A financial institution conducting a garnishment review as required by this section is immune from civil liability to the garnishor, debtor or account owner from any act or omission with respect to the garnishment review, including without limitation, any incorrect determination made after applying good faith methods for determining whether funds in an account are exempt. If a court determines that a financial institution erred in its identification of funds in an account as exempt or nonexempt, the sole remedy in exemption proceedings shall be issuance of an order of the court that the financial institution must adjust its actions with respect to a writ of execution as soon as possible. A financial institution is not liable to an account holder or garnishor, and may not be assessed any penalty, by reason of any action or inaction in good faith including:

- (a) Failure to deliver any funds;
- (b) Failure to refuse to deliver any funds;
- (c) Failure to provide the required notices to an account holder;

- (d) Customary clearing and settlement adjustments made to a debtor's account that affect the balance in the debtor's account; and
- (e) Any bona fide errors that occur despite reasonable procedures implemented by the financial institution to prevent those errors.

11-715. **LIABILITY OF GARNISHEE.** All persons having in their possession or under their control, any credits or other personal property belonging to the judgment debtor, at the time of service upon them of a copy of the writ and notice, as provided in sections 11-711 and 11-712, Idaho Code, shall be, unless such property be delivered up or transferred, or such debts be paid to the sheriff, liable to the judgment creditor for the amount of such credits, property, or debts, until the garnishment be discharged or any judgment recovered by him be satisfied.

11-716. **NOTICE OF GARNISHMENT -- DISCHARGE OF GARNISHEE.** Any person who has been served with a copy of the writ and notice as provided in sections 8-506, 11-706, 11-707, 11-709, 11-710 and 11-715, Idaho Code, shall be deemed a garnishee, and service of copy of writ and the notice therein provided for, shall, for the purpose of sections 11-708, 11-711, 11-716, 11-719 through 11-727, 11-730 and 11-731, Idaho Code, be deemed to be notice of garnishment, and whenever any person shall have been served with notice of garnishment as herein defined, he may discharge himself by paying or delivering to the officer all debts owing by him to the judgment debtor, or a portion thereof sufficient to discharge the claim of the judgment creditor, or any or all money of the judgment debtor in his hands to a similar amount, taking a receipt therefor from the officer, that shall discharge such person from any and all liability to the extent of such payment, and that shall be held by the officer subject to the orders of the court out of which the writ issued.

11-717. **EXAMINATION OF GARNISHEE.** Any person owing debts to the judgment debtor, or having in his possession or under his control, any credits or other personal property belonging to the judgment debtor, may be required to attend before the court or judge, or a referee appointed by the court or judge, and be examined on oath respecting the same. If the garnishee be a corporation the officer or agent thereof having knowledge of the fact sought to be established may be required to attend and give evidence thereof. The judgment debtor may also be required to attend for the purpose of giving information respecting his property and may be examined on oath. The court or judge may, after such examination, order personal property capable of manual delivery to be delivered to the sheriff on such terms as may be just, having reference to any liens or claims against the same, and a memorandum to be given of all other personal property, containing the amount and description thereof.

11-718. **DEBTS OWING BY STATE OF IDAHO SUBJECT TO EXECUTION OR GARNISHMENT AFTER JUDGMENT.** (1) Debts, moneys and credits due or owing by the state of Idaho to any person whomsoever, except an elective official of the state of Idaho, shall be subject to execution and garnishment after final judgment against such person for the satisfaction of such judgment by service by the sheriff of the debtor's county of residence in Idaho, upon the state controller of a copy of the writ of execution and a notice of garnishment signed by such officer in duplicate. The state controller shall at the time of such service collect a fee of ten dollars (\$10.00) therefor from said officer. The state controller shall thereafter have a period of thirty (30) days in which to answer said notice of garnishment. The state controller shall pay, in the usual manner provided by law to the officer serving said writ of execution and notice of judgment, the amount necessary to satisfy said judgment excluding any exemption as provided by law. The officer's receipt therefor

shall be a sufficient release of the state of Idaho and the state controller, of said claim of such person.

(2) The tax refund of any taxpayer may be subject to execution and garnishment under this section. In the case of garnishment of a tax refund due to a taxpayer, the plaintiff or his attorney shall provide in the written instructions to the Ada county sheriff the full name and social security number of the taxpayer subject to the garnishment, that shall be served with the writ of execution and notice of garnishment. The Ada county sheriff, state controller and state tax commission shall cooperate as necessary, including the sharing of garnishee information, in order to carry out the garnishment of a tax refund as provided in this section.

(3) Notwithstanding any provision in this title to the contrary, in the case of garnishment of a tax refund due to a taxpayer, the state controller shall hold the writ for a period of one hundred fifty (150) days after service or until the date it is determined that a refund is due the taxpayer, whichever occurs first, at which time the state controller shall thereafter have a period of thirty (30) days in which to answer such notice of garnishment. The Ada county sheriff shall file a return on the writ as soon as practicable after receipt of the state controller's answer, but if no answer is received from the state controller by one hundred ninety (190) days after service, the sheriff shall file a final return to that effect and close the garnishment.

11-719. ANSWER TO INTERROGATORIES -- JUDGMENT AGAINST GARNISHEE. Upon a copy of the interrogatories being served upon him, the garnishee shall make full and true answer to the same under oath and filed in the cause within five (5) days thereafter. If he fails to do so, the judgment creditor may take judgment against him by default, or the court may, upon motion, compel him to answer by attachment. But no final judgment shall be rendered against the garnishee until there shall be a final judgment against the judgment debtor; nor shall judgment be rendered for a greater amount than the debt claimed by the judgment creditor with interest and costs, nor for a greater amount than the garnishee shall appear to be liable for to the judgment debtor; nor shall execution issue against a garnishee until the maturity of his debt to the judgment debtor.

11-720. EXCEPTION TO ANSWER -- AMENDMENT. The judgment creditor may except to the answer of the garnishee for insufficiency, and if adjudged insufficient, the court may allow him to amend it in such time and on such terms as shall be just.

11-721. DENIAL OF ANSWER -- REPLICATION -- TRIAL, JUDGMENT AND EXECUTION. The judgment creditor may deny the answer of the garnishee in whole or in part without oath, and allege specially the grounds upon which a recovery is sought against the garnishee, to which the garnishee may reply either generally or specially, and the issue presented by such denial and reply, shall be tried as ordinary issues between judgment creditor and judgment debtor, and judgment rendered thereon and execution issued accordingly except as herein otherwise provided.

11-722. JUDGMENT ON ANSWER -- COSTS AND ALLOWANCES. If the answer of the garnishee be not excepted to, or denied within three (3) days after its filing, unless the court, or judge in vacation, for good cause shown, gives longer time, it shall be taken to be true and sufficient, and if in such case any indebtedness or liability is admitted, judgment shall be rendered accordingly, and the garnishee shall be allowed a reasonable sum out of the funds or property confessed in his hands for his trouble and expense in answering. If all liability is denied, and the denial is uncontroverted, the garnishee shall be discharged at the cost of the judgment creditor. In con-

tested cases the costs shall be adjudged as in ordinary cases between judgment creditor and judgment debtor.

11-723. JUDGMENT AGAINST GARNISHEE. If the garnishee admits in his answer that he is indebted to the judgment debtor, or has money or property of the judgment debtor in his hands, or under his control, and fails or refuses to turn the same over to the officer as in section 11-716, Idaho Code, provided, the judgment creditor may move the court out of which the writ issued, on or before the return day thereof, for judgment against the garnishee for the amount of such admitted debt, or for the delivery to the officer of the money or property of the judgment debtor in his hands, to an amount sufficient to satisfy the judgment creditor's claim; serving the garnishee with due notice of the said motion; and at the hearing thereof the court shall render such judgment as shall be conformable to law and the facts shown to exist.

11-724. ALLEGATION OF ASSIGNMENT OF DEBT -- PROCEDURE. If the garnishee shall allege in his answer that he is indebted to the judgment debtor, but declare his belief under oath that the debt has been assigned to some other person, while naming such person, and the judgment creditor shall file a reply, denying the fact, or the force and validity of the alleged assignment, the court shall thereupon make an order requiring the alleged assignee to appear, on a day to be therein named, and show cause why the alleged assignment should not be disregarded. Such order shall be served upon the supposed assignee, if within the jurisdiction of the court, at least fifteen (15) days before the return day thereof. But, if he cannot be found, or is out of the jurisdiction of the court, he may be brought in by publication as in other civil cases; provided, that the order shall be published instead of the summons, and that such publication need only be made for three (3) weeks successively, and that the last insertion thereof need not be more than fifteen (15) days before the return day thereof.

11-725. ALLEGATION OF ASSIGNMENT OF DEBT -- TRIAL OF ISSUE. Upon the return day of the order of notice, or upon such other day to which the trial may be postponed, if the alleged assignee fails to appear, or appearing, fails to assert any claim as such assignee, the alleged assignment shall be disregarded, but if he shall appear and set up a claim as assignee, the existence, force and validity of the alleged assignment shall be tried as similar issues between judgment creditor and judgment debtor, and such judgment shall be rendered as shall be conformable to the facts and the law.

11-726. LIABILITY OF GARNISHEE ON NEGOTIABLE PAPER. The garnishee shall not be held liable on any debt due upon negotiable paper unless such paper is delivered up to him, or he is fully exonerated or indemnified against any liability thereon after he may have satisfied the judgment. But if it shall be made to appear to the satisfaction of the court in which the proceedings are pending, that the paper is in the possession or control of the judgment debtor, he may be compelled to produce it by attachment.

11-727. LIABILITY OF OFFICERS AND EXECUTORS AS GARNISHEES. No sheriff, constable, or other officer charged with the collection of money shall, prior to the return day of the execution upon which the same may be made, be liable to be summoned as a garnishee, nor shall any county collector or municipal corporation or any officer thereof, nor administrator or executor of any estate, prior to the allowance of a demand found to be due by his estate, or prior to an order of distribution or for the payment of debts and legacies, be liable in their official capacities as garnishee.

11-728. FEE FOR EMPLOYER -- GARNISHEE. When the garnishee is the employer of the judgment debtor, the garnishee may deduct a onetime fee to

cover the costs associated with administering the garnishment. The fee to be deducted shall not exceed ten dollars (\$10.00) and shall be deducted from the employer's first answer to the writ from money remitted to the sheriff.

11-729. SHERIFF FEE FOR SERVICE. (1) The board of county commissioners of each respective county shall have the power to set sheriff's fees by resolution of the board for serving an initial order of garnishment and writ of execution. The board may also set an additional lesser fee for making an interim return on a continuing garnishment to show disbursement of moneys held by the sheriff for return service, including for receiving and paying over money from any money garnishment, and including wage garnishment or financial institution garnishment. These fees shall be established using criteria determined by the board not to exceed actual costs directly incurred for order of garnishment and writ of execution service.

(2) At the time of adoption of the resolution establishing any fee authorized in this section, the board shall annually publish on the county website all the criteria used to establish the total fee and the value of each criterion's proportionate share of the total fee. The initial garnishment and continuing service fee herein allowed shall be collected from the judgment debtor.

11-730. APPEALS IN GARNISHMENT PROCEEDINGS. Appeals may be taken, heard and determined in cases arising under sections 11-708, 11-711, 11-716, 11-719 through 11-727, and 11-731, Idaho Code, in the same manner and with like effect as is now, or may hereafter be, provided by law for appeals in ordinary civil actions.

11-731. APPLICATION OF PRECEDING SECTIONS. The provisions of sections 11-708, 11-711, 11-716, 11-719 through 11-727, and 11-730, Idaho Code, inclusive, shall apply to all courts of competent jurisdiction.

SECTION 10. That Section 31-3203, Idaho Code, be, and the same is hereby amended to read as follows:

31-3203. SHERIFF'S FEES. The board of county commissioners of each respective county shall have the power to set sheriff's fees by a resolution of the board for the services herein specified in an amount reasonably related to but not exceeding the actual costs of such service. The sheriff is allowed and may demand and receive such fees. In the event that the board of commissioners does not resolve to set fees by resolution as herein described, the sheriff is allowed and may demand and receive the fees hereinafter specified:

- For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant \$10.00
- For serving an attachment on property, or levying an execution, except for a writ of wage garnishment or financial institution garnishment, or executing an order of arrest, or order for the delivery of personal property \$10.00
- For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than five dollars (\$5.00) per diem or the reasonable costs incurred by a keeper in preserving said property.
- For making and issuing a keeper's receipt \$5.00
- For taking a bond or undertaking in any case in which he is authorized to take the same \$10.00
- For copy of and making return on any writ, except for a writ of wage garnishment or financial institution garnishment, process or other paper, when demanded or required by law \$10.00

For serving every notice, rule or order \$10.00

For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio \$ 3.00

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant \$10.00

For holding each inquest, or trial of right of property, to include all services in the matter except mileage \$ 3.00

For serving a subpoena, for each witness summoned \$10.00

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars (\$1,000), two percent (2%); on all sums above that amount, one percent (1%); but in no case of sale of real estate shall his commission exceed the sum of \$100.00

When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.

For commissions for receiving and paying over money on execution without levy, except for a writ of wage garnishment or financial institution garnishment, or where lands or goods levied on are not sold, on the first one thousand dollars (\$1,000), one and one-half percent (1 1/2%); and one-half (1/2) of one percent (1%) on all over that sum, but not to exceed in any case \$75.00

The fees herein allowed for the levy of an execution, costs for advertising and percentage for making or collecting the money on execution, must be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a sheriff's deed, including the acknowledgment, to be paid by the grantee before delivery \$10.00

For executing a certificate of sale, exclusive of the filing and recording of same \$ 5.00

For making every arrest in a criminal proceeding \$ 5.00

For summoning each juror \$ 1.00

For serving a subpoena in a criminal action or proceeding, for each witness summoned \$10.00

For traveling to serve any summons and complaint, or any other process, except for a writ of wage garnishment or financial institution garnishment, by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled for the first twenty-five (25) miles no charge shall be allowed, and for any miles traveled over twenty-five (25) miles, even if process is not served, the following shall be allowed, in going only \$.40

For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only \$.40

For each additional prisoner taken at the same time, per mile \$.25

But if any two (2) or more papers be required to be served in the same action or proceeding, civil or criminal, or be in the possession of the sheriff for service at the same time, and in the same direction, one (1) mileage only shall be charged; and in serving a subpoena, venire, process or paper, when two (2) or more jurors, witnesses, parties or persons to be served reside or are found in the same direction, traveling fees must be charged only for the most distant; and only one (1) mileage per day must be charged for taking a

prisoner from prison before a court or magistrate; and constructive mileage must in no case be charged or allowed.

For all services under the election laws, the same mileage and fees as in this chapter provided for similar services.

~~For copy of and making an interim return on a continuing garnishment to show disbursement of moneys held by the sheriff \$5.00~~

For postage and processing of each mail renewal class D driver's license authorized pursuant to section 49-319, Idaho Code \$1.00

For wage and financial institution garnishment, the board of county commissioners shall set sheriff's fees as set forth in section 11-729, Idaho Code.

SECTION 11. That Section 32-1605, Idaho Code, be, and the same is hereby amended to read as follows:

32-1605. RECEIPT AND ACCEPTANCE OF ASSET WITHHOLDING ORDER. (1) When an asset withholding order is received by a financial institution pursuant to this chapter, the financial institution shall immediately freeze the asset subject to the withholding order up to the maximum amount as set forth in section 32-1601(6), Idaho Code. Financial institutions shall accept the asset withholding order at any office of the financial institution located in this state, or at a particular office in this state or another state designated by the financial institution for the service of attachment, execution and garnishment papers pursuant to section ~~8-507(b)~~ 11-703(2), Idaho Code.

If the financial institution has designated a particular office for service of attachment, execution and garnishment papers pursuant to section ~~8-507(b)~~ 11-703(2), Idaho Code, and the asset withholding order is received by another office of the financial institution, it is within the discretion of the financial institution to accept the order and promptly forward the order to the designated office; not accept the order and promptly forward the order to the designated office; or promptly return it to the department. If a financial institution has chosen to accept the order at a nondesignated office, the financial institution's duties pursuant to section 32-1608(1), Idaho Code, shall be effective upon acceptance at that office, and the time periods for the financial institution's duties pursuant to subsections (2) and (3) of section 32-1608, Idaho Code, shall begin to run upon receipt of the order at the designated office.

(2) Unless otherwise notified by the department pursuant to this chapter, the financial institution shall release the asset to the obligor on the seventy-sixth day after the financial institution receives the asset withholding order.

(3) The department shall provide the financial institution with copies of the order and notice required by section 32-1607, Idaho Code, to forward to the obligor and any co-owner.

Approved April 6, 2017

CHAPTER 304
(S.B. No. 1203)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2018; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT REGARDING FUNDING OF THE OIL AND GAS CONSERVATION COMMISSION; 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 339, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated from the General Fund to the Department of Lands, for the Oil and Gas Conservation Division within the Lands and Waterways program, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$48,800
Operating Expenditures	13,700
Capital Outlay	<u>3,900</u>
TOTAL	\$66,400

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Lands in Section 2, Chapter 339, Laws of 2016, is increased by three (3) 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. 1168, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Lands, for the Oil and Gas Conservation Division within the Lands and Waterways program, the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$293,000
Operating Expenditures	<u>82,000</u>
TOTAL	\$375,000

SECTION 4. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Lands in Section 2 of Senate Bill No. 1168, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, is increased by three (3) for the period July 1, 2017, through June 30, 2018.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that, as revenues become sufficient, expenditures supporting the Oil and Gas Conservation Commission be paid from the Oil and Gas Conservation Fund instead of the General Fund. As part of the annual budget request, the Department of Lands shall review the Oil and Gas Conservation Fund. When supported by revenue, the department shall request dedicated fund appropri-

ation, and a corresponding decrease to the General Fund, until such time that the Oil and Gas Conservation Commission is no longer supported by the General Fund.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 6, 2017

CHAPTER 305
(S.B. No. 1205)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATURE FOR FISCAL YEAR 2018.

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

SECTION 1. In addition to any other appropriation provided for by law, there is hereby appropriated to the Legislature \$100,000 from the General Fund to be expended for the period July 1, 2017, through June 30, 2018.

Approved April 6, 2017

CHAPTER 306
(H.B. No. 289)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2018; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2018; 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 2018; DIRECTING THE USE OF FUNDS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS AND LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF FUNDS FOR WIRELESS TECHNOLOGY INFRASTRUCTURE; DIRECTING THE USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT; PROVIDING LEGISLATIVE INTENT FOR CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING LEGISLATIVE INTENT FOR TECHNOLOGY CONTENT AND CURRICULUM; 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, 2017, through June 30, 2018:

FROM:

General Fund \$13,975,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

FROM:

General Fund \$13,975,800

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services, the following amount to be expended for operating expenditures, from the listed fund for the period July 1, 2017, through June 30, 2018:

	FOR OPERATING EXPENDITURES	TOTAL
FROM:		
General		
Fund	\$13,975,800	\$13,975,800

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, 2019, 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, \$2,142,000 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; and
- (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 7. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$2,700,000 for professional development, teacher training, and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 8. CONTENT AND CURRICULUM -- DIGITAL CONTENT AND CREDIT RECOVERY. Of the moneys appropriated in Section 3 of this act, up to \$3,100,000 may be expended for the purchase of content and curriculum that includes 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 \$1,250,000 for research-based programs to assist with the instruction of students with non-English or limited English proficiency.

SECTION 9. 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 6 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 10. 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, 2019, regarding the number and type of certificates earned by students and faculty.

SECTION 11. 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 April 4, 2017

CHAPTER 307
(H.B. No. 290)

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 2018; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2018; 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 2018.

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, 2017, through June 30, 2018:

FROM:

General Fund	\$10,366,800
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	184,800
Federal Grant	<u>223,500</u>
TOTAL	\$10,884,300

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

FROM:

General Fund	\$10,366,800
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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, 2017, through June 30, 2018:

FROM:

Public School Income Fund	\$10,366,800
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	184,800
Federal Grant	<u>223,500</u>
TOTAL	\$10,884,300

Approved April 4, 2017

CHAPTER 308
(H.B. No. 293)

AN ACT

RELATING TO VETERINARIANS; AMENDING CHAPTER 21, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2112A, IDAHO CODE, TO PROVIDE FOR A SPECIFIED RENEWAL FEE FOR A CERTAIN YEAR; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 21, 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 54-2112A, Idaho Code, and to read as follows:

54-2112A. RENEWAL FEE. Notwithstanding the provisions of section 54-1112, Idaho Code, and IDAPA 46.01.01.014, for the year 2017, the renewal fee for a veterinary license shall be two hundred eighty-five dollars (\$285).

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 April 1, 2018.

Approved April 4, 2017

CHAPTER 309
(H.B. No. 294)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR 2018; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE; APPROPRIATING ADDITIONAL MONEYS TO COMMUNITY COLLEGES FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$11,631,200	\$1,867,200	\$607,400	\$14,105,800
Community College				
Fund	<u>155,100</u>	<u>26,900</u>	<u>18,000</u>	<u>200,000</u>
TOTAL	\$11,786,300	\$1,894,100	\$625,400	\$14,305,800
II. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$8,606,600	\$3,955,400	\$8,000	\$12,570,000
Community College				
Fund	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL	\$8,606,600	\$4,155,400	\$8,000	\$12,770,000
III. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$10,916,200	\$1,803,900	\$5,000	\$12,725,100
Community College				
Fund	<u>122,200</u>	<u>52,800</u>	<u>25,000</u>	<u>200,000</u>
TOTAL	\$11,038,400	\$1,856,700	\$30,000	\$12,925,100
GRAND TOTAL	\$31,431,300	\$7,906,200	\$663,400	\$40,000,900

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. 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 appropriations in fiscal years 2015, 2016, and 2017. The board may use the measures of effectiveness submitted by the institutions in their budget requests or develop other measures as necessary to show the impact of funding for personnel and programs on their comparative outcomes regarding course completion, degree attainment and job placement. Reporting to the Legislature should occur no later than February 1, 2018, and shall be formatted in such a manner that allows consistent comparison within and between institutions.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 331, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$1,200,000 from the General Fund to the State Board of Education for the College of Southern Idaho, to be expended for operating costs, for the period July 1, 2016, through June 30, 2017.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 310
(H.B. No. 295)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2018; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2017.

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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$2,391,700	\$407,900	\$23,100		\$2,822,700
Federal Grant					
Fund	<u>304,200</u>	<u>56,000</u>	<u>0</u>		<u>360,200</u>
TOTAL	\$2,695,900	\$463,900	\$23,100		\$3,182,900
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund		\$396,000		\$13,824,600	\$14,220,600
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Miscellaneous Revenue					
Fund				15,000	15,000
Federal Grant					
Fund	<u>\$452,900</u>	<u>74,800</u>		<u>5,694,200</u>	<u>6,221,900</u>
TOTAL	\$452,900	\$470,800		\$19,601,600	\$20,525,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$41,688,500	\$3,567,400	\$1,015,500	\$240,500	\$46,511,900
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$625,000	\$625,000
Displaced Homemaker					
Fund				<u>170,000</u>	<u>170,000</u>
TOTAL				<u>\$795,000</u>	<u>\$795,000</u>
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$95,200	\$5,700		\$1,090,900	\$1,191,800
Miscellaneous Revenue					
Fund	3,900	300,000			303,900
Federal Grant					
Fund	<u>52,300</u>	<u>17,800</u>		<u>2,174,000</u>	<u>2,244,100</u>
TOTAL	\$151,400	\$323,500		\$3,264,900	\$3,739,800
GRAND TOTAL	\$44,988,700	\$4,825,600	\$1,038,600	\$23,902,000	\$74,754,900

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2018, 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, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 311
(H.B. No. 296)

AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING DISTRIBUTIONS TO THE CONSERVATION DISTRICTS.

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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,207,200	\$183,900	\$90,600	\$1,253,200	\$2,734,900
Administration and Accounting Services					
Fund		30,000			30,000
Resource Conservation and Rangeland Development					
Fund	167,100	146,400			313,500
Clean Water Revolving Loan (SCC)					
Fund		30,000			30,000
Federal Grant					
Fund	<u>17,500</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>17,500</u>
TOTAL	\$1,391,800	\$390,300	\$90,600	\$1,253,200	\$3,125,900

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. 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.

Approved April 4, 2017

CHAPTER 312
(H.B. No. 297)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL YEAR 2018.

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, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 313
(H.B. No. 298)

AN ACT

APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$395,300	\$2,089,600	\$4,600	\$2,000,000	\$4,489,500
STEM Education					
Fund		2,000,300			2,000,300
Miscellaneous Revenue					
Fund	<u>0</u>	<u>100,000</u>	<u>0</u>	<u>0</u>	<u>100,000</u>
TOTAL	\$395,300	\$4,189,900	\$4,600	\$2,000,000	\$6,589,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center is authorized no more than four (4) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 314
(H.B. No. 300)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED FEDERAL GRANT FUND BALANCE INTO FISCAL YEAR 2018; REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED BALANCE IN THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND INTO FISCAL YEAR 2018; REAPPROPRIATING FUNDS TO THE HIGHER EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT REGARDING ADMINISTRATOR TRAINING ON TEACHER EVALUATIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING SCHOOL IMPROVEMENT EVALUATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$2,386,100	\$1,625,300	\$3,000	\$1,350,000	\$5,364,400
Indirect Cost Recovery					
Fund	33,000	83,300			116,300
Miscellaneous Revenue					
Fund	141,100	60,000		50,000	251,100
Federal Grant					
Fund	<u>151,900</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,736,400</u>
TOTAL	\$2,712,100	\$3,214,700	\$3,000	\$2,538,400	\$8,468,200
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund	\$117,200	\$103,300			\$220,500
Public Charter School Authorizers					
Fund	<u>251,600</u>	<u>96,200</u>			<u>347,800</u>
TOTAL	\$368,800	\$199,500			\$568,300
GRAND TOTAL	\$3,080,900	\$3,414,200	\$3,000	\$2,538,400	\$9,036,500

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 thirty-one and twenty-five hundredths (31.25) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appro-

priations 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE HIGHER EDUCATION STABILIZATION FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys, not to exceed \$5,000,000, in the Community College Start-up Account in the Higher Education Stabilization Fund as appropriated or reappropriated for fiscal year 2017, for the period July 1, 2017 through June 30, 2018. Such moneys shall be used for start-up costs associated with the creation of a community college in eastern Idaho.

SECTION 6. ADMINISTRATOR TRAINING ON TEACHER EVALUATIONS. It is the intent of the Legislature that an amount not to exceed \$1,000,000 of the moneys appropriated from the General Fund in Section 1 of this act be used to assist districts in achieving compliance with the state evaluation requirements. The appropriation may be expended to provide tools that will help guide districts beyond compliance to continuous improvement of instructional practices, including clarification of evaluation and documentation requirements, a template for evaluations, and training to support compliance. The State Board of Education shall report to the Legislature no later than February 1, 2018.

SECTION 7. SCHOOL IMPROVEMENT EVALUATIONS. It is the intent of the Legislature that an amount not to exceed \$750,000 of the moneys appropriated from the General Fund in Section 1 of this act be used to assist low-performing school districts and charter schools for the development and implementation of school improvement plans and strategies tied to measurable student outcomes. Funded school improvement plans include the assessment of needs at the school district administration level, and school and classroom levels. Improvement planning and assistance shall be facilitated by one (1) or more Idaho educator preparation programs. Evaluation of the effectiveness of the school improvement plans will be used to inform practices within Idaho educator preparation programs. The State Board of Education shall report to the Legislature no later than February 1, 2018.

Approved April 4, 2017

CHAPTER 315
(H.B. No. 302)

AN ACT

APPROPRIATING MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Regulatory Boards, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory					
Fund	\$297,400	\$253,500			\$550,900
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory					
Fund	\$419,700	\$270,300	\$41,000		\$731,000
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$2,690,000	\$1,825,100		\$55,100	\$4,570,200
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory					
Fund	\$406,600	\$203,400			\$610,000
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory					
Fund	\$1,041,900	\$554,900			\$1,596,800
GRAND TOTAL	\$4,855,600	\$3,107,200	\$41,000	\$55,100	\$8,058,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Regulatory Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Accountancy	4
Board of Prof. Engineers & Land Surveyors	4
Bureau of Occupational Licenses	40
Outfitters and Guides Licensing Board	6
Real Estate Commission	15

SECTION 3. In addition to the appropriation made in Section 1, Chapter 102, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Regulatory Boards, the following amounts to be expended for 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	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:				
FROM:				
State Regulatory				
Fund	\$15,000	\$50,000		\$65,000
II. BUREAU OF OCCUPATIONAL LICENSES:				
FROM:				
State Regulatory				
Fund	\$11,900		\$1,400	\$13,300
GRAND TOTAL	\$26,900	\$50,000	\$1,400	\$78,300

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 3 of this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2017

CHAPTER 316
(H.B. No. 303)

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 2018; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2018; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2018.

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, 2016⁷, the annual salary of members of the public utilities commission shall be one hundred three thousand seven hundred ~~thirty-three~~ fifty-five dollars (~~\$100,733~~103,755) 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, 2016⁷, the annual salary for members of the state tax commission shall be ninety-three six thousand three one hundred eighty ninety-nine one dollars (~~\$93,389~~96,191).

(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, 2016⁷, the annual salary of each member of the industrial commission shall be ~~ninety-eight~~ one hundred thousand forty-nine nine hundred ninety dollars (\$98,049¹⁰⁰,990). 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 First Regular Session of the Sixty-fourth Legislature, there is hereby appropriated \$11,000 to the Public Utilities Commission to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2017, through June 30, 2018.

SECTION 5. In addition to any other appropriation made by law, as enacted by the First Regular Session of the Sixty-fourth 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, 2017, through June 30, 2018:

I. GENERAL SERVICES:

FROM:

General Fund	\$10,900
Administration Services for Transportation Fund	<u>1,500</u>
TOTAL	\$12,400

II. AUDIT DIVISION:

FROM:

Multistate Tax Compact Fund	\$500
Administration and Accounting Fund	300
Administration Services for Transportation Fund	<u>300</u>
TOTAL	\$1,100

GRAND TOTAL	\$13,500
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SECTION 6. In addition to any other appropriation made by law, as enacted by the First Regular Session of the Sixty-fourth Legislature, there is hereby appropriated \$10,500 to the Industrial Commission to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 317
(H.B. No. 304)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2018; 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$893,600	\$520,000	\$1,413,600
State Treasurer LGIP			
Fund	177,100	134,200	311,300
Treasurer's Office - Professional Services			
Fund	611,100	574,900	1,186,000
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>784,400</u>	<u>428,200</u>	<u>1,212,600</u>
TOTAL	\$2,466,200	\$1,737,300	\$4,203,500

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

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, 2017, through June 30, 2018.

SECTION 6. MITIGATION OF BANK SERVICE FEES. The State Treasurer shall continue to make all efforts reasonably necessary to reduce 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, 2017, the State Treasurer shall report to the Legislature regarding the specific efforts made to reduce 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 bank service fees.

Approved April 4, 2017

**CHAPTER 318
(H.B. No. 305)**

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS; AND PROVIDING FOR A CASH TRANSFER.

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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. OFFICE OF STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$2,314,000	\$224,500	\$2,538,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
II. CAPITAL AND CONFLICT REPRESENTATION:			
FROM:			
General			
Fund		\$350,700	\$350,700
GRAND TOTAL	\$2,314,000	\$575,200	\$2,889,200

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, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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, \$143,200 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.

SECTION 5. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$24,700 from the Miscellaneous Revenue Fund within the Office of the State Appellate Public Defender, or the balance thereof, to the Miscellaneous Revenue Fund within the Division of Financial Management on July 1, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

Approved April 4, 2017

CHAPTER 319
(H.B. No. 306)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission of Pardons and Parole, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$2,418,000	\$520,100	\$2,800	\$2,940,900
Miscellaneous Revenue				
Fund	<u>0</u>	<u>70,700</u>	<u>0</u>	<u>70,700</u>
TOTAL	\$2,418,000	\$590,800	\$2,800	\$3,011,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission of Pardons and Parole is authorized no more than thirty-four (34) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2017

CHAPTER 320
(H.B. No. 308)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2018; AUTHORIZING THE STATE POLICE AN ADDITIONAL FULL-TIME EQUIVALENT POSITION; AND PROVIDING LEGISLATIVE INTENT REGARDING THE WATERCRAFT INSPECTION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Department of Agriculture, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$809,500	\$423,500			\$1,233,000
Administration and Accounting Services					
Fund	1,133,000	124,700	\$173,600		1,431,300
Facilities Maintenance					
Fund	<u>158,500</u>	<u>173,300</u>	<u>0</u>		<u>331,800</u>
TOTAL	\$2,101,000	\$721,500	\$173,600		\$2,996,100
II. ANIMAL INDUSTRIES:					
FROM:					
General					
Fund	\$1,730,000	\$237,300			\$1,967,300
Agricultural Inspection					
Fund	38,000	9,700			47,700
Agricultural Fees - Livestock Disease Control					
Fund	579,600	266,300	\$127,100		973,000
Agricultural Fees - Dairy Inspection					
Fund	1,415,000	412,300	92,400		1,919,700
Agricultural Fees - Egg Inspection					
Fund	161,000	16,500			177,500
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>592,400</u>	<u>117,300</u>	<u>0</u>	<u>\$58,200</u>	<u>767,900</u>
TOTAL	\$4,593,900	\$1,179,400	\$219,500	\$58,200	\$6,051,000
III. AGRICULTURAL RESOURCES:					
FROM:					
General					
Fund	\$206,300	\$130,700			\$337,000
Agricultural Fees - Pesticides					
Fund	2,044,000	782,000	\$58,400		2,884,400
Federal Grant					
Fund	<u>413,600</u>	<u>133,400</u>	<u>0</u>		<u>547,000</u>
TOTAL	\$2,663,900	\$1,046,100	\$58,400		\$3,768,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. PLANT INDUSTRIES:					
FROM:					
General					
Fund	\$1,507,200	\$1,015,500		\$3,965,200	\$6,487,900
Agricultural Inspection					
Fund	1,176,300	286,700	\$34,000	111,100	1,608,100
Invasive Species					
Fund	536,300	350,900		550,000	1,437,200
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,156,500	293,600	126,600		1,576,700
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Quality Assurance Laboratory Services					
Fund	348,200	135,200	108,000		591,400
Federal Grant					
Fund	<u>882,700</u>	<u>911,600</u>	<u>67,900</u>	<u>736,700</u>	<u>3,598,900</u>
TOTAL	\$5,607,600	\$3,009,800	\$336,500	\$5,363,000	\$15,316,900

V. AGRICULTURAL INSPECTIONS:**FROM:****General**

Fund	\$707,400	\$139,100			\$846,500
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Weights and Measures Inspection

Fund	375,300	170,500	\$107,800		653,600
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Agricultural Fees - Organic Food Products

Fund	382,300	96,000	14,600		492,900
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Agricultural Fees - Fresh Fruit and Vegetable Inspection

Fund	7,438,700	2,797,000	15,200		10,250,900
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Federal Grant

Fund	<u>0</u>	<u>20,000</u>	<u>0</u>	<u>\$200,000</u>	<u>220,000</u>
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TOTAL	\$8,903,700	\$3,222,600	\$137,600	\$200,000	\$12,463,900
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. MARKET DEVELOPMENT:					
FROM:					
General					
Fund	\$428,200	\$363,400			\$791,600
Agricultural Inspection					
Fund	49,200	70,100	\$3,200		122,500
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>188,700</u>	<u>778,100</u>	<u>0</u>	<u>1,267,500</u>	<u>2,234,300</u>
TOTAL	\$687,700	\$1,517,400	\$3,200	\$1,407,500	\$3,615,800
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
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$72,000				\$72,000
Agricultural Fees - Sheep and Goat Health					
Fund	<u>70,700</u>	<u>\$37,700</u>			<u>108,400</u>
TOTAL	\$142,700	\$37,700			\$180,400
GRAND TOTAL	\$24,700,500	\$10,738,700	\$928,800	\$7,571,600	\$44,939,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred nine (209) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Patrol Program, from the Miscellaneous Revenue Fund, the following amounts to be expended according to the designated expense classes for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$80,000
Operating Expenditures	50,000
Capital Outlay	<u>41,300</u>
TOTAL	\$171,300

SECTION 4. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Idaho State Police for the Patrol Program is increased by one (1) for the period July 1, 2017, through June 30, 2018.

SECTION 5. LEGISLATIVE INTENT -- WATERCRAFT INSPECTION PROGRAM. It is the intent of the Legislature that the Idaho State Department of Agriculture (ISDA) maximize the use of the appropriation provided for the Watercraft Inspection Program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and shall gather data regarding nighttime transport of watercraft across Idaho's borders. Furthermore, it is the intent of the Legislature that ISDA seek to secure federal funding to further enhance invasive species detection and prevention efforts. The ISDA shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee and the House of Representatives Agricultural Affairs Committee, during the 2018 legislative session, the results of the data gathering, securement of federal funds and an operational review of the boat stations.

Approved April 4, 2017

CHAPTER 321
(H.B. No. 312)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2018.

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. 248, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated the following amounts from the General Fund to the State Independent Living Council, to be expended for the following designated expense classes for the period July 1, 2017, through June 30, 2018:

Personnel Costs	\$71,700
Operating Expenditures	<u>18,500</u>
TOTAL	\$90,200

Approved April 4, 2017

CHAPTER 322
(S.B. No. 1206)

AN ACT

RELATING TO PROVIDING MONEYS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE; APPROVING GARVEE BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A DESCRIPTION OF PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF THE PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING THAT BONDS BE ISSUED WHEN NECESSARY; AMENDING SECTION 40-315, IDAHO CODE, TO REMOVE AN ELIGIBLE PROJECT; AMENDING SECTION 40-719, IDAHO CODE, TO REVISE DISTRIBUTION FROM THE STRATEGIC INITIATIVES PROGRAM, TO ESTABLISH PROVISIONS RELATING TO LOCAL UNITS OF GOVERNMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-720, IDAHO CODE, TO ESTABLISH THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM AND TO ESTABLISH A FUND; AMENDING SECTION 57-814, IDAHO CODE, TO CLARIFY LANGUAGE AND MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR A DISTRIBUTION; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR A DISTRIBUTION TO A FUND; AMENDING SECTION 17, CHAPTER 341, LAWS OF 2015, TO EXTEND A SUNSET DATE; AMENDING SECTION 7, CHAPTER 337, LAWS OF 2014, TO REVISE A SUNSET CLAUSE; REPEALING SECTIONS 3, 4, 5 AND 6, CHAPTER 337, LAWS OF 2014; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. The Legislature hereby approves bonding authority for the issuance of highway transportation (GARVEE) bonds by the Idaho Housing and Finance Association in a principal amount sufficient to finance new construction of the highway transportation projects listed in Section 40-315, Idaho Code, in an amount up to three hundred million dollars (\$300,000,000). Moneys may be expended only on the original corridors enumerated in Section

40-315, Idaho Code. Such bonds are expected to be paid from continuing appropriations of federal funds from the State Highway Account as provided in Section 40-707, Idaho Code.

SECTION 2. The Legislature finds that the bonding authority provided in Section 1 of this act shall be used in a manner that does not obligate future legislatures or governors for additional bonding authority.

SECTION 3. The Idaho Transportation Board and the Idaho Transportation Department are hereby directed to neither increase the scope nor in any manner extend or enlarge the transportation projects listed in Section 40-315, Idaho Code.

SECTION 4. To the extent the Idaho Transportation Board and the Idaho Transportation Department determine that management services are necessary to implement the projects funded by the bonds issued under the authority provided in Section 1 of this act, any agreement governing such services shall, to the extent possible, be fully transparent to the public and to the Legislature.

SECTION 5. The bonds issued under the authority provided in Section 1 of this act shall be issued upon an approved resolution by the Idaho Transportation Board requesting the Idaho Housing and Finance Association to issue bonds in amounts necessary to ensure that: the funds are necessary to meet program obligation requirements; the funds will be used and disbursed in accordance with United States Treasury regulations to ensure tax-exempt status is retained; and the bonds are issued at prevailing market rates of interest. It is the request of the Legislature that the issuance is dependent upon advantageous market rates and costs of bonding transactions.

SECTION 6. The bonds described herein in Section 1 of this act shall be issued when necessary as determined by the Idaho Transportation Board.

SECTION 7. That Section 40-315, Idaho Code, be, and the same is hereby amended to read as follows:

40-315. POWERS AND DUTIES -- FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING. (1) In order to address the increasing need for timely improvements to Idaho's highway transportation infrastructure, the board may:

(a) Enter into agreements with the Idaho housing and finance association in connection with the funding of highway transportation projects qualifying for reimbursement from federal funds.

(b) Approve and recommend federal highway transportation projects to the Idaho housing and finance association for financing by the association. Such federal highway transportation projects shall be eligible for federal-aid debt financing under chapter 1, title 23, United States Code, and approval by the federal highway administration as an advanced construction (AC) project thereunder. The board shall select and designate such transportation projects to be funded with bond proceeds from the following list of eligible projects:

ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US 95	Smokey Boulder to Hazard Creek

SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon
US-93	Twin Falls alternate route and new Snake River crossing
SH-75	Timmerman to Ketchum
US-20	St. Anthony to Ashton
US-30	McCammon to Soda Springs

(c) On and after July 1, 2008, all allocations of GARVEE bond proceeds shall be the sole responsibility and duty of the Idaho transportation board. The legislature shall have authority to approve a total GARVEE bond amount on an annual basis. However, the Idaho transportation board is directed to allocate bond revenue only among the projects listed in subsection (1) (b) of this section. In making its funding allocation for projects, the board shall take into consideration: the cost of the project and whether or not that project could be financed without bonding; whether the project is necessary to facilitate the traffic flow on vital transportation corridors; and whether the project is necessary to improve safety for the traveling public. On and after July 1, 2008, the board shall use due care in selecting projects for bonding and shall balance and coordinate the use of bonding with the use of highway construction moneys.

Notwithstanding the provisions of subsection (1) (b) of this section wherein eligible projects are listed for selection and designation by the board, if any of the designated projects are deemed to be ineligible by the board, the board shall have the authority to replace those projects with other projects listed in subsection (1) (b) of this section.

(2) Prior to issuance by the Idaho housing and finance association of any bonds or notes to finance highway transportation projects, the board shall certify to the association that sufficient federal transportation funds are available to make any payments required for such bonds or notes.

(3) The board shall limit annual, total cumulative debt service and other bond-related expenses as follows:

(a) In the 2006 legislative session for the fiscal year 2007 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(b) In the 2007 legislative session for the fiscal year 2008 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(c) In the 2008 legislative session for the fiscal year 2009 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(d) In the 2009 legislative session for the fiscal year 2010 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(e) In the 2010 legislative session for the fiscal year 2011 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than thirty percent (30%) of annual federal-aid highway apportionments.

(f) Beginning with the 2011 legislative session for the fiscal year 2012 budget, or for any year thereafter, the thirty percent (30%) limit may be exceeded, but only by affirmative action of both the house of representatives and the senate, and with the approval of the governor.

(4) In the event the board selects and designates to be funded with bond proceeds any of the transportation projects listed in subsection (1) of this section, and prior to entering into agreements with the Idaho housing and finance association as provided herein, the Idaho transportation department, as part of its annual budget request prepared pursuant to section 67-3502, Idaho Code, shall include a request for bonding authority as a separate item of its budget request. This request for bonding authority shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

(5) By June 30 of each year, the board shall submit a report to the legislature concerning projects currently under construction using the bond financing as authorized by the provisions of this section, and shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

SECTION 8. That Section 40-719, Idaho Code, be, and the same is hereby amended to read as follows:

40-719. STRATEGIC INITIATIVES PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts and local units of government. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:

- (a) Safety, including the projected reduction of crashes, injuries and fatalities;
- (b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
- (c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
- (d) The repair and maintenance of bridges; and
- (e) The purchase of public rights-of-way.

(2) There is hereby established in the state treasury the strategic initiatives program fund to which shall be deposited:

(a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 201719. ~~The state controller shall transfer fifty percent (50%) of any excess cash balance from the general fund to the strategic initiatives program fund upon the financial close of the current fiscal year subject to the following criteria: When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature~~ After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is

practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the strategic initiatives fund.

(b) Any other appropriated moneys for funding of the strategic initiatives program.

(c) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May 30, 2017, shall be apportioned as follows:

(i) Sixty percent (60%) to projects proposed by the Idaho transportation department's six (6) districts; and

(ii) Forty percent (40%) to local units of government for the purpose of operating a strategic initiatives program administered by the local highway technical assistance council established in section 40-2401, Idaho Code.

(d) The strategic initiatives program for local units of government shall be exempt from the requirements contained in subsection (1) (c) of this section.

(3) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for funding the strategic initiatives program.

SECTION 9. That Chapter 7, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-720, Idaho Code, and to read as follows:

40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM -- FUND ESTABLISHED. (1) The Idaho transportation department shall establish and maintain a transportation expansion and congestion mitigation program.

(2) The fund established pursuant to this section shall finance projects that expand the state system to address and mitigate transportation congestion. The projects shall be evaluated by the Idaho transportation department and shall be chosen by the Idaho transportation board based on a policy that may include mitigation of traffic times, improvement to traffic flow and mitigation of traffic congestion.

(3) There is hereby established in the state treasury the transportation expansion and congestion mitigation fund, to which shall be deposited:

(a) All moneys distributed pursuant to section 63-2520, Idaho Code;

(b) All moneys distributed pursuant to section 63-3638, Idaho Code; and

(c) Any other appropriated moneys for funding the transportation expansion and congestion mitigation program.

(4) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for the transportation expansion and congestion mitigation program.

SECTION 10. That Section 57-814, Idaho Code, be, and the same is hereby amended to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund if the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded

the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the prior fiscal year. The state controller shall make the transfer upon the financial close of the current fiscal year.

~~(3) The state controller shall transfer fifty percent (50%) of any excess cash balance from the general fund to the budget stabilization fund upon the financial close of the current fiscal year subject to the following criteria: When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the budget stabilization fund.~~

(4) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer specified in subsection (2) of this section be reduced, the state controller shall reduce the amount of the transfer.

(5) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) after the fund balance has reached ten percent (10%).

SECTION 11. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

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

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

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund, established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess

of the amounts which the association determines will keep it self-supporting.

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

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

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

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

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

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

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

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

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

- (i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth ($1/44$) to each of the various counties; and
 - (ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;
- (c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:
- (i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
 - (ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.
 - (iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
 - (iv) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and
- (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:
- (i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
 - (ii) If the dollar amount of money available under this subsection (10) (d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.
 - (iii) If the dollar amount of money available under this subsection (10) (d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10) (d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered foregone amounts as determined under section 63-802(1) (e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received.

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

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

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

(13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (2) of section 63-602KK, Idaho Code, which

amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.

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

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

(16) One percent (1%) shall be distributed to the transportation expansion and congestion mitigation program established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 12. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2014, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) Five million dollars (\$5,000,000) shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) One hundred twenty thousand dollars (\$120,000) shall be distributed to the central cancer registry fund and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

(3) Three hundred thousand dollars (\$300,000) shall be distributed to the cancer control fund created by section 57-1702, Idaho Code, and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(1), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facili-

ties pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter, all remaining moneys shall be distributed in the following priority order:

(i) Four million seven hundred thousand dollars (\$4,700,000) to be used for the purpose of paying the state match as required for federal funds committed to pay the annual scheduled GARVEE debt service until such time as the Idaho housing and finance association certifies that any such bonds or notes are adequately paid for, in accordance with chapter 62, title 67, Idaho Code;

(ii) Five million dollars (\$5,000,000) to the secondary aquifer planning, management and implementation fund as established in section 42-1780, Idaho Code. Such moneys shall be used for statewide aquifer stabilization; and

(iii) All remaining moneys following distributions pursuant to subparagraphs (i) and (ii) of this paragraph shall be distributed to the ~~state highway account for the purpose of paying for the maintenance and repair (and including purchase of rights-of-way) of the state highway system~~ transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

SECTION 13. That Section 17, Chapter 341, Laws of 2015, be, and the same is hereby amended to read as follows:

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, Sections 6 and 7 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 of this act shall be in full force and effect on and after July 1, 2015. Section 7 of this act shall be null, void and of no force and effect on and after May 31, 2017~~9~~. Sections 8 and 9 of this act shall be in full force and effect on and after May 31, 2017~~9~~.

SECTION 14. That Section 7, Chapter 337, Laws of 2014, be, and the same is hereby amended to read as follows:

SECTION 7. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2014. ~~Sections 3, 4, 5 and 6 shall be in full force and effect on and after July 1, 2019.~~

SECTION 15. That Sections 3, 4, 5 and 6, Chapter 337, Laws of 2014, be, and the same are hereby repealed.

SECTION 16. 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 17. An emergency existing therefor, which emergency is hereby declared to exist, Section 13 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 of this act shall be in full force and effect on and after July 1, 2017.

Law without signature.

CHAPTER 323
(S.B. No. 1197)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2018; 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 Senate Bill No. 1176, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Water Resources, for the Water Management Program, the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$150,000
Operating Expenditures	130,000
Capital Outlay	<u>20,000</u>
TOTAL	\$300,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Water Resources in Section 2 of Senate Bill No. 1176, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, is increased by two (2) for the period July 1, 2017, through June 30, 2018.

Law without signature.

CHAPTER 324
(H.B. No. 309)

AN ACT

RELATING TO APPROPRIATIONS, DISTRIBUTIONS AND TRANSFERS OF IDAHO MILLENNIUM FUNDS; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS AND REQUIRING A REPORT FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO ASSOCIATION OF COUNTIES FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN CANCER SOCIETY FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE BOYS AND GIRLS CLUBS OF IDAHO FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE COMMUNITY COALITIONS OF IDAHO FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO DRUG FREE YOUTH FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE ACADEMY OF FAMILY PHYSICIANS FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO

THE IDAHO YOUTH RANCH FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN LUNG ASSOCIATION IN IDAHO FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO METH PROJECT FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO TRUTH208 FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE NEZ PERCE TRIBE OF IDAHO FOR FISCAL YEAR 2018; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE SHOSHONE-BANNOCK TRIBES OF IDAHO FOR FISCAL YEAR 2018; REQUIRING A SIGNED AGREEMENT WITH THE STATE; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2018; 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 2018.

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 Physical Health Services Program, \$2,706,700 from the Idaho Millennium Income Fund, to be expended for operating expenditures, for the period July 1, 2017, through June 30, 2018. 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 2. There is hereby appropriated to the Idaho Department of Juvenile Corrections, \$747,000 from the Idaho Millennium Income Fund, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to support programs that prevent and reduce the use of tobacco and other substances by youth.

SECTION 3. There is hereby appropriated to the Office of Drug Policy, \$194,700 from the Idaho Millennium Income Fund, to be expended for the period July 1, 2017, through June 30, 2018. Funding for this grant is to be used solely to award mini-grants to different pharmacies to place prescription disposal drop-boxes for unused and unwanted medications and to cover operational costs of the grant within the Office of Drug Policy. Further, these funds are not to be used for marketing or advertising purposes as requested in the application.

SECTION 4. There is hereby appropriated to the Public Health Districts, \$750,000 from the Idaho Millennium Income Fund, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to provide no-cost cessation services to Idahoans who want to quit tobacco use, with a primary emphasis on youth and pregnant women. No later than November 1, 2017, the Public Health Districts are to submit to the Joint Legislative Millennium Fund Committee and to the Joint Finance-Appropriations Committee a report that provides a detailed plan on the Millennium Income Fund tobacco cessation funding formula. This report shall include information on how the formula has changed over time, and how the formula provides equity among the districts. Further, it is the intent of the Legislature that the appropri-

ation and use of Millennium Income funds are not to be considered as state general aid, as outlined in Section 39-425, Idaho Code.

SECTION 5. There is hereby appropriated to the Idaho State Police, \$187,100 from the Idaho Millennium Income Fund, to be expended for the period July 1, 2017, through June 30, 2018. 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 6. There is hereby appropriated to the Idaho Department of Correction, \$1,859,200 from the Idaho Millennium Income Fund, to be expended for the period July 1, 2017, through June 30, 2018. 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 7. There is hereby appropriated \$300,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Association of Counties, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to continue providing support to the eight Community Recovery Centers in the following counties: Ada, Bannock, Bonneville, Canyon, Gem, Kootenai, Latah and Nez Perce. These centers are intended to provide a safe place for individuals to find peer support for Idahoans with behavioral health needs.

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, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to perform outreach to underserved women and to 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 \$159,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Boys and Girls Clubs of Idaho, to be expended for the period July 1, 2017, through June 30, 2018. The focus of the grant is on building self-esteem, instilling good character and citizenship, improving academic skills, and developing positive relationships for youth ages 11-18. The project offers a holistic youth development service delivery system, versus a single-strategy approach to prevention of at-risk behaviors.

SECTION 10. There is hereby appropriated \$24,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Community Coalitions of Idaho, to be expended for the period July 1, 2017, through June 30, 2018. 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 11. There is hereby appropriated \$205,100 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Drug Free Youth, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of the grant is to continue and expand the iDFY Project, which supports activities that include i2i student assemblies, school-based iDFY chapters, and the Youth Summit.

SECTION 12. There is hereby appropriated \$83,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Academy of Family Physicians, to be expended for the period July 1, 2017, through June 30, 2018. 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 13. There is hereby appropriated \$100,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Youth Ranch, to be expended for the period July 1, 2017, through June 30, 2018. 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 14. There is hereby appropriated \$229,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the American Lung Association in Idaho, to be expended for the period July 1, 2017, through June 30, 2018. 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 15. There is hereby appropriated \$649,900 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Meth Project, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to continue the "Not Even Once" campaign to discourage the use of methamphetamine. Implementation of this grant will be through outreach using social and digital media, school presentations and community engagement activities.

SECTION 16. There is hereby appropriated \$495,300 from the Idaho Millennium Income Fund to the State Treasurer for distribution to Truth208, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to continue with a prescription drug abuse awareness campaign. Implementation of this grant will be through outreach using social and digital media, school presentations and community engagement activities.

SECTION 17. There is hereby appropriated \$90,600 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Nez Perce Tribe of Idaho, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of this grant is to provide assistance with its Supporting Fathers, Supporting Children Program, which is designed to enhance the father and child relationship. Specifically, this funding would be for a community outreach specialist who would travel the state and provide classes for tribal members. The program's goals are to decrease substance abuse by fathers within the tribe, prevent substance abuse by children in their community, and increase child support payments of noncustodial fathers.

SECTION 18. There is hereby appropriated \$161,400 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Shoshone-Bannock Tribes of Idaho, to be expended for the period July 1, 2017, through June 30, 2018. The purpose of the grant is to establish peer recovery ser-

vices at the Four Directions Treatment Center and surrounding areas. The center provides certified clinical treatment for drug and alcohol abuse on the Fort Hall Reservation. The center has limited resources for prevention and recovery support services, and the grant will provide funding to hire a recovery services coordinator and will provide training and certification of recovery coaches for the center. Prevention outreach topics will include tobacco, vaping, inhalants, other drugs, and alcohol.

SECTION 19. SIGNED AGREEMENT. Per grant submission requirements, in order to receive Idaho Millennium Income funds, nonstate entities receiving a grant award as provided for in Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this act, are required to complete the signed agreement set forth by the state.

SECTION 20. Notwithstanding any other provision of law to the contrary, on June 30, 2018, or as soon thereafter as practicable, any remaining unexpended and unencumbered balance of moneys appropriated in Sections 1, 2, 3, 4, 5 and 6 of this act, shall be reverted to the Idaho Millennium Income Fund.

SECTION 21. Notwithstanding any other provision of law to the contrary, on June 30, 2018, or as soon thereafter as 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.

Law without signature.

CHAPTER 325

(H.B. No. 137, As Amended)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1016, IDAHO CODE, TO REVISE A CERTAIN EXEMPTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. (1) Nothing in this chapter shall be deemed to apply to:

- (a) Any regulated utility, telephone company, rural telephone cooperative or municipal communications utility, or its employees, in the installation or maintenance of communication circuits, wires and apparatus by or for such entities or their communications service customers;
- (b) Any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility, or comprising a part of its plants, lines or system;
- (c) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(2) The licensing provisions of this chapter shall not apply to:

(a) Any property owner performing noncommercial electrical work in the owner's primary or secondary residence, or associated outbuildings or land associated with the entire property on which those buildings sit, except that homeowner installations of renewable power generation connected to the community power grid shall be subject to a pre-plan review in accordance with local jurisdictions' policies and procedures prior to the purchase of a permit;

(b) Any person regularly employed as a maintenance electrician performing electrical maintenance work on the premises of the person's employer;

(c) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the telephone company, rural telephone cooperative, or municipal communications utility;

(d) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing repair work on customer-owned facilities at the request of the customer;

(e) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the electrical public utility, rural electrical cooperative, or municipal power utility; and

(f) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing emergency repair work on customer-owned facilities at the request of the customer.

(3) The licensing provisions of this chapter shall not apply to individuals licensed pursuant to chapter 50, title 54, Idaho Code, or certified pursuant to chapter 26, title 54, Idaho Code, as follows:

(a) Individuals holding a current heating, ventilation and air conditioning (HVAC) license or a current plumbing certification may install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(b) Individuals holding a current HVAC license may install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences.

(c) HVAC licensees may install control wiring of twenty-four (24) volt or less for HVAC equipment of five (5) tons or less in capacity. Plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

(4) To the extent that a plumbing or HVAC installation permit issued by the Idaho division of building safety includes any part of an electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(5) Approval and certification requirements of product and equipment as set forth in this chapter and in the adopted edition of the national electrical code do not apply to industrial equipment unless the board has made a determination that such product, machine or classes of products and machines present an undue hazard to life and property.

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.

Law without signature.

CHAPTER 326
(H.B. No. 307)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2018; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2018, 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, 2017, 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, 2018, 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 First Regular Session of the Sixty-fourth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2018, 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 First Regular Session of the Sixty-fourth 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, 2018, 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 11, 2017

CHAPTER 327
(H.B. No. 313)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2018; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2018; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

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. 1189, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare for the Children's Mental Health Program, the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Cooperative Welfare (General)			
Fund	\$272,000	\$250,000	\$522,000
Cooperative Welfare (Federal)			
Fund	<u>271,900</u>	<u>250,000</u>	<u>521,900</u>
TOTAL	\$543,900	\$500,000	\$1,043,900

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Children's Mental Health Program in Section 1 of Senate Bill No. 1189, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, is hereby reduced by \$1,181,600 from the Cooperative Welfare (General) Fund, for trustee and benefit payments, for the period July 1, 2017, through June 30, 2018.

SECTION 3. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare for the Children's Mental Health Program in Section 2 of Senate Bill No. 1189, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, is increased by seven (7) for the period July 1, 2017, through June 30, 2018.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required in Section 56-257, Idaho Code, to the maximum extent that is federally allowable, for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit, for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature. Further, the funding needed to implement the requirements of House Bill No. 43 already exists in the base appropriation for the Division of Medicaid.

Approved April 11, 2017

CHAPTER 328
(H.B. No. 314)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING 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; AND AUTHORIZING A TRANSFER OF FUNDS FOR GARVEE DEBT SERVICE.

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

SECTION 1. 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$16,149,200	\$9,060,300	\$1,899,000		\$27,108,500
State Highway (Federal)					
Fund	<u>404,400</u>	<u>219,100</u>	<u>0</u>	<u>\$440,000</u>	<u>1,063,500</u>
TOTAL	\$16,553,600	\$9,279,400	\$1,899,000	\$440,000	\$28,172,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$50,000		\$50,000
State Highway (Dedicated)					
Fund		<u>\$30,000</u>	<u>5,783,000</u>		<u>5,813,000</u>
TOTAL		\$30,000	\$5,833,000		\$5,863,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$981,800	\$529,400	\$161,000	\$1,000,000	\$2,672,200
State Aeronautics (Billing)					
Fund	87,700	138,400			226,100
State Aeronautics (Federal)					
Fund	<u>93,500</u>	<u>348,200</u>	<u>0</u>	<u>0</u>	<u>441,700</u>
TOTAL	\$1,163,000	\$1,016,000	\$161,000	\$1,000,000	\$3,340,000
DIVISION TOTAL	\$17,716,600	\$10,325,400	\$7,893,000	\$1,440,000	\$37,375,000
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$15,337,100	\$17,623,100	\$843,800		\$33,804,000
State Highway (Federal)					
Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
TOTAL	\$15,337,100	\$21,223,100	\$843,800		\$37,404,000
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$84,829,400	\$51,944,100	\$23,930,100	\$462,000	\$161,165,600
State Highway (Local)					
Fund	228,300	80,800			309,100
State Highway (Federal)					
Fund	<u>13,667,100</u>	<u>4,558,400</u>	<u>0</u>	<u>19,861,800</u>	<u>38,087,300</u>
TOTAL	\$98,724,800	\$56,583,300	\$23,930,100	\$20,323,800	\$199,562,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$1,946,800	\$116,532,500	\$319,300	\$118,798,600
State Highway (Local)					
Fund		271,500	2,858,300	542,500	3,672,300
State Highway (Federal)					
Fund		<u>8,007,100</u>	<u>257,286,100</u>	<u>3,061,300</u>	<u>268,354,500</u>
TOTAL		\$10,225,400	\$376,676,900	\$3,923,100	\$390,825,400
GRAND TOTAL	\$131,778,500	\$98,357,200	\$409,343,800	\$25,686,900	\$665,166,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred forty-eight (1,648) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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 4. 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 2018. This transfer will provide the matching fund support for the Gateway Visitor Centers.

SECTION 5. 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018. 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 6. 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 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

SECTION 7. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2018 is approximately \$53,691,500. 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 2018.

Approved April 11, 2017

CHAPTER 329
(H.B. No. 315)

AN ACT

RELATING TO LEASING OF FACILITIES FOR STATE USE; AMENDING SECTION 67-5708, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MAY AUTHORIZE THE DIVISION OF PUBLIC WORKS TO ENTER INTO LEASES INCIDENTAL TO THE ACQUISITION OF A FACILITY BY THE IDAHO STATE BUILDING AUTHORITY.

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

SECTION 1. That Section 67-5708, Idaho Code, be, and the same is hereby amended to read as follows:

67-5708. LEASING OF FACILITIES FOR STATE USE -- CONTROL OF PARKING. The department of administration shall negotiate for, approve, and make any and all lease or rental agreements for facilities to be used by the various state departments, agencies and institutions in the state of Idaho.

For purposes of this section and sections 67-5708A and 67-5709, Idaho Code, the term "facility or facilities" may be used interchangeably and shall mean real property and improvements, including buildings and structures of any kind, excluding water rights not appurtenant to other facilities, and state endowment lands.

The department of administration shall manage multi-agency facilities constructed, acquired or refurbished through the state building authority as established in chapter 64, title 67, Idaho Code, and shall sublease the facilities to various state departments, agencies, and institutions in the state of Idaho. The department of administration is directed to operate any facilities acquired for the state and to enter into rental contracts and lease agreements consistent with the use of the facilities for state purposes when so authorized.

The director may authorize and enter into leases of state capitol mall real estate and multi-agency facilities constructed through the state building authority, not needed for state purposes, to other governmental entities or to nonprofit organizations upon such terms as are just and equitable.

The administrator of the division of public works shall promulgate rules for the control of the parking of motor vehicles in the state capitol mall. Any person who shall violate any of the provisions of the rules shall be subject to a fine of not less than two dollars (\$2.00) nor more than twenty-five dollars (\$25.00); provided however, that any person who shall violate any of the provisions of the rules concerning the altering, counterfeiting or misuse of parking permits shall be subject to a fine of not more than fifty dollars (\$50.00).

Every magistrate and every court having jurisdiction of criminal offenses and the violation of public laws committed in the county of Ada shall have jurisdiction to hear and determine violations of the provisions of the

rules and to fix, impose and enforce payment of fines therefor. Alleged violations of the parking rules are not subject to the provisions of chapter 52, title 67, Idaho Code. The department of administration may pay costs incurred in the operation and management of those properties from rents received therefrom.

When a facility of the state of Idaho is authorized by concurrent resolution, and a maximum cost for the facility has been set by concurrent resolution, the administrator of the division of public works may enter into lease-purchase or other time-purchase agreements with the Idaho state building authority or other party for the facility. The director may authorize the division of public works to enter into leases incidental to the acquisition of such a facility by the Idaho state building authority.

Approved April 11, 2017

CHAPTER 330
(H.B. No. 316)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATURE IN FISCAL YEAR 2018.

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

SECTION 1. There is hereby appropriated to the Legislature \$400,000 from the General Fund to be expended for the period July 1, 2017, through June 30, 2018.

Approved April 11, 2017

CHAPTER 331
(H.B. No. 317)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2018; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018.

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. 1136, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Fish and Game, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:				
FROM:				
Fish and Game (Licenses)				
Fund		\$100,000		\$100,000
II. ENFORCEMENT:				
FROM:				
Fish and Game (Licenses)				
Fund		\$400,000		\$400,000
III. FISHERIES:				
FROM:				
Fish and Game (Licenses)				
Fund	\$130,000	\$719,000		\$849,000
IV. WILDLIFE:				
FROM:				
Fish and Game (Licenses)				
Fund		\$750,000		\$750,000
Fish and Game (Federal)				
Fund		<u>1,500,000</u>		<u>1,500,000</u>
TOTAL		\$2,250,000		\$2,250,000
V. COMMUNICATIONS:				
FROM:				
Fish and Game (Licenses)				
Fund		\$175,000		\$175,000
Fish and Game (Federal)				
Fund		<u>300,000</u>		<u>300,000</u>
TOTAL		\$475,000		\$475,000
VI. WILDLIFE MITIGATION AND HABITAT CONSERVATION:				
FROM:				
Fish and Game (Licenses)				
Fund	\$419,300			\$419,300
Fish and Game Set-Aside (Licenses)				
Fund		\$500,000		500,000
Expendable Big Game Depredation				
Fund	<u>0</u>	<u>0</u>	<u>\$500,000</u>	<u>500,000</u>
TOTAL	\$419,300	\$500,000	\$500,000	\$1,419,300
GRAND TOTAL	\$549,300	\$4,444,000	\$500,000	\$5,493,300

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Fish and Game in Section 2 of Senate Bill No. 1136, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, is increased by seven (7) for the period July 1, 2017, through June 30, 2018.

Approved April 11, 2017

CHAPTER 332
(H.B. No. 320)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE BUREAU OF OCCUPATIONAL LICENSES FOR FISCAL YEAR 2018; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF MEDICINE FOR FISCAL YEAR 2018; AND APPROPRIATING ADDITIONAL MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2018.

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. 1136, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Department of Fish and Game, for the Administration program, the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2017, through June 30, 2018:

FROM:

Fish and Game (Licenses) Fund	\$24,000
Fish and Game (Federal) Fund	<u>16,000</u>
TOTAL	\$40,000

SECTION 2. In addition to the appropriation made in Section 1 of House Bill No. 314, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Idaho Transportation Department, for the Division of Motor Vehicles, \$40,000 to be expended for operating expenditures from the State Highway Fund for the period July 1, 2017, through June 30, 2018.

SECTION 3. In addition to the appropriation made in Section 1 of House Bill No. 302, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Bureau of Occupational Licenses \$45,000 to be expended for operating expenditures from the State Regulatory Fund for the period July 1, 2017, through June 30, 2018.

SECTION 4. In addition to the appropriation made in Section 1 of House Bill No. 266, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the Board of Medicine \$35,000 to be expended for operating expenditures from the State Regulatory Fund for the period July 1, 2017, through June 30, 2018.

SECTION 5. In addition to the appropriation made in Section 1 of Senate Bill No. 1172, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature, there is hereby appropriated to the State Liquor Division

\$40,000 to be expended for operating expenditures from the Liquor Control Fund for the period July 1, 2017, through June 30, 2018.

Approved April 11, 2017

CHAPTER 333
(H.B. No. 321)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATURE FOR FISCAL YEAR 2017;
REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND
DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Legislature \$125,000 from the General Fund for the period July 1, 2016, through June 30, 2017.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Legislature any unexpended and unencumbered balance of moneys as appropriated in Section 1 of this act for fiscal year 2017, to be used for nonrecurring expenditures related to House Concurrent Resolution No. 13 of 2017, for the period July 1, 2017, through June 30, 2018.

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

Approved April 11, 2017

CHAPTER 334
(H.B. No. 326)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR
FISCAL YEAR 2018.

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

SECTION 1. In addition to any other appropriation made by law, there is hereby appropriated to the Department of Administration, for the Division of Public Works, \$5,500,000 from the Administration and Accounting Services Fund to be expended for operating expenditures for the period July 1, 2017, through June 30, 2018.

Approved April 11, 2017

CHAPTER 335
(H.B. No. 328)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A DEDICATED FUND CASH TRANSFER; DIRECTING THE HEALTH INSURANCE PLAN FOR STATE EMPLOYEES; AND PROVIDING LEGISLATIVE INTENT FOR USE OF FUNDS FOR A SPECIFIC PURPOSE.

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

SECTION 1. 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$167,800	\$78,600		\$246,400
Permanent Building				
Fund	146,100	100		146,200
Administration and Accounting Services				
Fund	428,600	13,500		442,100
Federal Surplus Property Revolving				
Fund	19,100			19,100
Employee Group Insurance				
Fund	75,900	100		76,000
Retained Risk				
Fund	56,500			56,500
Administrative Code				
Fund	17,500			17,500
Industrial Special Indemnity				
Fund	<u>23,100</u>	<u>0</u>		<u>23,100</u>
TOTAL	\$934,600	\$92,300		\$1,026,900
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code				
Fund	\$243,700	\$174,000		\$417,700
III. INFORMATION TECHNOLOGY:				
FROM:				
General				
Fund	\$738,600	\$453,100		\$1,191,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Permanent Building				
Fund	116,200			116,200
Administration and Accounting Services				
Fund	1,596,600	1,175,900	\$270,000	3,042,500
Federal Surplus Property Revolving				
Fund	11,600			11,600
Employee Group Insurance				
Fund	24,100			24,100
Retained Risk				
Fund	26,000			26,000
Administrative Code				
Fund	11,600			11,600
Industrial Special Indemnity				
Fund	<u>9,600</u>	<u>0</u>	<u>0</u>	<u>9,600</u>
TOTAL	\$2,534,300	\$1,629,000	\$270,000	\$4,433,300

IV. PUBLIC WORKS:

FROM:

General

Fund		\$1,293,100		\$1,293,100
Permanent Building				
Fund	\$2,086,900	329,500	\$60,400	2,476,800
Administration and Accounting Services				
Fund	<u>1,819,500</u>	<u>4,634,600</u>	<u>0</u>	<u>6,454,100</u>
TOTAL	\$3,906,400	\$6,257,200	\$60,400	\$10,224,000

V. PURCHASING:

FROM:

General

Fund	\$616,200			\$616,200
Administration and Accounting Services				
Fund	1,351,400	\$959,100	\$1,000,000	3,310,500
Federal Surplus Property Revolving				
Fund	<u>184,200</u>	<u>417,400</u>	<u>0</u>	<u>601,600</u>
TOTAL	\$2,151,800	\$1,376,500	\$1,000,000	\$4,528,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
VI. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$422,000	\$397,700	\$5,000	\$824,700
Retained Risk				
Fund	577,700	101,200		678,900
Industrial Special Indemnity				
Fund	<u>190,300</u>	<u>98,700</u>	<u>0</u>	<u>289,000</u>
TOTAL	\$1,190,000	\$597,600	\$5,000	\$1,792,600
GRAND TOTAL	\$10,960,800	\$10,126,600	\$1,335,400	\$22,422,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred forty (140) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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, 2017, or as soon thereafter as necessary, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2018.

SECTION 4. HEALTH INSURANCE PREMIUM. The Office of Group Insurance shall maintain the current health insurance program structure and benefit package for state employees with the exception of the health insurance continuation premium, which should be reduced from thirty (30) months to six (6) months for employees on disability status. The office shall maintain the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that funds appropriated for capital outlay for the Purchasing program in Section 1 of this act, from the Administration and Accounting Services Fund, shall be used to participate in the auction of the 590 West Washington Street property in Boise, Idaho, only if the Idaho Board of Land Commissioners proceeds with the disposition of the property during fiscal year 2018.

Approved April 11, 2017

CHAPTER 336
(H.B. No. 329)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2017; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 253, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated from the General Fund to the State Tax Commission, for the General Services program, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Operating Expenditures	\$1,500,000
Capital Outlay	<u>500,000</u>
TOTAL	\$2,000,000

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

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

Approved April 11, 2017

CHAPTER 337
(H.B. No. 334)

AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 40-719, IDAHO CODE, TO REVISE DISTRIBUTION FROM THE STRATEGIC INITIATIVES PROGRAM, TO ESTABLISH PROVISIONS RELATING TO LOCAL UNITS OF GOVERNMENT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 40-719, Idaho Code, be, and the same is hereby amended to read as follows:

40-719. STRATEGIC INITIATIVES PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts and local units of government. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:

(a) Safety, including the projected reduction of crashes, injuries and fatalities;

- (b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
- (c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
- (d) The repair and maintenance of bridges; and
- (e) The purchase of public rights-of-way; and
- (f) Children pedestrian safety on the state and local system.

(2) There is hereby established in the state treasury the strategic initiatives program fund to which shall be deposited:

(a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 2017~~19~~. ~~The state controller shall transfer fifty percent (50%) of any excess cash balance from the general fund to the strategic initiatives program fund upon the financial close of the current fiscal year subject to the following criteria: When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature~~ After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the strategic initiatives fund.

(b) Any other appropriated moneys for funding of the strategic initiatives program.

(c) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May 30, 2017, shall be apportioned as follows:

(i) Sixty percent (60%) to projects proposed by the Idaho transportation department's six (6) districts; and

(ii) Forty percent (40%) to local units of government for the purpose of operating a strategic initiatives program administered by the local highway technical assistance council established in section 40-2401, Idaho Code.

(d) The strategic initiatives program for local units of government shall be exempt from the requirements contained in subsection (1) (c) of this section.

(3) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for funding the strategic initiatives program.

Law without signature.

SENATE JOINT MEMORIAL

(S.J.M. No. 102)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fourth 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 (P.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 man-made 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 are finding that the Secretary of the Interior through the Bureau of Land Management and the Secretary of Agriculture through the U.S. Forest Service are implementing terms and conditions on grazing permits and other types of permits that include conservation measures and/or management actions that are contrary and/or not consistent with the statewide sage-grouse conservation plan; and

WHEREAS, the Governor and Legislature of the State of Idaho were compelled to seek redress in federal court from the onerous, unnecessary, and ill-conceived federal land use plan amendments adopted by the U.S. Departments of Agriculture and of the Interior. That matter was dismissed in January 2017 without a finding on the merits and is subject to appeal.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives 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 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 2027; 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 conform to 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 conform to 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. 1533), a petition, finding or proposed regulation for greater sage-grouse for a period of 10 years through and including fiscal year 2027.

BE IT FURTHER RESOLVED that during this 10-year period, 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. 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 we encourage the U.S. Departments of Agriculture and of the Interior to conduct settlement discussions with the state in an effort to reach a settlement relating to sage-grouse and the federal land use plan amendments adopted by the U.S. Departments of Agriculture and of the Interior, associated with the federal court action that is now subject to appeal.

BE IT FURTHER RESOLVED that Congress continue to make no funds available for use by the Secretary of the Interior through the Bureau of Land Management to consider, prepare, write or issue any decision-documents pursuant to 43 CFR 4100, Subpart 4160, based upon any determinations made pursuant to 43 CFR 4100, including any determinations made pursuant to Subpart 4180, that implement, or continue to implement, sage-grouse conservation measures and/or sage-grouse management actions that are not prescribed by the statewide sage-grouse conservation plan and not approved by Idaho's Office of Species Conservation, for a period of 10 years through and including fiscal year 2027.

BE IT FURTHER RESOLVED that Congress continue to make no funds available for use by the Secretary of Agriculture through the U.S. Forest Service to consider, prepare, write or issue any decision-documents pursuant to 36 CFR 214, based upon any determinations made pursuant to 36 CFR 222, that implement, or continue to implement, sage-grouse conservation measures and/or sage-grouse management actions that are not prescribed by the statewide sage-grouse conservation plan and not approved by Idaho's Office of Species Conservation, for a period of 10 years through and including fiscal year 2027.

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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 16, 2017

Adopted by the House March 27, 2017

HOUSE JOINT MEMORIALS

(H.J.M. No. 2)

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 First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Snake River, and its surface and ground water tributaries, is the backbone of Idaho's economy, supplying water for 76% of Idaho's population, cities, businesses, dairies, factories and more than 3 million acres of irrigated lands above Idaho Power Company's Hells Canyon Complex; and

WHEREAS, in the first half of the 20th century, hydropower development in the mid-Snake and Hells Canyon spurred economic development, irrigation, industry and growth in Southern Idaho and has provided Idahoans with clean electric energy at rates that are among the lowest in the nation; and

WHEREAS, the State of Idaho, while recognizing the benefit of hydropower generation to the citizens of the State through sustaining economic growth and agriculture, also acknowledged the value of protecting Idaho's water, property rights and natural resources; and

WHEREAS, in 1964, the State, recognizing its sovereignty over Idaho's water resources and potential intrusions upon that sovereignty, approved through constitutional amendment, Section 7, Article XV, Constitution of the State of Idaho, the establishment of the Idaho Water Resource Board (IWRB) whose members are appointed by the Governor with the advice and consent of the Senate, and empowered the IWRB to formulate a comprehensive State Water Plan as described in Section 42-1734A, Idaho Code; and

WHEREAS, pursuant to Section 42-1734A, Idaho Code, the State of Idaho has adopted a State Water Plan ("Plan"); and

WHEREAS, Policy 1A of the Plan provides that: "The State asserts sovereignty over the development and use of Idaho's water resources for the benefits of its citizens. [And that] [a]ny action by the federal government or other states that would impair Idaho's sovereignty over its water resources is against state policy"; and

WHEREAS, Policy 1N of the Plan provides that: "Appropriation of water for hydropower should be subordinated to subsequent upstream beneficial uses to assure an adequate supply of water for all future beneficial uses, and minimum stream flows for hydropower projects should be established by state action"; and

WHEREAS, Policy 2B of the Plan provides that: "The State asserts primacy over the management of its fish and wildlife and water resources. Accordingly, any reintroduction or introduction of federally listed species

or other aquatic species without state consultation and approval is against the policy of the State of Idaho because it would impair or impede the state's primacy over its water resources"; and

WHEREAS, Policy 4A of the Plan provides that the main stem Snake River will be managed to meet or exceed minimum average daily flows at Milner, Murphy, Weiser, Johnson Bar and Lime Point and that these "minimum flows provide the management framework for the optimum development of water resources of the Snake River Basin"; and

WHEREAS, Policy 4H of the Plan provides that: "Hydropower generation is a beneficial use of the flow of the Snake River, and it is in the public interest to protect the minimum average daily flows set forth in Policy 4A as a base flow for hydropower use"; and

WHEREAS, Policy 4J of the Plan provides that: "The minimum stream flows set forth in Policy 4A provide adequate flows for Snake River fish, wildlife, recreation, and scenic values in the main stem Snake River below Milner Dam"; and

WHEREAS, Policy 4C of the State Water Plan in discussing the Swan Falls Agreement, recognized the value of hydropower through the acknowledgment and protection of minimum stream flows and ensured that electric rates remain beneficial to its citizens; and

WHEREAS, in 1976 the State of Idaho in partnership with neighboring states of Oregon and Washington (collectively "States"), together with the National Marine Fisheries Service filed a petition with the Federal Energy Regulatory Commission (FERC) requesting that "it issue an order requiring the licensee to take appropriate measures as compensation for" the loss of salmon and steelhead due to the construction and operation of the Hells Canyon Complex; and

WHEREAS, in 1980 the States and the Idaho Power Company executed a settlement agreement that, by its terms, constituted "full and complete mitigation for all numerical losses of salmon and steelhead caused by or in any way associated with the construction of, and operation within the existing license" for, the Hells Canyon Complex; and "further agree not to contend or support contentions by others before any agency or in any proceeding that additional fish or fish facilities are required by or in any way associated with the construction of, or operation within the existing license for," the Hells Canyon Complex; and

WHEREAS, the Idaho Power Company has complied with the terms of the 1980 Settlement Agreement with state support; and

WHEREAS, in 1984 the State and Idaho Power Company entered into the implementing agreements for the Swan Falls Settlement, which confirmed the State's primacy over flows of the Snake River through the establishment of minimum flows from Milner Dam to reaches below the Hells Canyon Complex; and

WHEREAS, the Idaho Power Company, since 2003, has been seeking to relicense the Hells Canyon Complex before the FERC under the Federal Power Act; and

WHEREAS, the State Water Plan directs the Water Resource Board to participate in the Hells Canyon Complex relicensing to ensure that the conditions in "the new license for the Hells Canyon Complex includes operational conditions that preserve and enhance the generation capacity of the project in a manner consistent with the State Water Plan"; and

WHEREAS, in 2004 the State, participating water users, and the Nez Perce Tribe entered into the 2004 Snake River Water Rights Agreement providing for cooperative agreements to assist in the recovery of listed species under the Endangered Species Act in tributaries below the Hells Canyon Complex while providing certainty to Idaho landowners and water users in the exercise of property rights; and

WHEREAS, the 2004 Snake River Water Rights Agreement identified specific actions by the water users with respect to the rental of water to

augment flows for listed anadromous fish below the Hells Canyon Complex, such agreement providing certain protections to the water users; and

WHEREAS, water users have benefited from the certainty regarding the water supply availability and operating conditions in the reaches of the Snake River upstream from the Hells Canyon Complex; and

WHEREAS, the Idaho Water Users Association, through Association Resolution No. 2017-6, has and continues to oppose introduction of salmon and steelhead species into surface waters above the Hells Canyon Complex due to the drastic impacts on irrigated agriculture, industry, water supply and electric generation; and

WHEREAS, Section 42-1734C, Idaho Code, requires that the Idaho State Water Plan "be submitted to the Federal Energy Regulatory Commission . . . as the state water plan for the conservation, development, management and optimum use of the state of Idaho's water resource" and the Plan has been submitted; and

WHEREAS, the State committed to certain actions through the 1980 Agreement, the Swan Falls Agreement, and the 2004 Snake River Agreement, that provide the citizens of Idaho certainty and appropriate management of the State's resources in a manner consistent with the intentions provided herein; and

WHEREAS, the State of Oregon has taken certain actions in the relicensing proceeding for the Hells Canyon Complex in an attempt to mandate the passage and introduction of salmon and steelhead above Hells Canyon Dam and into the Idaho waters of the Snake River, which form a border between Oregon and Idaho, that directly infringe upon Idaho's sovereignty over its water resources and primacy over management of its fish and water resources; and

WHEREAS, the Governor of the State of Idaho, through the Office of Species Conservation, is charged with coordinating with all state departments and divisions with respect to endangered, threatened, candidate species, species petitioned to be listed, and rare and declining species, coordinating state response to federal recovery plans and projects, participating in regional efforts and providing input to federal and state agencies with regard to such species act as an ombudsman for state citizens on ESA issues, and ensuring state primacy over management of its fish and wildlife, including prevention of reintroduction or introduction of listed species without state consultation and approval; and

WHEREAS, the Governor, by letter to the Natural Resources Agency Administrators and Directors dated May 27, 2016, directed that: "Each agency shall coordinate with the Governor's Office of Species Conservation and status of any introduction or reintroduction proposals under the Endangered Species Act"; and

WHEREAS, the Governor, by letter to Oregon Governor Brown dated July 19, 2016, advised that Idaho would not agree to Oregon's passage or introduction proposal above Hells Canyon Dam, in violation of Sections 67-818 and 67-6302, Idaho Code, stating in part: "Such occurrence would violate long-standing Idaho law and policy opposing reintroduction of any species without the express consent of the Idaho State Legislature and executive branch. . . . Based upon state law and in part on our past experiences with reintroduced species (e.g., wolves), Idaho cannot and will not, agree to the reintroduction of salmon or steelhead above Hells Canyon Dam."; and

WHEREAS, while the Idaho Power Company serves customers in Idaho and eastern Oregon, approximately 95% of its customers are located in Idaho; and

WHEREAS, the Governor, by letter to Oregon Governor Brown dated January 17, 2017, advised that Oregon's draft 401 conditions related to fish passage and reintroduction would impact Idaho waters and citizens and interfere with Idaho's sovereign interests in managing its natural resources; and

WHEREAS, the Governor's January 17, 2017, letter further advised that with respect to "any new requirement imposed by Oregon will lead to addi-

tional costs that will disproportionately impact Idaho customers" and "passage and reintroduction conditions should be removed"; and

WHEREAS, protecting Idaho's sovereignty by ensuring that Oregon does not impose fish passage and introduction in violation of Idaho law and policy will continue to be a benefit to Idaho's citizens through greater certainty regarding property rights, water supply and economic development.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports actions by the Governor and the Attorney General to oppose passage and introduction of salmon or steelhead above Hells Canyon Dam, that are necessary to protect Idaho's sovereignty, including its waters and property rights, and to ensure that Idaho's sovereignty is not violated by the introduction of salmon or steelhead to the reaches of the Snake River, and its Idaho tributaries, above Hells Canyon Dam.

BE IT FURTHER RESOLVED that the Governor and the Attorney General shall undertake such action as is necessary and appropriate to ensure that the terms of the 1980 Agreement are complied with in regard to mitigation for the Hells Canyon Complex to protect upstream water users, water rights, landowners and economic development from the State of Oregon's efforts to pass and introduce salmon and steelhead above Hells Canyon Dam into waters of the State.

BE IT FURTHER RESOLVED that consistent with the authority of Section 67-6302, Idaho Code, the Legislature of the State of Idaho does not approve of the efforts by the State of Oregon and opposes any action by a federal agency, or any entity acting on behalf of a federal agency, or other groups, entities or individuals to require the passage and introduction or reintroduction of salmon or steelhead above Hells Canyon Dam, including trying to include in the FERC license for the Hells Canyon Project any provision that would result in introduction or reintroduction of any such species into the waters of the State of Idaho.

BE IT FURTHER RESOLVED that, the State of Idaho supports the relicensing of Hells Canyon Complex consistent with the following policies: (A) The license is consistent with the policies set forth in the Idaho State Water Plan; (B) The license recognizes that no salmon and steelhead populations can be introduced or reintroduced above Hells Canyon Dam; (C) The license recognizes that the water rights for the Hells Canyon Complex are subordinated to future upstream uses as set forth in the partial decrees for each of the three dams; and (D) The mitigation requirements in the license for salmon and steelhead comply with the terms of the 1980 Settlement Agreement.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 17, 2017

Adopted by the Senate March 2, 2017

(H.J.M. No. 3)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE DEPARTMENT OF ENERGY, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, at the direction of the United States government, the U.S. Department of Energy's Idaho site was established in 1949 to demonstrate peaceful uses of splitting the atom through nuclear reactor research and development in its mission to create electricity for commercial use and propulsion for the United States Navy fleet; and

WHEREAS, during its history the Department of Energy's Idaho site designed and built fifty-two nuclear reactors, perfecting light-water reactor design and operation, proving that reactors could create more fuel than they use, extending the useful life of our country's naval vessels, and providing isotopes to the medical community for the elimination of cancer and other diseases; and

WHEREAS, in its sixty-eight-year history, radioactive and hazardous wastes were generated on-site, or were shipped to Idaho, that required storage or disposal using industry-accepted practices at the time, which presented environmental challenges at the 890-square-mile federal site and to the underlying Snake River Plain Aquifer, the primary drinking and agricultural water source for more than 300,000 Idaho residents; and

WHEREAS, elected officials, federal department administrators, environmental interest organizations, Idaho citizens, and the nuclear industry itself recognized the need to change past waste storage and disposal practices and clean up legacy waste sites that posed a potential or confirmed risk to people or the environment; and

WHEREAS, after several years of assessment and negotiations, the State of Idaho entered into a legally binding agreement with the federal government on December 9, 1991, to assess all potential waste sites at the Department of Energy's Idaho site and use the risk-based process outlined in the Comprehensive Environmental Response, Compensation and Liability Act to clean up legacy waste sites with the intent of protecting the second-largest continuous aquifer in the United States and restoring or preserving areas of the site to protect people and the ancestral lands of the Shoshone-Bannock Tribes; and

WHEREAS, the Department of Energy and its contractors have completed environmental assessments of all suspected waste sites at the Department of Energy's Idaho site and completed the cleanup actions outlined in twenty of twenty-five records of decision; and

WHEREAS, environmental scientists and engineers have employed innovative cleanup technologies and processes to protect employees, the public, and the environment, while also expediting the remediation of contaminated sites and saving taxpayers hundreds of millions of dollars; and

WHEREAS, the Department of Energy and its contractor continue to make measurable progress removing Cold War weapons waste from an unlined landfill with the aim of protecting the Snake River Plain Aquifer -- one of Idaho's most precious natural resources.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that, in this twenty-fifth anniversary of the signing of the Federal Facility Agreement and Consent Order, we support the

Department of Energy, the Administration and Congress to identify, commit and sustain the necessary funding to allow the Department of Energy to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment.

BE IT FURTHER RESOLVED that the Legislature supports continued funding for the national and international missions at the Department of Energy's Idaho site to include, but not be limited to, nuclear energy research and development, bioenergy research, renewable energy research, cyber security advancements, smart-grid technology deployments, and national security support to the Department of Homeland Security and other departments.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 6, 2017

Adopted by the Senate March 14, 2017

(H.J.M. No. 4)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE LEADERSHIP OF THE HOUSES, ASSEMBLIES AND SENATES IN THE STATES OF MONTANA, WYOMING, UTAH, NEVADA, OREGON, WASHINGTON, ARIZONA, COLORADO, NEW MEXICO AND CALIFORNIA, AND TO THE PACIFIC NORTHWEST ECONOMIC REGION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, eradication of invasive species is a matter of national concern, transcending state lines; and

WHEREAS, the presence of quagga and zebra mussels, collectively referred to as dreissenid mussels, in the West is a matter of growing and alarming concern; and

WHEREAS, the mussels were introduced into the Great Lakes in the 1980s by watercraft from the shipping industry through ballast water and adhesion to watercraft, having originated in Eastern Europe near the Black Sea, and now having spread to 32 states, including a discovery of larvae in Montana in November 2016; and

WHEREAS, in her five-year lifetime, a single quagga or zebra mussel will produce about 5 million eggs, 100,000 of which reach adulthood. The offspring of a single mussel will in turn produce a total of half a billion adult offspring; and

WHEREAS, mussels spread, in large part, by attaching to exposed hard surfaces of watercraft, as well as ballast water discharges, and being transported from water body to water body, many times across state lines, and many western states have now enacted laws to establish watercraft inspection programs to prevent the spread of quagga and zebra mussels to unaffected waters; and

WHEREAS, it is estimated that mussel introduction into the State of Idaho would cost Idaho approximately \$94 million per year. This figure does not include agriculture-related impacts, which would be devastating to the state, but reflects the impact to hydroelectric facilities, recreation

areas, fish hatcheries, golf courses, intake valves for drinking water facilities and irrigation facilities; and

WHEREAS, federal action, and federal regulations, are necessary to address decontamination policies for those infested federal waters in the West; and

WHEREAS, the State of Idaho seeks to foster cooperative efforts between the western states and the federal government for the establishment of a coordinated effort to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage western states and the federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the leadership of the houses, assemblies and senates in the states of Montana, Wyoming, Utah, Nevada, Oregon, Washington, Arizona, Colorado, New Mexico and California, and to the Pacific Northwest Economic Region.

Adopted by the House March 6, 2017

Adopted by the Senate March 14, 2017

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since the beginning of time, the ability of man to provide food, fiber and fuel for himself and others has determined his independence, freedom and security; and

WHEREAS, the strength of a nation is based on its ability to sufficiently provide safe and reliable food, fiber and fuel for its people; and

WHEREAS, the family farm unit is the foundation of agriculture and one of the basic strengths of the United States; and

WHEREAS, a strong and viable agricultural industry is a very important part of our national security and overall well-being; and

WHEREAS, federal, state and local laws and regulations require farmers, ranchers and food processors in the United States to meet the highest standards in the world when it comes to environmental protection, worker safety, wage rates and food safety concerns; and

WHEREAS, United States farmers, ranchers and food processors pay for record audits on farm inspections and USDA product inspections to confirm that necessary criteria are met to adhere to the laws and regulations that apply; and

WHEREAS, the Food Safety Modernization Act requires that all food products, foreign and domestic, must adhere to the same food safety standards, and yet only 2% of all imported food products are actually inspected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge that United States farmers, ranchers and food processors be enabled to compete freely and trade fairly in foreign and domestic markets on a strictly level playing field.

BE IT FURTHER RESOLVED that food safety standards in the United States should be enforced fully on food from foreign countries wishing to participate in markets that lie within the boundaries of the United States and funded in a way that does not burden the United States taxpayer.

BE IT FURTHER RESOLVED when determining the economic value of international trade agreements, we urge that the cost of environmental protection, worker safety, wage rates and food safety standards be quantified and considered in such determinations.

BE IT FURTHER RESOLVED that we encourage the education of the general public regarding the importance of the role agriculture plays in the development of a society, recognizing that such public education, primarily at the middle and secondary school levels, is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 14, 2017

Adopted by the Senate March 22, 2017

(H.J.M. No. 7)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF HEALTH AND HUMAN SERVICES, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE GOVERNOR OF THE STATE OF IDAHO AND TO THE DIRECTOR OF THE IDAHO DEPARTMENT OF INSURANCE.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Sixtieth Idaho Legislature passed Senate Joint Memorial 106, sponsored by the office of Governor C.L. "Butch" Otter, calling for an amendment to the U.S. Constitution that would prevent Congress from passing laws requiring citizens of the United States to participate in any health care insurance program or penalizing them for declining health care coverage; and

WHEREAS, the Idaho Health Freedom Act codifies as state policy that every person in the State of Idaho is and shall be free from government compulsion in the selection of health insurance options, and that such liberty is

protected by the constitutions of the United States and the State of Idaho; and

WHEREAS, the average Idaho rate increase for 2017 individual Affordable Care Act (ACA) health insurance plans was 24% and, with the year-over-year increases since the implementation of the ACA federal mandates, health insurance plans have become unaffordable for thousands of Idahoans and their families; and

WHEREAS, nearly 90,000 Idahoans can afford coverage only with the assistance of an ACA premium assistance tax credit or other subsidy, and Idaho's uninsured includes "middle class" individuals and families who earn too much to qualify for federal insurance premium assistance and have no coverage option other than high-cost ACA plans; and

WHEREAS, the premium amounts for pre-ACA individual transitional "grandmothered" plans were 30% to 50% less than those of the individual ACA plans, indicating that a return to state regulation of the individual insurance market would result in significantly lower premium amounts for many Idahoans; and

WHEREAS, prior to implementation of the ACA, the State of Idaho primarily regulated the Idaho health insurance market and provided aggressive oversight of all aspects of that market and enforced consumer protections as well as ensured a local, responsive regulation for consumers; and

WHEREAS, prior to the implementation of the ACA-mandated plans, Idaho had a stable and competitive individual insurance market, with among the lowest individual premium amounts in the nation, and consumers could choose from a variety of health insurance coverage options to best cover them and their families; and

WHEREAS, on January 20, 2017, President Donald J. Trump signed an executive order to minimize the economic burden of the ACA pending repeal, including instruction to the Secretary of Health and Human Services and to the heads of all other executive departments and agencies with authorities and responsibilities under the act to exercise all authority and discretion available to them to provide greater flexibility to states and to cooperate with them in implementing health care programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges President Trump, Secretary Price and Congress to take the following action: Allow individual states to once again serve as the primary regulator of health insurance plans and immediately permit the free market availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations and rules governing such plans; and

BE IT FURTHER RESOLVED that the Idaho Department of Insurance issue guidance allowing for competitive, innovative, nonsubsidized health insurance plans, along with the free market sale of health insurance plans to Idahoans who choose to purchase them, in accordance with state-established statutes, regulations and rules governing such plans; and

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 United States, the Secretary of Health and Human Services, 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, as well as to Governor C.L. "Butch" Otter and Director Dean Cameron of the Idaho Department of Insurance.

Adopted by the House March 15, 2017

Adopted by the Senate March 20, 2017

(H.J.M. No. 8)

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 House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

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, we are requesting \$8 million in federal matching funding for FY 2018 to combat the immediate threat of invasive quagga and zebra mussels to the Pacific Northwest region. Until recently, the Pacific Northwest region remained one of the only regions in North America without invasive quagga and zebra mussels. In November 2016, invasive mussel larvae were detected at Canyon Ferry Reservoir and Tiber Reservoir, located in Montana, and part of the Missouri River system. In response, Montana Governor Steve Bullock declared a natural resources state of emergency; and

WHEREAS, further spread of these invasive mussels will have a devastating and far-reaching impact on the economic and environmental wellbeing of the entire region. If invasive mussel populations become established in the Pacific Northwest, they will cost the region \$500 million a year, so it is vital that we work together to ensure that the invasive mussels do not make the short trip across the Continental Divide and into the Columbia River system. Failing to ensure this would not only result in Idaho water bodies becoming infested with quagga and zebra mussels, but the rest of the Columbia River Basin and region as well; and

WHEREAS, for these reasons, we ask Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA). The \$8 million in federal matching funding would be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region; and

WHEREAS, we appreciate the funding that Congress appropriated under the Water Resources Reform and Development Act of 2014 (WRRDA) and WIIN to assist the four Northwest states. The emergency in Montana highlights the constant and ongoing threat of invasive mussels to the region, and the importance of the states' continued receipt of federal matching funding to support their efforts to protect against these aquatic invaders. Therefore, we respectfully ask that you consider our request and take the necessary steps to ensure that federal funds are appropriated to the four Northwest states in FY 2018.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Re-

sources Development Act of 2016 (WRDA). The \$8 million in federal matching funding will be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region.

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 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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 20, 2017

Adopted by the Senate March 22, 2017

(H.J.M. No. 9)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE AIR FORCE, 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 First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State and the citizens of Idaho have a proud tradition of support for the armed forces of the United States of America; and

WHEREAS, the Idaho Air National Guard has distinguished itself in service to the State of Idaho and to the citizens of our state and the United States of America; and

WHEREAS, Gowen Field, located in the City of Boise, Idaho, has served admirably for decades as an effective, world-class military installation, both in federal and state service, as a base of operations for the Idaho Army National Guard and the Idaho Air National Guard; and

WHEREAS, the U.S. Air Force has chosen Gowen Field among five finalists for two sites to locate squadrons of F-35 Lightning II Joint Strike Fighter aircraft; and

WHEREAS, Gowen Field is the only finalist for the basing of F-35 aircraft in the western United States; and

WHEREAS, Gowen Field, Boise, and southwestern Idaho possess the facilities, infrastructure, airspace, climate, landscape, skilled personnel, relevant private-sector industry and strong public support for military operations required to effectively support the siting of F-35 aircraft; and

WHEREAS, the Idaho Air National Guard's existing A-10 aircraft flying mission faces the distinct possibility of elimination in the foreseeable future; and

WHEREAS, the economies of Boise, southwestern Idaho and the entire state would be materially damaged by the loss of an Idaho Air National Guard flying mission at Gowen Field, which now provides jobs and career opportunities for thousands of Idaho citizens, both military and civilian; and

WHEREAS, it is incumbent upon the leadership of the State of Idaho to extend its active support to efforts to maintain a viable flying mission for the Idaho Air National Guard, such as that which would be provided by the U.S. Air Force's basing of F-35 aircraft at Gowen Field.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage and call upon the U.S. Air Force, the Administration and Congress to thoroughly and conscientiously evaluate the utility and efficacy of basing a squadron of F-35 Lightning II Joint Strike Fighter aircraft at Gowen Field in Boise, Idaho, to facilitate a continued flying mission for the Idaho Air National Guard.

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 United States, to the Secretary of the Air Force, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 24, 2017

Adopted by the Senate March 28, 2017

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING AND COMMENDING THE IDAHO DEPARTMENT OF THE AMERICAN LEGION, ITS LEGIONNAIRES AND LEGION AUXILIARY IN ITS VOLUNTEER EFFORTS TO SERVE THE YOUTH OF IDAHO THROUGH ALL OF ITS YOUTH PROGRAMS AND DESIGNATING THE SECOND THURSDAY IN JANUARY OF EACH YEAR AS AMERICAN LEGION FAMILY YOUTH PROGRAMS DAY IN IDAHO.

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

WHEREAS, the American Legion is the largest national veterans organization in the United States, with membership of 2.4 million men and women who have served their country in time of armed conflict, and is dedicated to serving the needs of all veterans by advocating for and supporting veteran benefits owed by a grateful nation to those who have served to defend liberty and freedom; and

WHEREAS, the American Legion Family Americanism Commission promotes an understanding and appreciation of American government, the rights and responsibilities of American citizenship and activity in the American way of life through youth activities, community service, instruction of prospective citizens and legal immigrants, education and educational facilities, and protection of the United States flag from physical desecration; and

WHEREAS, the American Legion youth programs under the Americanism Commission annually conduct Gem Boys State, sponsor Legion baseball, conduct Legion oratorical contests, award Legion scholarships, sponsor Boy and Girl Scout troops and support other specialized youth programs benefiting young men and women in Idaho; and

WHEREAS, the American Legion Auxiliary youth programs under the Americanism Commission annually conduct Syringa Girls State and support other specialized youth programs benefiting young women in Idaho; and

WHEREAS, the Department of Idaho American Legion and American Legion Auxiliary organize and direct Idaho Legionnaires and Legion Auxiliary members in Legion posts across the state of Idaho to volunteer their time and energy to conduct and support these programs to engage more current and future generations of Idaho youth; and

WHEREAS, the Department of Idaho American Legion and Legion Auxiliary have recently formed a youth programs committee for the purpose of raising public awareness of American Legion Family youth programs and directly soliciting donations from Idaho corporations, corporate foundations, private foundations, associations, trade groups, nonprofit organizations and other entities interested in partnering with the Idaho American Legion and Legion Auxiliary to expand and enhance these youth programs in Idaho while promoting student, parent, educator and guidance counselor awareness of their benefits; and

WHEREAS, the State of Idaho currently supports the Gem Boys State and Syringa Girls State programs through access to the Idaho State Capitol during these weeklong government-in-action programs, reflecting how such programs benefit the State of Idaho both socially and economically through citizenship and government; and

WHEREAS, many members of the Idaho Legislature participated in and were personally impacted by American Legion youth programs while growing up in Idaho, including Gem Boys Staters and Syringa Girls Staters; and

WHEREAS, the State of Idaho benefits both socially and economically from better-informed youth regarding citizenship and government.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature enthusiastically supports and commends the Department of Idaho American Legion, its Legionnaires and Legion Auxiliary in their volunteer efforts to serve the youth of Idaho through all of their youth programs; and

BE IT FURTHER RESOLVED that the Idaho Legislature strongly supports awareness of American Legion Family youth programs and encourages its members to promote both awareness and benefits to students, parents, educators, guidance counselors, community and civic leaders in their legislative districts; and

BE IT FURTHER RESOLVED that the Idaho Legislature encourages Idaho corporations, corporate foundations, private foundations, associations, trade groups, nonprofit organizations and other entities to partner with the Idaho American Legion Family through annual donations to expand and enhance these youth programs for the benefit of the youth of Idaho and, in turn, the State of Idaho; and

BE IT FURTHER RESOLVED that the Idaho Legislature declares the second Thursday of each January, to coincide with the convening of the state legislative session and annual winter meeting of the Department of Idaho American Legion, to be designated American Legion Family Youth Programs Day in Idaho.

Adopted by the Senate February 3, 2017

Adopted by the House February 24, 2017

(S.C.R. No. 102)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BOARD OF VETERINARY MEDICINE RELATING TO RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE.

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 Board of Veterinary Medicine relating to Rules of the State of Idaho Board of Veterinary Medicine are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 46.01.01, Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as a pending fee rule under Docket Num-

ber 46-0101-1603, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 7, 2017

Adopted by the House February 15, 2017

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

COMMENDING IDAHO NATIVE KRISTIN ARMSTRONG FOR HER ACCOMPLISHMENTS AT THE 2016 SUMMER OLYMPICS IN RIO DE JANEIRO, BRAZIL, AND FOR HER SUPERIOR ATTITUDE, WORK ETHIC, FOCUS AND EXEMPLARY CONDUCT.

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

WHEREAS, Kristin Armstrong has been a longtime resident of Idaho and currently resides in Boise; and

WHEREAS, Kristin Armstrong ran track and graduated in 1995 with a Bachelor of Science degree in sports physiology from the University of Idaho College of Education; and

WHEREAS, Kristin Armstrong is a tireless volunteer who promotes physical fitness and health in numerous community groups and serves as an ambassador to the YMCA of Boise; and

WHEREAS, Kristin Armstrong is a world-class athlete and has climbed to the top of her sport, becoming one of the most accomplished American cyclists of all time in the face of great adversity, winning all of her cycling victories after being diagnosed with osteoarthritis in 2001; and

WHEREAS, Kristin Armstrong is respected throughout the world as a fierce competitor but also as a friendly compatriot when the race is over; and

WHEREAS, prior to the 2016 Summer Olympics, Kristin Armstrong was a two-time USA Cycling National Road Race Champion, four-time USA Cycling National Time Trial Champion, 2006 and 2009 World Time Trial Champion and the Individual Time Trial Gold Medalist of the 2008 and 2012 Summer Olympics, making her the first Boise resident to win an Olympic Gold Medal; and

WHEREAS, Kristin Armstrong returned to the sport in 2015 at age forty-two and overcame adversity in 2016 to become the Individual Time Trial Gold Medalist of the 2016 Summer Olympics in Rio de Janeiro, Brazil, earning her third Gold Medal in three Olympics; and

WHEREAS, Kristin Armstrong's performance in the 2016 Summer Olympics has further inspired and renewed an interest in cycling that promotes a healthy lifestyle and enhances the image of Idaho as a state with an active and vibrant outdoor culture; and

WHEREAS, Kristin Armstrong continues to be a positive and inspirational example of sportsmanship for all of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Kristin Armstrong for her Gold Medal winning performance at the 2016 Summer Olympics in Rio de Janeiro, Brazil, for her superior attitude, work ethic, focus and exemplary conduct and for the pride and inspiration she brings to Idaho and to America.

Adopted by the Senate February 7, 2017

Adopted by the House March 20, 2017

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE STATE OFFICERS OR EMPLOYEES WITH A HEALTH TRANSPARENCY TOOL OR A MEDICAL DIVERSION PROGRAM.

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

WHEREAS, it is the desire of the Idaho Legislature to improve access to the health care system while reducing costs for both state officers and employees; and

WHEREAS, the state employee health insurance program will be improved when employees have price transparency to state officers and employees so that they can make informed medical purchases.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Administration, on or before July 1, 2018, provide a health transparency tool available through the state insurance carrier's website, that would give state officers and employees access to timely and accurate information about price, quality and availability of health care services in this state; or the Department of Administration may provide all state officers and employees with a medical diversion program that would allow a third-party vendor to contact state officers and employees when they need medical imaging or surgery and would provide lower cost options found in different medical facilities.

Adopted by the Senate March 2, 2017

Adopted by the House March 13, 2017

(S.C.R. No. 105)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE STATE BOARD OF EDUCATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE THE CONSTRUCTION OF THE IDAHO CYBERCORE INTEGRATION CENTER AND IDAHO COLLABORATIVE COMPUTING CENTER.

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

WHEREAS, the State Board of Education has directed Idaho's institutions of higher education through board policy to be a driving force in innovation and economic development in the State of Idaho through collaboration and research programs in strategic areas and to serve as catalysts and engines to spur the creation of new knowledge, technologies, products and industries that in turn will lead to new advancements and opportunities for the State of Idaho; and

WHEREAS, the State Board of Education's higher education research policy emphasizes the need for extensive and rapid dissemination of new knowledge and the establishment of knowledge networks that facilitate public, private and academic institution interaction and collaborative relationships between academia and varied stakeholders outside of academia; and

WHEREAS, the State Board of Education desires to increase the quality and quantity of research and to encourage continued public and private support of research in Idaho; and

WHEREAS, the Idaho National Laboratory has proven to be an integral partner in advancing the research efforts of the State of Idaho in collaboration with Idaho's public institutions; and

WHEREAS, the existing consortium of the Idaho National Laboratory and Idaho's public research institutions at the Center for Advanced Energy Studies has proven to be of public use and provides a public benefit to Idaho; and

WHEREAS, it is in the best interest of the state for the Idaho State Building Authority to provide the facilities to be known as the "Idaho Cybercore Integration Center" and the "Idaho Collaborative Computing Center" for use by the Idaho National Laboratory, the University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, College of Southern Idaho, College of Western Idaho, North Idaho College, Eastern Idaho Technical College, other public agencies, and private companies to promote their educational, service and business needs; and

WHEREAS, the total par amount of bonds for the Idaho Cybercore Integration Center and the Idaho Collaborative Computing Center shall not exceed \$90 million; and

WHEREAS, the State Board of Education and the State Building Authority will report final lease terms and financial details to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House of Representatives Education Committee; and

WHEREAS, a collaboration between the Idaho National Laboratory and Idaho's public higher education institutions for research and educational opportunities at the Idaho Cybercore Integration Center and the Idaho Collaborative Computing Center will be of public use and will provide a public benefit to Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature hereby authorizes and provides approval for the State Board of Education to enter into an agreement or agreements, either separately or together, with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the financing and development of research and educational facilities, and related facilities, at Idaho Falls, Idaho, for their uses and the uses of other public and/or private entities that may have affiliated, related or collaborative purposes.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.

Adopted by the Senate March 6, 2017

Adopted by the House March 28, 2017

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING MINORU YASUI FOR HIS COURAGE AND HIS COMMITMENT TO LIBERTY AND JUSTICE.

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

WHEREAS, Minoru Yasui was born on October 19, 1916, in Hood River, Oregon, the son of Japanese immigrants; and

WHEREAS, Mr. Yasui excelled academically and, in 1939, graduated with honors from the University of Oregon School of Law; and

WHEREAS, Mr. Yasui was admitted to practice law in September 1939 as the first Japanese American member of the Oregon State Bar; and

WHEREAS, Mr. Yasui, despite his distinguished academic record, was unable to find employment with any law firm in Oregon, and thus accepted a po-

sition as a consular attaché with the Consulate General of Japan in Chicago; and

WHEREAS, Mr. Yasui resigned his position with the Japanese consulate immediately following the attack on Pearl Harbor and, as a second lieutenant in the United States Army Reserve, reported for duty at Fort Vancouver, Washington; and

WHEREAS, Mr. Yasui was denied the opportunity to serve our country as a soldier during World War II because of his ancestry; and

WHEREAS, in January 1942, Mr. Yasui opened his own law practice in Portland to assist persons of Japanese ancestry facing political and legal persecution during the war; and

WHEREAS, in March 1942, Public Proclamation No. 3 was issued, imposing a curfew on "all persons of Japanese ancestry," regardless of their citizenship; and

WHEREAS, on March 28, 1942, Mr. Yasui intentionally violated the curfew and volunteered to be arrested so that he could challenge the constitutionality of Public Proclamation No. 3; and

WHEREAS, Mr. Yasui was forced to await trial in the North Portland Livestock Pavilion along with 3,000 other Japanese Americans who had been forcibly removed from their homes; and

WHEREAS, on June 12, 1942, Mr. Yasui went on trial before the United States District Court for the District of Oregon, at which trial his citizenship and loyalty to the United States were unjustly impugned by the prosecution; and

WHEREAS, after his trial, but before the verdict was rendered, Mr. Yasui was transported to the Minidoka Relocation Center, an internment camp in Jerome County, Idaho; and

WHEREAS, in November 1942, Mr. Yasui returned to Portland to hear the verdict in his case; and

WHEREAS, the district court held that the curfew, as applied to American citizens, was unconstitutional, but further held that Mr. Yasui had effectively renounced his citizenship by working for the Japanese consulate, therefore finding him guilty of violating the curfew as a foreign national; and

WHEREAS, Mr. Yasui appealed his conviction and the holding on his citizenship to the United States Supreme Court; and

WHEREAS, Mr. Yasui spent nine months in solitary confinement at the Multnomah County Jail in Portland while awaiting the outcome of his case; and

WHEREAS, the Supreme Court issued its opinion on June 21, 1943, recognizing Mr. Yasui's citizenship but finding that the curfew could be lawfully applied to him, even as an American citizen, due to "wartime necessity," thus upholding his conviction; and

WHEREAS, in August 1943, Mr. Yasui was transported back to the Minidoka internment camp, where he was incarcerated until June 1944; and

WHEREAS, following his release from the camp, Mr. Yasui moved to Denver, Colorado, where he passed the bar exam but was denied admission to the bar because of his criminal conviction; and

WHEREAS, Mr. Yasui appealed to the Colorado Supreme Court and was granted admission to the Colorado State Bar; and

WHEREAS, as an attorney, an advocate, and a civil servant, Mr. Yasui spent the next four decades working tirelessly for civil and human rights, not only for persons of Japanese ancestry but also for immigrant communities, African Americans, Native Americans, Hispanics and people with disabilities; and

WHEREAS, Mr. Yasui was a dedicated community volunteer, serving as a scoutmaster, a mentor for young people, and a sponsor for youth education programs such as Presidential Classroom; and

WHEREAS, Mr. Yasui passed away on November 12, 1986, at the age of 70; and

WHEREAS, Mr. Yasui was posthumously awarded the Presidential Medal of Freedom on November 24, 2015, for his defense of Japanese Americans during World War II and for his lifelong work advancing civil and human rights; and

WHEREAS, Mr. Yasui serves as an inspiration to those in public life for his courage, his steadfast commitment to improving people's lives, and his belief -- shared by the members of this Legislature -- that "we are born into this world to make a difference."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor Minoru Yasui's life, his legacy, and his commitment to liberty and justice for all.

Adopted by the Senate February 14, 2017

Adopted by the House February 17, 2017

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING GENE HARRIS FOR HIS LIFELONG ACHIEVEMENTS AS A CELEBRATED JAZZ MUSICIAN AS WELL AS HIS CULTURAL AND EDUCATIONAL CONTRIBUTIONS TO THE STATE OF IDAHO.

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

WHEREAS, Gene Harris was born in 1933 and moved to Boise in 1977, fully embracing Idaho as his home, and bringing many of the top jazz musicians in the world to play with him in Idaho. Gene Harris became a musical staple of Boise's nightlife, performing in venues including the Main Street Bistro, Peter Schott's Lounge, Ste. Chapelle Winery and the Boise River Festival, among others; and

WHEREAS, Gene Harris served as an ambassador for his adopted home state of Idaho with studio recordings and concert performances throughout the world, including performances in the United Kingdom, Austria, Switzerland, Japan, Korea, the Philippines, the Soviet Union, East and West Berlin, Morocco, Budapest and Milan; and

WHEREAS, Gene Harris, with the Gene Harris All Star Big Band, earned a 1989 Grammy Award nomination for Best Big Band Jazz Instrumental; and

WHEREAS, in 1989, 1990 and 1991, Gene Harris assumed the mantle of pianist and leader of three big bands that traveled the globe, featuring some of the greatest names in jazz, known as the Superband Concert Tour, underwritten by a Philip Morris Jazz Grant; and

WHEREAS, Gene Harris vigorously promoted the arts in Idaho, receiving the Idaho Governor's Award for Excellence in the Arts in 1990, presented by then-Governor Cecil D. Andrus; and

WHEREAS, in 1996, Gene Harris, working with local politicians, businessmen, and artists, established the Gene Harris Endowment. The endowment is used to support scholarships for music students, a visiting jazz artist series, and the Gene Harris Jazz Festival, which has been an annual event since the spring of 1998. The idea for a festival began in the early 1990s when Gene and various other prominent musicians first discussed staging such an event to benefit music students and promote jazz, with the 20th annual Gene Harris Jazz Festival to be held April 5-7, 2017; and

WHEREAS, Gene Harris worked with former Governor Cecil Andrus and former Governor Phil Batt to promote arts in the Gem State, devoting his time to fostering and sustaining music education for students in Idaho. He acted as a role model, friend and mentor to many aspiring musicians throughout the

State of Idaho, including international jazz vocal star Curtis Stigers and the late piano virtuoso Paul Tillotson; and

WHEREAS, also in 1996, the Kennedy Center in Washington, D.C., chose Gene Harris as Idaho's featured performer for State Days, a series of concerts started during the center's 25th anniversary season to present a variety of musical artists from all 50 states, chosen to represent the cultural richness of America; and

WHEREAS, though Gene Harris died in 2000, he left behind a lasting legacy that has touched many people since his death and that will continue to do so.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Gene Harris for his unparalleled talent as a jazz musician, his unrelenting dedication to the arts, and his commitment and contributions to education in the State of Idaho.

Adopted by the Senate February 20, 2017

Adopted by the House March 9, 2017

(S.C.R. No. 109)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING CATHY HOLLAND-SMITH, UPON HER RETIREMENT, FOR HER SERVICE TO THE LEGISLATURE AND TO THE PEOPLE OF IDAHO.

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

WHEREAS, on July 31, 1994, Cathy Holland-Smith was hired as a budget and policy analyst in the Legislative Services Office, having worked for the State of Idaho since September 10, 1987; and

WHEREAS, in 2006, Cathy was promoted to Manager of the Division of Budget and Policy Analysis in the Legislative Services Office, in which position she has performed exemplary work for the Legislature and the people of Idaho; and

WHEREAS, Cathy has been nationally recognized for her leadership and her contributions to the Legislature and the public, including her selection as a Toll Fellow by the Council of State Governments in 2011; and

WHEREAS, though Cathy is originally from Massachusetts, she chose to make Idaho her home; and

WHEREAS, Cathy's lifelong commitment to the public good began with her service to our country in the United States Air Force; and

WHEREAS, Cathy will be retiring in June 2017; and

WHEREAS, Cathy's warmth, humor, professionalism and tremendous abilities will be greatly missed by the Legislature and by her colleagues.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize, honor and commend Cathy Holland-Smith for her services to the Legislature and to the people of Idaho, and we wish her well in retirement.

Adopted by the Senate February 23, 2017

Adopted by the House March 16, 2017

(S.C.R. No. 111)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND HONORING AND CONGRATULATING CECILIA
VIOLETTA LOPEZ FOR HER ACHIEVEMENTS IN OPERA.

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

WHEREAS, Cecilia Violetta Lopez, a Mexican American, is an Idaho native, born and raised in Rupert to parents who immigrated from Mexico; and

WHEREAS, Ms. Lopez credits her parents with instilling in her a powerful work ethic; and

WHEREAS, Ms. Lopez inherited her love of music from her mother, who taught her traditional Mexican songs to pass time while they harvested beets during the summer months; and

WHEREAS, even Ms. Lopez's name is associated with music, as Saint Cecilia is the patron saint of music, and Violetta is the protagonist in the opera "La Traviata," a role that Ms. Lopez went on to play to great acclaim; and

WHEREAS, Ms. Lopez learned English as a child by watching "Sesame Street," a show that also served as her first introduction to opera; and

WHEREAS, as a student at Minico High School, Ms. Lopez excelled academically and was a member of the elite dance team and two choirs; and

WHEREAS, Ms. Lopez was a local celebrity in Rupert and was often invited to sing at rodeos, weddings and quinceaneras; and

WHEREAS, following high school, Ms. Lopez worked as an orthopedic technician, married, started a family, and was encouraged by her husband to study music; and

WHEREAS, Ms. Lopez attended college at the University of Nevada-Las Vegas, where she majored in music education and began to perform in operas; and

WHEREAS, after graduating from UNLV, Ms. Lopez, a soprano with a range of four octaves, was hired by Opera San Jose; and

WHEREAS, in her years since graduating college, Ms. Lopez has had a fellowship with Martina Arroyo in New York City and has sung with opera companies across the nation, including Opera Idaho, Opera Tampa, Ash Lawn Opera, Virginia Opera, Opera Saratoga, the Michigan Opera Theatre, Eugene Opera and Loft Opera; and

WHEREAS, Ms. Lopez has won numerous accolades as an opera performer, including both first place and the Audience Favorite Award at the Irene Dalis Competition in 2014; and

WHEREAS, Ms. Lopez joined the Metropolitan Opera in 2015 and made her Carnegie Hall debut in 2016; and

WHEREAS, Ms. Lopez's performance as Violetta in "La Traviata" with the Metropolitan Opera was praised by a critic for the New York Observer as "among the loveliest I have witnessed on any stage"; and

WHEREAS, Ms. Lopez will soon make her European debut singing the role of Norina in "Don Pasquale" with Zomeropera in Belgium; and

WHEREAS, Ms. Lopez will once again appear in Idaho during the 2017-2018 season, singing with the Boise Philharmonic and performing the role of Adina in "The Elixir of Love" with Opera Idaho; and

WHEREAS, Ms. Lopez was recently named one of "25 Rising Stars" by Opera News; and

WHEREAS, while on a visit to Idaho in 2016, Ms. Lopez appeared at rural schools from Bruneau to Grandview, encouraging students to explore "outside their bubble" and follow their dreams; and

WHEREAS, Ms. Lopez's hard work, determination and dedication to her art serve as an inspiration for all Idahoans in pursuing their goals and overcoming obstacles.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and congratulate Cecilia Violetta Lopez for her many achievements in the world of opera.

Adopted by the Senate February 27, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY RELATING TO RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD.

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 Division of Building Safety relating to Rules of the Public Works Contractors License Board are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 07.05.01, Division of Building Safety, Rules of the Public Works Contractors License Board, adopted as a pending rule under Docket Number 07-0501-1601, 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 March 6, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 113)

A CONCURRENT RESOLUTION

TO ENCOURAGE HOSPITALS IN THE STATE OF IDAHO TO HELP DEVELOP RESIDENCY PROGRAMS FOR NEW IDAHO PHYSICIANS.

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

WHEREAS, Idaho ranks 48th in the nation for the number of actively practicing physicians per 100,000 population, with just 180.7 physicians per 100,000 population; and

WHEREAS, more than 25% of physicians in Idaho are over the age of 60 years old and therefore are approaching retirement; and

WHEREAS, in 2009, the Medical Education Subcommittee of the Idaho State Board of Education named as its top priority the expansion of medical residency programs in Idaho; and

WHEREAS, in 2016, the Governor's Medical Education Work Group of the Idaho State Board of Education made the growth of accredited residency programs its top priority for the production of a quality healthcare workforce for Idaho; and

WHEREAS, Idaho ranks 47th in the nation for the number of residency positions available to medical school graduates; and

WHEREAS, 54% of medical school graduates who complete their residencies in Idaho stay in Idaho, which is well above the national average retention rate of 44%; and

WHEREAS, Idaho is ranked second in the nation for the percentage increase in the number of residency positions in Idaho between 2004 and 2014, in areas such as family medicine, internal medicine and psychiatry; and

WHEREAS, there are still many types of residencies that are not offered in Idaho, forcing Idaho medical school graduates to go to other states if they specialize in areas such as emergency care, pediatrics or general surgery; and

WHEREAS, creating new residency positions is a good investment for Idaho, as it results in a higher likelihood that the new physicians who complete their residencies in Idaho will stay in the state; and

WHEREAS, much of the federal money that previously assisted in setting up new residency positions in Idaho has been capped; and

WHEREAS, all of Idaho will benefit from an increase in the number of residency positions in Idaho, and especially an increase in the types of residency positions in Idaho, such as adding general surgery, emergency care and pediatrics; and

WHEREAS, Idaho hospitals should be encouraged to invest in Idaho by providing funding and faculty for setting up new residency positions in their facilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that hospitals in Idaho are hereby encouraged to take the actions needed to establish new residency programs and additional residency positions in their facilities for Idaho medical student graduates, thus planting the seeds for a new crop of physicians practicing in Idaho.

Adopted by the Senate March 2, 2017

Adopted by the House March 20, 2017

(S.C.R. No. 114)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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. 8, which authorized the appointment of a committee to undertake and complete a two-year study of natural resource issues, including issues relating to water, throughout the State of Idaho; and

WHEREAS, the committee's official term expired on November 30, 2016, and numerous natural resource-related issues continue to pose concerns for the future of Idaho and the quality of life our citizens enjoy; and

WHEREAS, natural resource issues of continued concern include, but are not limited to, stabilization of the water distribution system, the status of aquifers throughout the state and wildlife.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized

to appoint a two-year committee to undertake and complete a study of natural resource issues of importance to the State of Idaho. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. 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 Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the water supply arena and are expected to receive input from stakeholders in the water rights system of Idaho to attempt to stabilize the water delivery system in this state.

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 regarding the committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixty-fourth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the Senate March 6, 2017

Adopted by the House March 20, 2017

(S.C.R. No. 115)

A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND RECOGNIZING, HONORING AND COMMENDING DIANE KELLY FOR HER SERVICE TO THE IDAHO STATE SENATE AND TO THE PEOPLE OF IDAHO.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, on May 18, 2009, Diane Kelly was hired as the Senate Minority Chief of Staff and performed exemplary work for the Senate Minority Caucus; and

WHEREAS, Diane was active in her community, hosting annual Idaho Foodbank fundraisers in her home and serving on the Board of Directors of Cancer Connection Idaho; and

WHEREAS, Diane was personable and kind, and her passion for making positive change and making those around her feel valued was an incredible asset to the Senate; and

WHEREAS, Diane retired on July 27, 2016, and passed away at the age of 54 on November 12, 2016; and

WHEREAS, although Diane has passed away, her humor, wit, love and charm will be forever remembered and missed by her friends, family and colleagues.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, that we recognize, honor and commend Diane Kelly for her service to the Idaho State Senate and to the people of Idaho.

Adopted by the Senate March 9, 2017

Adopted by the House March 20, 2017

(S.C.R. No. 116)

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 IMPOSITION OF AN ANNUAL REGISTRATION FEE AND IN ADDITION THERETO, THE IMPOSITION OF AN OPERATING FEE BY WEIGHT CLASS BASED ON THE TOTAL MILES THE OWNER OPERATED SUCH VEHICLE ON ROADS AND HIGHWAYS IN THE STATE, COUNTY, CITY AND HIGHWAY DISTRICT SYSTEMS IN IDAHO DURING EACH QUARTER OF THE CALENDAR YEAR, ON ALL COMMERCIAL VEHICLES, IRRESPECTIVE OF BODY TYPE, AND ON ALL FARM VEHICLES HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF SIXTY THOUSAND POUNDS.

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

WHEREAS, in 2015, House Bill No. 312, As Amended in the Senate, As Amended in the Senate, was enacted by the First Regular Session of the Sixty-third Idaho Legislature. Section 10 of the bill provided: "LEGISLATIVE INTENT. It is the intent of the Legislature that on or before January 1, 2019, there shall be imposed on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee and in addition thereto, an operating fee by weight class based on the total miles the owner operated such vehicle on roads and highways in the state, county, city and highway district systems in Idaho during each quarter of the calendar year."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth 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 the imposition of an annual registration fee and in addition thereto, the imposition of an operating fee by weight class based on the total miles the owner operated such vehicle on roads and highways in the state, county, city and highway district systems in Idaho during each quarter of the calendar year, on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds. 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 Second Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the Senate March 9, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 118)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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 and State Department of Education relating to Rules Governing Uniformity are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.02, State Board of and State Department of Education, Rules Governing Uniformity, adopted as a pending rule under Docket Number 08-0202-1605, 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 March 13, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 119)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE 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 certain rules of the State Board of and State Department of Education relating to Rules Governing Thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules Governing Thoroughness, Section 105., Subsection 01.g., only, adopted as a pending rule under Docket Number 08-0203-1601, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 13, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 120)

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 certain Rules of the Board of Veterinary Medicine governing Rules of the State of Idaho Board of Veterinary Medicine are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Sexual Offender Management Board governing Rules of the Sexual Offender Management Board are 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 First Regular Session of the Sixty-fourth 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 2017 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 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as pending fee rules under Docket Number 46-0101-1603.

IDAPA 57.01.01, Rules of the Sexual Offender Management Board, Section 150., Subsections 02. and 04., only, adopted as pending fee rules under Docket Number 57-0101-1601.

BE IT FURTHER RESOLVED that IDAPA 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as pending fee rules under Docket Number 46-0101-1603, and IDAPA 57.01.01, Rules of the Sexual Offender Management Board, Section 150., Subsections 02. and 04., only, adopted as pending fee rules under Docket Number 57-0101-1601, 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 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 15, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 121)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE, WITH AN EXCEPTION.

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 First Regular Session of the Sixty-fourth 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 2017 legislative session, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 08.02.03, Rules of the State Board of and State Department of Education, concerning Rules Governing Thoroughness, Idaho Science Standards Incorporated by Reference, Subsections ESS-MS ESS-MS-5, ESS3-MS ESS3.C, LS2-HS LS4.D, LS4-HS LS4.D, and ESS3-HS ESS2.D, only, adopted as temporary rules under Docket Number 08-0203-1701.

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 Second 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 2017 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-fourth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 15, 2017

Adopted by the House March 24, 2017

(S.C.R. No. 122)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO CONTINUE WITH A STUDY OF POTENTIAL APPROACHES TO MITIGATING THE RISK OF BIAS IN CONTESTED CASE PROCEEDINGS.

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

WHEREAS, the Second Regular Session of the Sixty-third Idaho Legislature adopted Senate Concurrent Resolution No. 151, which authorized the appointment of 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; and

WHEREAS, the committee met in Boise on September 20, October 25, and November 21. The committee received testimony from the legal community and state agencies, and during its final meeting conducted discussions relating to the formulation of findings and recommendations; and

WHEREAS, the committee recommended that proposed legislation address adoption of provisions of the National Conference of Commissioners on Uniform State Laws' Model State Administrative Procedure Act. Such legislation, specifically Senate Bill 1155, has been introduced and is pending before the First Regular Session of the Sixty-fourth Idaho Legislature; and

WHEREAS, the committee recommended amending the contested case provisions of the Administrative Procedures Act, which has led to the introduction of Senate Bill 1155 late in this session, on which comment continues to be received indicating a need for further consideration beyond the end of this session; and

WHEREAS, the committee also recommended that the First Regular Session of the Sixty-fourth Idaho Legislature approve a reconstructed Administrative Hearing Officer Interim Committee to examine and make recommendations regarding contested case reforms including, but not limited to: (a) the potential of creating a central panel of hearing officers or administrative law judges; (b) the determination of where such a central panel would be located; and (c) the determination of the types of agency contested cases that should be exempted from such a panel; and

WHEREAS, the committee's official term expired on November 30, 2016, and numerous issues associated with administrative hearings in Idaho continue to persist; and

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Legislative Council to approve a reconstructed Administrative Hearing Officer Interim Committee to examine and make recommendations regarding contested case reforms including, but not limited to: (a) the potential of creating a central panel of hearing officers or administrative law judges; (b) the determination of where such a central panel would be located; (c) the determination of the types of agency contested cases that should be exempted from such a panel; and (d) the further determination of appropriate amendments to the Administrative Procedures Act. 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 Second Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the Senate March 17, 2017

Adopted by the House March 27, 2017

(S.C.R. No. 123)

A CONCURRENT RESOLUTION

ENDORING THE LIMITATION OF PRINTING OF THE IDAHO SESSION LAWS TO A TOTAL OF 100 COPIES GIVEN THE ACCESSIBILITY AND DECREASE IN EXPENDITURES ASSOCIATED WITH ONLINE ACCESS TO THE IDAHO SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, provides for the publication and distribution of the Idaho Session Laws; and

WHEREAS, the Senate and the House of Representatives are making available online access of the Idaho Session Laws dating back to 1950; and

WHEREAS, the Joint Publishing Committee has considered the accessibility and decrease in expenditures associated with online access to the Idaho Session Laws in its determination to preserve limited availability of physical copies of the Idaho Session Laws.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that beginning with the First Regular Session of the Sixty-fifth Idaho Legislature, given the accessibility and decrease in expenditures associated with online access to the Idaho Session Laws, we endorse limiting printing of the Idaho Session Laws to a total of 100 copies to be distributed based on online requests for physical copies.

Adopted by the Senate March 22, 2017

Adopted by the House March 27, 2017

(S.C.R. No. 124)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE ADDITION OF A NEW JOINT RULE 22 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO.

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 add a new Joint Rule 22 to the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Rules of the Senate and the House of Representatives shall be amended by the addition thereto of a new Joint Rule 22 to read as follows:

RULE 22

Contest of Election for Executive Offices -- Procedures. This Rule governs procedures leading up to and including a hearing on the contest of election for executive offices. It should be read in conjunction with Chapter 21, Title 34, Idaho Code. For purposes of this Rule, the term "Party" means either the CONTESTEE or the CONTESTOR; the term "Parties" means both.

(1) Any proof of the CONTESTEE's or CONTESTOR's legal arguments, including depositions, affidavits, production of papers, and examination of poll books and ballots (herein "Record") that either CONTESTEE or CONTESTOR desires the Senate and the House of Representatives to consider in adjudication of a Contest must be completed on or before December 29. CONTESTEE and CONTESTOR's Record must be delivered to the Office of the Secretary of State no later than the close of business on the next business day. Any Record or evidence from the CONTESTEE or CONTESTOR not delivered to the Office of the Secretary of State by that day and time will not be considered by the Senate and the House of Representatives.

(2) The Parties must file a Memorandum that outlines their claims, defenses, legal authority, legislative precedent, proposed form of relief, and a description of witness fees and discovery costs that are incurred. The Memorandum must be filed with the Office of the Secretary of State no later than the close of business four (4) business days following delivery of the Record to the Office of the Secretary of State as provided in paragraph (1). However, CONTESTEE is not required to file a responsive pleading to the Contest.

(3) Any Party may file a Responsive Memorandum. If a Party chooses to file a Responsive Memorandum, it must be filed with the Office of the Secretary of State no later than the close of business on the first day of the next Regular Session.

(4) If an unresolved discovery or Record dispute exists and continues between the CONTESTEE and the CONTESTOR, and on motion duly made, the presiding officer or his designee may rule on the dispute. Neither the CONTESTEE nor the CONTESTOR will be granted any additional time beyond December 29 to develop or deliver his Record.

(5) Committee hearing procedures. If the Legislature refers the Contest of Election to a Committee, the Committee Chairmen will notify the Parties of the Committee hearing procedures. The following procedures, subject to the discretion of the Committee Chairmen, will govern the hearing:

- (a) No additional testimony or Record may be presented, taken, or allowed by the Parties beyond the Record delivered to the Office of the Secretary of State as provided in paragraph (1) of this Rule.
 - (b) Neither CONTESTEE nor CONTESTOR may examine or cross-examine any witness that testifies before the Committee. All examination will be performed by Committee members.
 - (c) Pursuant to Section 34-2104, Idaho Code, only the named points in the Notice of Contest of Elections may be argued.
 - (d) The Committee may send for and receive persons, papers, and records, whether written or oral, including from the Office of the Attorney General, other State Elected Officers, State officials, County Elected Officers, County officials, or other witnesses that the Committee determines will reasonably assist the Committee in the performance of its constitutional duty as a "judge of the election, qualifications and returns of its own members," Section 9, Article III, Idaho Constitution.
 - (e) In all other respects, the Committee will be governed by the rules of the legislature.
- (6) The Committee may adopt any of the following as part of the hearing procedures:
- (a) Permit the Parties to have counsel present at Committee meeting(s); and
 - (b) Establish a time limit for the CONTESTEE and CONTESTOR to argue their positions to the Committee.
- (7) Neither CONTESTEE nor CONTESTOR, nor their counsel, may participate in ex parte communication with any member of the Idaho Legislature regarding the merits of the Contest of Election prior to final determination.
- (8) Service of all Record, Memorandum, Responsive Memorandum, motions, or objections must be made on the other Party as provided in Idaho Rules of Civil Procedure 5(b), excepting subpart 5(b)(2)(D). The Parties must also provide a proof of service as provided by Idaho Rules of Civil Procedure 5(e). The Parties must work in good faith to ensure reasonable and timely service, considering the limited time periods.
- (9) Nothing in this rule limits or restricts the Legislature in the performance of its duties as the judge of the election.

Adopted by the Senate March 21, 2017

Adopted by the House March 27, 2017

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH 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 First Regular Session of the Sixty-fourth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 9, 2017.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth 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 9, 2017, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 9, 2017

Adopted by the Senate January 9, 2017

(H.C.R. No. 3)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF THE INCREASING DEMANDS ON UNPAID FRIEND AND FAMILY CAREGIVERS, THE GROWING NUMBER OF FAMILY MEMBERS NEEDING CARE, THE COMPLEXITY OF CARE AND THE LACK OF SUPPORT AND TRAINING FOR CAREGIVERS, AND SUPPORTING THE RECOMMENDATIONS IN THE IDAHO LIFESPAN FAMILY CAREGIVER ACTION PLAN DEVELOPED BY THE IDAHO CAREGIVER ALLIANCE.

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

WHEREAS, annually more than 300,000 adults in Idaho, 200,000 at any given time, provide care to family members, relatives or friends, which equates to an estimated value of \$2 billion per year; and

WHEREAS, an estimated 53,000 Idaho children have a special health care need, and nearly 19,000 have a serious emotional disorder; and

WHEREAS, the population of the state that is 65 years of age and older is the fastest growing population in the state, projected to reach 370,000 in 2032; and

WHEREAS, an estimated 77,000 unpaid family caregivers are caring for approximately 22,000 Idahoans with Alzheimer's disease or a related disorder; and

WHEREAS, the costs of family caregiving include lost income to the caregiver and lost productivity to the caregiver's employer; and

WHEREAS, family caregivers are an essential part of Idaho's health care system, providing uncompensated support and care to ill or disabled family members or loved ones; and

WHEREAS, family caregivers increasingly manage complex medical and/or psychological conditions without the support and training they need; and

WHEREAS, caregiving takes its toll on caregiver health and well-being and affects the entire family; and

WHEREAS, providing services and support to Idahoans in their homes and communities is generally less expensive than institutional care; and

WHEREAS, in 2010, there were six working-age adults for every older adult, but by 2020 that ratio will drop to three working-age adults for every older adult; and

WHEREAS, the Idaho Caregiver Alliance has joined with stakeholders across the state to develop and author Idaho's Lifespan Family Caregiver Action Plan, which provides recommendations for improving support for caregivers across the lifespan.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the unmet needs and significant contributions of Idaho's family caregivers across the lifespan; and

BE IT FURTHER RESOLVED that we understand the pressures created by the expanding number of people needing care in proportion to the diminishing number of family caregivers; and

BE IT FURTHER RESOLVED that we acknowledge the work of the Idaho Caregiver Alliance in its comprehensive review of caregiver issues; and

BE IT FURTHER RESOLVED that we support the Idaho Lifespan Family Caregiver Action Plan and its recommendations: to increase public awareness about family caregiving and its costs and benefits; to provide training for caregivers; to improve caregiver support, including respite resources; to integrate family caregivers into health care system transformations; and to develop methods for ongoing data collection and reporting to monitor changes and assure responsible use of public and private resources.

Adopted by the House February 13, 2017

Adopted by the Senate February 21, 2017

(H.C.R. No. 5)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO DEPARTMENT OF LANDS RELATING TO RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO.

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 Department of Lands relating to Rules Governing Conservation of Oil and Natural Gas in the State of Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho, Rules of the Idaho Department of Lands, adopted as a pending rule under Docket Number 20-0702-1601, 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 15, 2017

Adopted by the Senate March 2, 2017

(H.C.R. No. 8)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES GOVERNING THE IDAHO CHILD CARE 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 Department of Health and Welfare relating to Rules Governing the Idaho Child Care Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.06.12, Department of Health and Welfare, Rules Governing the Idaho Child Care Program, Section 750., Subsection 10., only, adopted as a pending rule under Docket Number 16-0612-1601, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 22, 2017

Adopted by the Senate March 2, 2017

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING EFFORTS TO ALLEVIATE THE EFFECTS OF RARE DISEASES ON IDAHOANS.

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

WHEREAS, nearly 7,000 diseases and conditions are considered rare, and though each affects fewer than 200,000 Americans, rare diseases as a group affect almost 30 million Americans; and

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

WHEREAS, Idaho is ranked last in the nation for the number of pediatric physicians per capita; and

WHEREAS, there are only 250 pediatric physicians in Idaho, and 110 are located in Boise; and

WHEREAS, there are only eight pediatric neurologists in Idaho, six of whom practice in Boise; and

WHEREAS, pediatric physicians and neurologists have an average waiting list of eight to nine weeks; and

WHEREAS, once a diagnosis of "rare disease" is made, many Idaho patients are referred to neurological clinics in surrounding states for evaluation and treatment; and

WHEREAS, travel for evaluation and treatment is a financial and emotional hardship for patients, families and caregivers; and

WHEREAS, individuals and families affected by rare diseases often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, limited treatment options and difficulty accessing or being reimbursed for treatment; and

WHEREAS, thousands of Idaho residents are among those affected by rare diseases, as nearly one in ten Americans has a rare disease.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports efforts to alleviate the effects of rare diseases on Idahoans, and especially on Idaho children, including efforts to educate pediatric physicians about rare diseases, to coordinate communication among pediatric physicians, specialists and patients, to increase patient access to pediatric neurologists, and to recruit more pediatric neurologists to practice in this state.

Adopted by the House March 1, 2017

Adopted by the Senate March 14, 2017

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING RAY HOUSTON, UPON HIS RETIREMENT, FOR HIS SERVICE TO THE LEGISLATURE AND TO THE PEOPLE OF IDAHO.

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

WHEREAS, on June 26, 1989, Ray Houston was hired as a financial management analyst in the Legislative Budget Office, which eventually became the Division of Budget and Policy Analysis in the Legislative Services Office; and

WHEREAS, Ray was promoted to legislative budget analyst in 1992, to senior budget and policy analyst in 1994, and to principal budget and policy analyst in 1997; and

WHEREAS, Ray, as the analyst assigned to natural resources, assisted in the preparation of hundreds of budgets and offered expertise and guidance to numerous legislative committees; and

WHEREAS, in his many years serving the Legislature and the public, Ray's dedication and commitment to his duties, as well as his friendliness and humor, have earned the respect and gratitude of legislators and colleagues alike; and

WHEREAS, Ray grew up in Twin Falls and attended the College of Southern Idaho, Idaho State University and the University of Idaho, attaining multiple degrees; and

WHEREAS, Ray will be retiring in July 2017; and

WHEREAS, Ray's exemplary talents, dedication and professionalism will be greatly missed by the Legislature and by his colleagues.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize, honor and commend Ray Houston for his services to the Legislature and to the people of Idaho, and we wish him well in retirement.

Adopted by the House February 21, 2017

Adopted by the Senate March 2, 2017

(H.C.R. No. 12)

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 the evolving needs of students make it desirable to review the current funding formula; and

WHEREAS, the Education 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; and

WHEREAS, in 2016, the Idaho Legislature authorized the Public School Funding Formula legislative interim study committee to study the public school funding formula with HCR 33; and

WHEREAS, the Public School Funding Formula legislative interim committee held five meetings around the State of Idaho between July 2016 and December 2016, during which time it heard public testimony from stakeholders, received presentations from national, state and local experts, and oversaw a survey by the Board of Education of parents, teachers, school administrators and employees; and

WHEREAS, the issue of public school funding is highly complex and it was anticipated that the work would be a multi-year project; and

WHEREAS, the Public School Funding Formula legislative interim committee has preliminary recommendations to report to the Legislature; and

WHEREAS, it is desirable to reauthorize the committee in order to allow it to complete its study of the public school funding formula.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth 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 nonlegislative members of the committee.

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 the committee is also authorized to retain the services of a consultant or analyst, with the prior approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives,

who is familiar with education funding policy and who can provide necessary economic or other research that can assist the committee and the Legislature in making an informed decision on this important topic. With the exception of a consultant approved by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, nonlegislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House March 1, 2017

Adopted by the Senate March 14, 2017

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO CONTINUE A STUDY OF THE STATE EMPLOYEE GROUP INSURANCE PLAN STRUCTURE 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 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, in 2016, the Idaho Legislature authorized a legislative study committee to study the state employee group insurance plan structure and compensation package; and

WHEREAS, the 2016 State Employee Group Insurance and Benefits Committee met five times in 2016, hearing testimony and presentations from state agencies, local government and insurers; and

WHEREAS, during their meetings, the legislative study committee learned about different models and approaches to health care benefits, such as health savings accounts, high-deductible plans, accountable care organizations, direct primary care arrangements, patient-centered care, value-based provider reimbursement, an integrated partnership model between providers, carriers and patients, and a coordinated care organization model for Oregon Medicaid patients; and

WHEREAS, the legislative study committee also learned about the consequences to the State of Idaho of retaining or moving away from grandfathered status under the Affordable Care Act and of changing the current structure of health insurance for state employees to a self-insured model; and

WHEREAS, the legislative study committee's Final Report made a number of findings and recommendations, including reauthorizing the study committee for 2017 and employing a consultant to advise and assist the committee in

recommending a model of health care that contains the rising cost of health care but also provides quality health care to state employees and their dependents.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to continue the work of the 2016 State Employee Group Insurance and Benefits Committee in studying the state employee group insurance plan to include, but not be limited to, consideration of the costs and benefits of allowing the grandfathered status of the current plan to lapse, as well as the structural plan changes that will be required as a result; consideration of other cost-effective benefit plan changes while maintaining a total compensation and benefits package; 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.

BE IT FURTHER RESOLVED that the committee is also authorized to retain the services of a consultant or analyst, with the prior approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, who is familiar with health insurance and health care plans and who can provide advice and assistance to the committee in selecting the most appropriate form of employee health care benefit plan for recommendation to the Idaho Legislature.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House February 22, 2017

Adopted by the Senate March 20, 2017

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE 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 First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 42.01.01, Idaho Wheat Commission, Rules of the Idaho Wheat Commission, adopted as a pending rule under Docket Number 42-0101-1602, 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 24, 2017

Adopted by the Senate March 6, 2017

(H.C.R. No. 16)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE 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 First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 42.01.01, Idaho Wheat Commission, Rules of the Idaho Wheat Commission, adopted as a pending rule under Docket Number 42-0101-1601, 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 24, 2017

Adopted by the Senate March 6, 2017

(H.C.R. No. 17)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND SUPPORTING THE IMPORTANT HISTORY AND ONGOING CONTRIBUTIONS OF LEGAL IMMIGRANTS TOWARD THE BUILDING OF THE UNITED STATES.

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

WHEREAS, the United States of America was built by people from all over the world and the protection of legal immigrants through resettlement in the United States of America is a manifestation of the most deeply held values of the nation and of Idaho, namely our unshakable belief in justice and freedom and our compassion for those who suffer; and

WHEREAS, legal immigrants go through a comprehensive vetting process, swearing allegiance to and bearing goodwill toward the United States of America, and many have earned green cards, become citizens and call this country home; and

WHEREAS, Idaho communities were founded and established by hard-working people of a wide variety of ethnicities, ages, religions and backgrounds, such as the Basque, Scandinavians, Irish and more; and

WHEREAS, the State of Idaho has a long and proud history of providing opportunity to immigrants over the course of its history; and

WHEREAS, immigrants serve in our military, work for America's diplomatic interests, and work, volunteer and contribute to Idaho communities every day; and

WHEREAS, organizations in our country and state, including the Catholic Charities, Lutheran Community Services, Jewish synagogues and the Church of Jesus Christ of Latter-Day Saints, all work to help resettle immigrant families in Idaho; and

WHEREAS, immigrants include people fleeing poverty, persecution, oppression and war, and include women and children in need of safety; and

WHEREAS, America's immigrants have brought with them the character, talent, creativity, dynamism, determination and fortitude to help build the strongest and best nation on Earth; and

WHEREAS, the Idaho Legislature believes in protecting America's deeply held values and unshakable belief in justice, freedom and compassion for legal immigrants coming to America to find a new home and appreciates their contributions to Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do hereby recognize and support the important history and ongoing contributions of legal immigrants toward the building of our great nation.

Adopted by the House March 3, 2017

Adopted by the Senate March 16, 2017

(H.C.R. No. 19)

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.

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

WHEREAS, House Concurrent Resolution 59, passed by the Second Regular Session of the Sixty-third Idaho Legislature, authorized the Legislative Council to appoint the Foster Care Study Committee in order to accomplish a thorough study of issues related to foster care and report its findings and make recommendations to the First Regular Session of the Sixty-fourth Idaho Legislature; and

WHEREAS, the Joint Legislative Oversight Committee of the Second Regular Session of the Sixty-third Idaho Legislature enabled a study by the Office of Performance Evaluations to review and report on Idaho's Child and Family Services, specifically foster care, within the Idaho Department of Health and Welfare; and

WHEREAS, the Foster Care Study Committee recommended to the First Regular Session of the Sixty-fourth Idaho Legislature that an inquiry regarding visitation plans between children being taken into care and the biological parents should occur at the shelter care hearing wherein courts are encouraged to keep the best interest of the child in mind at this hearing; and

WHEREAS, the committee also encouraged the Idaho Department of Health and Welfare to continue to review its internal practices and confirm that they align with Idaho statutes and IDAPA and do not rely on past practices, especially in regards to placement priorities; and

WHEREAS, the committee recommended that the Idaho Department of Health and Welfare should further review its processes regarding the determination and definition of the term "consider" in placement priority and advance internal review and improvements to its processes and training manuals and materials to ensure alignment with Idaho statutes and IDAPA; and

WHEREAS, the Idaho Department of Health and Welfare should be supported in its efforts to work collaboratively with Idaho courts, guardians ad litem and birth and foster parents, as well as other stakeholders in determining placement decisions; and

WHEREAS, the Idaho Department of Health and Welfare is encouraged to train its staff regarding judicial review, which allows for contested permanent placement decisions to be denied by the court for any reason at the judge's discretion; and

WHEREAS, the Foster Care Study Committee recommends continuance of the examination by an interim committee of foster care issues, which were highlighted by the 2017 report submitted by the Office of Performance Evaluations; and

WHEREAS, the 2017 report by the Office of Performance Evaluations underscores the need for such efforts by noting that a new systems approach should be undertaken by the Idaho Department of Health and Welfare working in collaboration with stakeholders and policymakers; and

WHEREAS, the Office of Performance Evaluations states that Child and Family Services should work with the Idaho Legislature to develop a multi-year plan; and

WHEREAS, the Office of Performance Evaluations has noted that its 2005 report, which supplied recommendations regarding staffing, workload and caseload, did not receive a subsequent review by an interim committee, and the lack of follow-up has contributed to growing difficulties within the program.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth 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 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 advisory 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 Second Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House March 1, 2017

Adopted by the Senate March 14, 2017

(H.C.R. No. 23)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMEMORATING THE UNIVERSITY OF IDAHO ON ITS 125TH ANNIVERSARY.

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

WHEREAS, President Abraham Lincoln exhibited great foresight in establishing a system of public higher education through the first Morrill Act; and

WHEREAS, the University of Idaho, the state's public, national, land-grant, research institution, officially opened its doors on October 5, 1892; and

WHEREAS, Secretary of the Interior John W. Noble presented U.S. Representative and University of Idaho Regent Willis Sweet the first land-grant payment of \$15,000 on December 25, 1892; and

WHEREAS, the University of Idaho has awarded more than 118,000 degrees since its opening; and

WHEREAS, to this day, the University of Idaho continues to fulfill its land-grant mission of education, research and extension in all 44 Idaho counties; and

WHEREAS, continually since the first students arrived, the University of Idaho's staff, faculty and students have remained at the forefront of the state's intellectual and economic life; and

WHEREAS, in this year of our Lord 2017, the University of Idaho marks its 125th year of service to the citizens of our great state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate President Lincoln's creation of the Idaho Territory, his signing of the Morrill Act, and the resulting 125th year of outstanding education, research and extension by the University of Idaho and its continued service to the people of this great state.

Adopted by the House March 6, 2017

Adopted by the Senate March 13, 2017

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING MARCH 3, 2017, AS NATIONAL SPEECH AND DEBATE EDUCATION DAY IN IDAHO.

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

WHEREAS, the House of Representatives and the Senate recognize that National Speech and Debate Education Day is being celebrated on March 3, 2017; and

WHEREAS, established by the National Speech and Debate Association in conjunction with national and local partners, this event serves to promote better instruction in speech and debate across all grade levels and highlights the pivotal roles these abilities play in personal advocacy, social movements and public policy-making; and

WHEREAS, speech and debate education helps students to develop important skills in communication, critical thinking, creativity and collaboration through the practice of public speaking. Participants learn not only to analyze and express complex ideas effectively but also to listen, concur, question or dissent with reason and compassion; and

WHEREAS, across the country, countless educators devote in-school, after-school and weekend time to supporting their students in speech and debate practices and competitions, and the example of hard work and dedication they set has a lasting, positive impact on their pupils; and

WHEREAS, the skills learned through speech and debate serve students well throughout their lives, and this occasion presents a welcome opportunity to recognize such instruction as an essential component of a well-rounded curriculum.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby recognizes March 3, 2017, as National Speech and Debate Education Day in Idaho.

Adopted by the House March 7, 2017

Adopted by the Senate March 16, 2017

(H.C.R. No. 26)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING SONIA GALAVIZ FOR HER COMMITMENT TO HER STUDENTS AND HER EXEMPLARY CONDUCT AS AN IDAHO TEACHER.

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

WHEREAS, Sonia Galaviz was raised in northern Idaho in a family in which her parents achieved only an eighth-grade education, yet she grew up understanding the importance of hard work and education; and

WHEREAS, Ms. Galaviz graduated from Kellogg High School before moving to the Treasure Valley to attend Boise State University; and

WHEREAS, in 2002, Ms. Galaviz received her bachelor's degree in elementary education from Boise State University and began her teaching career teaching kindergarten in the Nampa School District; and

WHEREAS, in 2005, Ms. Galaviz received her master's degree in curriculum and instruction with a bilingual emphasis from Boise State University; and

WHEREAS, Ms. Galaviz believes in creating a classroom culture involving the family and home cultures and takes time to visit each student's home before the start of the school year; and

WHEREAS, Ms. Galaviz builds partnerships with her students and their families and designs curriculum to include the families in projects, the scaffolds that help them help their children with homework, and the opportunities to visit the classroom and celebrate their students' work; and

WHEREAS, Ms. Galaviz encourages students to help their communities by volunteering with organizations such as Rake Up Boise and the Salvation Army; and

WHEREAS, in 2006, Ms. Galaviz was named the Endeavor Elementary Teacher of the Year awarded by the Nampa School District; and

WHEREAS, in 2009, Ms. Galaviz was named as one of the Idaho Business Review's Women of the Year for her outstanding leadership, mentoring efforts and community involvement; and

WHEREAS, in 2011, Ms. Galaviz was recognized by the Southern Poverty Law Center with the Teaching Tolerance Award for Excellence in Culturally Responsive Teaching for finding her students' hidden strengths through her home visits and for supplementing her curriculum with authentic materials and experiences that reflect the cultures of her Mexican-American, Asian, American Indian and white students; and

WHEREAS, in 2013, Ms. Galaviz was awarded the Sam Cikaitoga Award by the Idaho Education Association for her work in helping her students celebrate the ways they are alike and downplaying their differences; and

WHEREAS, Ms. Galaviz dedicates numerous efforts to bring STEM engagement to her students at Garfield Elementary School in the Boise School District and works to create community partnerships to further STEM education not only for her students but also for others; and

WHEREAS, Ms. Galaviz was awarded a \$10,000 grant from NASA and Boise State University to create STEM backpacks for the students at Garfield Elementary School; and

WHEREAS, in 2016, Ms. Galaviz was honored by the Idaho STEM Action Center with the Industry's Excellent Educators Dedicated to STEM, or INDEEDS, Award; and

WHEREAS, in 2016, Ms. Galaviz received the Marsha Nakamura Teaching Excellence Award by the Idaho Education Association for her professional practice, advocacy, community engagement, leadership in professional development and attention to diversity; and

WHEREAS, on February 10, 2017, Ms. Galaviz received the NEA Foundation Award for Teaching Excellence, the top award out of forty national finalists, for attaining the highest teaching standards, her exemplary instruction, her advocacy for her profession and her staunch support for public education.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Sonia Galaviz as an exemplary teacher and Idaho citizen for her unparalleled devotion to her students and their families, her success with diverse classrooms and community groups, her passion for STEM education, and her consummate service to the Idaho education profession.

Adopted by the House March 14, 2017

Adopted by the Senate March 22, 2017

(H.C.R. No. 27)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF EDUCATION RELATING TO RULES GOVERNING ADMINISTRATION.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Board of Education relating to Rules Governing Administration are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.01, Rules Governing Administration, Section 801., Subsections 05.a., 05.b., 06.a.i., 06.a.ii., 06.a.iii., 06.a.iv., 06.c.i., and 06.c.iii., only, adopted as a pending rule under Docket Number 08-0201-1602, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 20, 2017

Adopted by the Senate March 22, 2017

(H.C.R. No. 28)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING FORMER CHIEF JUSTICE JIM JONES UPON HIS RETIREMENT FROM FIFTY YEARS OF PUBLIC SERVICE.

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

WHEREAS, Jim Jones was born in Twin Falls and raised on his family's farm near Eden, Idaho; and

WHEREAS, Jim served as an artillery officer in the United States Army in Vietnam in the late 1960s, receiving the Bronze Star; and

WHEREAS, while serving in Vietnam, Jim volunteered at an orphanage run by the Cao Dai Church in Tay Ninh Province; and

WHEREAS, upon his discharge from the United States Army, Jim served as a legislative assistant to former United States Senator Len B. Jordan from 1970 to 1973; and

WHEREAS, Jim returned to Idaho in 1973 and opened a private law office in Jerome, Idaho; and

WHEREAS, in 1982, Jim was elected Idaho Attorney General and was re-elected in 1986; and

WHEREAS, while Attorney General, Jim played a key role in negotiating the Swan Falls Settlement, which set the stage for the Snake River Basin Adjudication, and promoted Idaho water management; and

WHEREAS, as Attorney General, Jim was instrumental in defending Idaho's sovereignty over its water and other natural resources; and

WHEREAS, Jim was active in the Conference of Western Attorneys General and led the successful effort for adoption of a Executive Order 12612 by President Reagan on "Federalism"; and

WHEREAS, Jim received the Torch of Liberty Award from the Anti-Defamation League of B'nai B'rith in recognition of his fight against discrimination; and

WHEREAS, from 1990 to 2004 Jim maintained a private practice in Boise, advocating for the rights of all Idahoans; and

WHEREAS, Jim was elected to the Idaho Supreme Court in 2004, having run unopposed in a nonpartisan election to fill the open seat of retiring Justice Wayne Kidwell; and

WHEREAS, Jim was reelected to the Idaho Supreme Court in May 2010, again unopposed, and became Chief Justice in August 2015; and

WHEREAS, as a Justice, Jim forcefully advocated for the Idaho State Bar's pro bono program, of which he was a founding member and chairman; and

WHEREAS, Jim continues to be a strong voice in the movement to increase access to the courts through reducing litigation costs and increasing court assistance services; and

WHEREAS, Jim demonstrated his independence and commitment to the rule of law as a Justice on the Idaho Supreme Court; and

WHEREAS, Jim believes an informed and active citizenry is critical to the functioning of our form of government, and has witnessed many instances where a concerned citizen saw a problem, rallied support and solved the problem; and

WHEREAS, Jim's numerous contributions to the community include chairing the Special Committee on Governmental Ethics, Lobbying and Political Campaign Financing with former Governor Cecil Andrus and former Supreme Court Justice Charles McDevitt and serving as the founding director of the Idaho Vietnam Veterans Leadership Program; and

WHEREAS, Jim has captivated us all with his quick wit and puns; and

WHEREAS, Jim has made immeasurable contributions to the Idaho judicial system through his carefully reasoned and honest opinions; and

WHEREAS, Jim has been an exemplary public servant to his nation and state, having served with courage, independence of thought and strong moral character; and

WHEREAS, Jim elected to retire from the Supreme Court in 2017, at the end of his second term.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor, commend and congratulate Jim Jones for his 50 years of public service to the citizens of Idaho and the United States of America.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is authorized to forward a copy of this resolution to Jim Jones.

Adopted by the House March 14, 2017

Adopted by the Senate March 17, 2017

(H.C.R. No. 29)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE THE PURCHASE OF, FINANCE OR CONSTRUCT NEW, OR PURCHASE EXISTING, OFFICE AND/OR WAREHOUSE SPACE TO ESTABLISH A SINGLE-DESTINATION COMPLEX TO HOUSE STATE AGENCIES.

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

WHEREAS, the State of Idaho currently leases more than 800,000 square feet of office and warehouse space in Ada County at an annual lease cost of \$12.2 million; and

WHEREAS, the cost of leasing will continue to grow as lease rates negotiated during the great recession become open to renegotiation; and

WHEREAS, the Idaho State Tax Commission, the Idaho Department of Fish and Game and the Idaho Department of Finance currently occupy more than 159,000 square feet of office space in a facility being purchased by an owner with no interest in leasing to third parties; and

WHEREAS, other state agencies occupying 478,000 square feet of office space and 82,000 square feet of warehouse space have leases expiring within the next 5 years; and

WHEREAS, the state recognizes that the lowest long-term occupancy cost is achieved through ownership, making ownership the most conservative policy choice; and

WHEREAS, state agencies need a dependable, predictable location to conduct business outside of the control of third-party owners; and

WHEREAS, by grouping agencies in a single location, costs can be shared and reduced, while citizens are better served; and

WHEREAS, the timing is favorable for bonding the purchase of state office buildings, due to historically low interest rates; and

WHEREAS, the state has executed an exclusive right to negotiate for a period of 45 days following the adoption of this resolution, in conjunction with a letter of intent, the purchase of property located at 11311 Chinden Boulevard, Boise, Idaho commonly referred to as the HP Campus, with Hewlett-Packard, Inc. maintaining its current level of occupancy through a lease with the state as part of the purchase agreement.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature authorizes and approves the Department of Administration, in consultation with legislative leadership, to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide financing to construct new, or purchase existing, office and/or warehouse space to establish a single-destination complex to house state agencies.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.

BE IT FURTHER RESOLVED that it is the intent of the Legislature that due to the tax-exempt status of state-owned property, a property tax shift could result to other property owners in those affected taxing districts, and those taxing districts should remove the assessed value of this property from their budget capacity pursuant to Section 63-802, Idaho Code.

Adopted by the House March 22, 2017

Adopted by the Senate March 24, 2017

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, LAWRENCE 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-fourth Legislature of the State of Idaho, First Regular Session thereof, which convened on January 9, 2017, and which adjourned on March 29, 2017, 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 fifth day of May, 2017.

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.

CONSTITUTIONAL AMENDMENT

**Submitted for Vote at General Election
November 8, 2016**

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.

Approved at General Election, November 8, 2016.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2016-02CONTINUING THE IDAHO HEALTHCARE COALITION

WHEREAS, Executive Order 2010-15 established the Governor's Idaho Health Care Council to effectuate the implementation of State health care initiatives; and

WHEREAS, Executive Order 2010-15 acknowledged the need for the State of Idaho to prepare and develop a plan to effectively address health care delivery; and

WHEREAS, the Idaho Health Care Council was directed to identify short- and long-range opportunities and issues created by the enactment of health care reform; and

WHEREAS, Executive Order 2010-10 established the Idaho Medical Home Collaborative (Collaborative) to implement a patient-centered medical home (PCMH) model of care to address the transformation of Idaho's health care system to a PCMH model; and

WHEREAS, the Collaborative launched a PCMH Pilot in January 2013 that implements guidelines for a PCMH model, a common definition of PCMH, PCMH qualifications, standards, and eligibility criteria, and common payment formulas for PCMH providers; and

WHEREAS, the work of the Collaborative provided the foundation for development of a State Healthcare Innovation Plan (SHIP) which outlines a blueprint for redesigning Idaho's healthcare system; and

WHEREAS, Executive Order 2014-02 established the Idaho Healthcare Coalition to advise the SHIP in the development of an integrated, coordinated healthcare system in Idaho that focuses on improved population health, improved individual health outcomes and cost efficiencies sunsets in February 2016; and

WHEREAS, the SHIP will continue to work towards a redesign of Idaho's healthcare system to integrate and coordinate care across all healthcare services in the State, yielding cost efficiencies and improved population health, through February 2019; and

WHEREAS, the SHIP details how Idaho's healthcare system today is defined by severe workforce shortages across healthcare professions, limiting access to services; and

WHEREAS, the SHIP finds that many primary care practices are without the resources and supports needed to implement quality initiatives, adopt advanced health information technology, at times resulting in inefficient care; and

WHEREAS, the SHIP describes a current payment system that pays for volume of services and does not incentivize or reward quality care, resulting in ever-rising healthcare costs; and

WHEREAS, the SHIP prioritizes building a robust primary care system statewide through the delivery of services in a patient-centered medical home (PCMH) model of patient-centered, team-based care, coordinated with the extended medical neighborhood that includes secondary and tertiary care consultants, hospitals, behavioral health, and other community support services; and

WHEREAS, the SHIP identifies the differing needs of primary care providers in both rural and urban areas of the state and recommends development of specific resources to address those varying needs; and

WHEREAS, the SHIP acknowledges the flaws of the current competitive market fee-for-service model of reimbursement and the need to shift to a reimbursement system that promotes and rewards quality; and

WHEREAS, in the transformation of the healthcare system to a well-integrated model that focuses on patient health outcomes, a high degree of coordination and collaboration between providers, payers and consumers

of healthcare services is necessary to achieve the goal of developing an integrated, coordinated, efficient and economical healthcare system; and

WHEREAS, the state of Idaho has an interest in health care costs and finds that collaboration will promote quality and slow the rise of health care costs, and is in the best interest of the public; and

WHEREAS, the SHIP recommends creating a voluntary system that promotes primary care practice advancement under the PCMH model while respecting the long-standing culture in Idaho of provider and payer autonomy.

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. The IHC is charged with continuing to expand on the work of the Idaho Health Care Council by leading development of an integrated, coordinated healthcare system in Idaho that focuses on improved population health, improved individual health outcomes and cost efficiencies.
2. The Department of Health and Welfare, an agency of the State of Idaho, will continue to actively supervise and oversee the activities of the IHC.
3. Members of the IHC shall be appointed by and serve at the pleasure of the Governor and include representatives from the Idaho Health Care Council, the Idaho Medical Home Collaborative, and others from the healthcare provider community, private and public payers, policy makers, and consumers.
4. The chair of the IHC shall be appointed by the Governor from its members.
5. The IHC shall continue to:
 - a. facilitate and support the transformation of primary care practices to the PCMH model;
 - b. provide guidance to regional collaboratives established to support local practices in transformation and integration of PCMHs with the medical neighborhood that includes secondary and tertiary care consultants, hospitals, behavioral health, and other community support services;
 - c. recognize the critical issues related to Idaho's healthcare provider workforce shortage and work closely with the Idaho Health Professions Education Council, established by executive order in 2009, to ensure that SHIP activities align with the Council's workforce development strategies;
 - d. monitor established quality outcome measures and methods to collect and analyze individual patient and population health outcomes;
 - e. advance primary care payment methods that align with the PCMH model, encouraging public and private payers to reimburse for improved health outcomes rather than volume of visits;

- f. provide guidance to expand health information technology (HIT) at the practice level, enhancing PCMHs' use of electronic health records (EHRs), enabling the coordination of care for patients between providers using interoperable technology connections, reducing the cost and redundancies found in the current healthcare delivery system and, at the state level, compiling population health data for quality measurement and improvement;
- g. develop a long-range plan for sustainability and growth of Idaho's transformed healthcare system; and
6. The IHC shall provide quarterly progress reports, through the Department of Health and Welfare to the Governor.
7. This EO will be effective for 3 years.



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 7th day of April 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

EXECUTIVE ORDER NO. 2016-03

CREATING THE OFFICE OF ENERGY AND MINERAL RESOURCES WITHIN
THE OFFICE OF THE GOVERNOR
REPEALING AND REPLACING EXECUTIVE ORDER 2012-08

WHEREAS, energy production, generation, transmission and conservation are vital to Idaho; and

WHEREAS, mineral acquisition, production and exploration are key contributors to Idaho's economy; and

WHEREAS, stable, reliable and cost-competitive long-term energy supplies are critical to the well-being and future of Idaho; and

WHEREAS, it is the responsibility of State government to coordinate energy and mineral planning and policy development for Idaho; 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:

1. Creation of the "Office of Energy and Mineral Resources" within the Office of the Governor.
2. The term "energy" as used in this Executive Order shall include, but is not limited to, electricity, oil, natural gas, bio-energy, nuclear energy, renewable energy and transportation fuels.

3. The term "mineral" as used in this Executive Order shall include, but is not limited to, naturally occurring, inorganic, metallic, non-metal or solid energy substances that are leasable, salable or locatable.
4. The Governor shall appoint an administrator ("Administrator") to lead the Office of Energy and Mineral Resources ("Office"). The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Senate. The Administrator shall be the official in Idaho designated to oversee energy and mineral planning, policy and coordination, and to fulfill the duties provided in the Executive Order.
5. Employees of the Office shall be non-classified for the purpose of Chapter 53, Title 67 of the Idaho Code.
6. The duties, powers and authorities of the Office of Energy and Mineral Resources shall include:
 - a. Serve as Idaho's clearing house and first point of contact for energy and mineral information, including addressing policy inquires, and providing information regarding issues;
 - b. Coordinating the State's energy and mineral planning development efforts;
 - c. Advising the Governor, the Legislature and other public officials of the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;
 - d. Coordinating and cooperating with federal and state agencies, departments and divisions and local governments on issues concerning the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;
 - e. Pursuing and accepting federal delegation of responsibility and authority for matters that affect the energy supply, transmission, management, consumption and conservation by the citizens of Idaho other than energy codes and standards for buildings and those matters under the jurisdiction of the Idaho Public Utilities Commission;
 - f. Advising the Governor, the Legislature and other public officials of the State's mineral acquisition, exploration and production planning and policy development efforts;
 - g. Coordinating and cooperating with federal and state agencies, departments and divisions, and local governments on issues concerning the State's mineral supply and management;
 - h. Pursuing and accepting federal delegation of responsibility and authority for matters that affect the mineral supply, management, acquisition, exploration and development;
 - i. Coordinating, supporting and overseeing the Idaho Strategic Energy Alliance;
 - j. Assisting State agencies, departments, divisions and local governments to secure funding where available for energy conservation projects and renewable energy resource opportunities;
 - k. Administering energy loan programs and other forms of financial assistance for eligible projects;

1. Entering into other agreements or contracts and do that which is necessary to carry out the provisions of this Executive Order and in the performance of other duties as may be directed by the Governor.
7. The Office may accept private contributions, state or federal funds, funds from other public agencies or any other sources. The money shall be expended solely for the purposes provided in the Executive Order and accounted for as provided by law.
8. All orders, regulations, contracts and licenses which are in effect at the time this Executive Order is signed shall continue in effect according to their terms until modified or terminated.
9. The duties, responsibilities and authority of this Executive Order shall not alter any existing responsibilities, jurisdiction or planning functions of State agencies established by State or federal law; nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the office over activities that are subject to the jurisdiction of another State agency including the Idaho Public Utilities Commission, the Idaho Department of Lands, the Idaho Department of Environmental Quality and the Idaho Department of Water Resources.

The 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 18th day of October in the year of our Lord 2016, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2016-04

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
REPEALING AND REPLACING EXECUTIVE ORDER 2015-02

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;

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 that:

1. The Idaho Workforce Development Council (the "Council") is established in accordance with section 101(a), (e) of the Workforce Innovation and Opportunity Act (WIOA) of 2014.
2. The Council shall consist of not more than 27 members appointed by the Governor, consistent with federal nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:
 - a. Representatives of business and industry shall comprise at least 40 percent of the members;
 - b. At least 15 percent of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary professional technical educational institutions;
 - c. At least 15 percent of the members shall be representatives of organized labor based on nominations from recognized state labor federations;
 - d. Representatives from the Department of Commerce, Department of Labor, the State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation and the Superintendent of Public Instruction;
 - e. A representative of a community-based organization.
3. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on matters related to workforce development policy and programs.
4. The Council will assist the Governor in fulfilling the requirements of the State Board set forth in WIOA section 101(d).
5. The Council will carry out the functions of the local board on behalf of the statewide planning area as provided in WIOA section 107(d).
6. The Council also shall be responsible for:
 - a. Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;
 - b. Development and oversight of procedures, criteria and performance measures for the Workforce Development Training Fund established under Section 72-1347B, Idaho Code; and
 - c. Such other duties as assigned by the Governor.
7. The Council may empanel subcommittees, appointed by the chair. Subcommittee members may include individuals from the general public who have special knowledge and qualifications to be of assistance to the Council.
8. The Governor shall name the chair and vice-chair from among the private sector members of the Council.

9. The Council shall be jointly staffed by a management team of directors or administrators of state agencies that administer workforce development programs, as designated by the Governor. Funding for the council shall be provided by the agencies staffing the council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing administrative and logistical support to the Council.
10. The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.



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 2nd day of November in the year of our Lord 2016, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2016-05

CONTINUING THE LEWIS AND CLARK TRAIL COMMITTEE

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, the trail passes through multiple state and federal jurisdictions and private property, it is important that Idaho have an official organization to promote responsible recreational use and tourism associated with the trail and assure the protection and stewardship of this historic resource;

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 continue the Idaho Governor's Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on preserving and managing the Lewis and Clark Trail and activities relating to the Lewis and Clark Expedition.

The Committee shall:

1. Coordinate activities among and partner with federal, state, local and private agencies and organizations to protect the Trail and to promote responsible use of the trail;
2. Advise the Office of the Governor, the Idaho State Legislature, the Idaho Congressional Delegations, Idaho Commissions, Bureaus, agencies and committees regarding activities and policies that relate to the Trail and the history of the Lewis and Clark Expedition;

3. Promote educational opportunities about the Trail through financial support and technical assistance;
4. Sustain the current infrastructure and programs along the Lewis and Clark Trail corridor in Idaho, many of which were initiated with the Committee's financial support during the Lewis and Clark bicentennial;

The Committee shall consist of no more than nine (9) persons who are appointed by the Governor and serve at his pleasure.

The voting membership of the Committee shall include:

1. The President of the Idaho Chapter of the Lewis and Clark Trail Heritage Foundation, Inc.;
2. A representative of the Idaho State Historical Society;
3. A representative of the Idaho Department of Parks and Recreation;
4. The Governor or his designee;
5. Five Idaho residents with a demonstrated interest in Lewis and Clark history.

In addition, each of the following organizations may be invited to appoint one non-voting, ex-officio member:

Nez Perce Tribal Executive Council
 Shoshone-Bannock Tribal Council
 Bureau of Land Management
 National Park Service
 USDA Forest Service

The Committee shall elect its own chairperson and have regular meetings as determined by the majority of the Committee and called by the Chairperson.

Members will serve without compensation except for travel expenses. Operating funds will be from the sale of Lewis and Clark license plates, gifts, grants or other donations.

The Executive Order shall cease to be effective December 31, 2018.



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 7th day of December in the year of our Lord 2016, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
 GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
 SECRETARY OF STATE

EXECUTIVE ORDER NO. 2016-06CONTINUING THE GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK

WHEREAS, Idaho's children are her most valuable resource; and
WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and
WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans; 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 the continuance of the Governor's Task Force on Children at Risk (Task Force).

The Task Force is responsible for reviewing and developing programs, as well as facilitating local jurisdictions to operate programs designed to improve:

- a. The handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation;
- b. The handling of cases of suspected child abuse or neglect-related fatalities;
- c. The investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
- d. The handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.

Further, the Task Force shall establish and support a statewide child fatality review team (CFRT) to allow comprehensive and multidisciplinary review of deaths of children younger than 18 years old, in order to identify what information and education may improve the health and safety of Idaho's children. The statewide CFRT established and supported by the Task Force is separate and apart from child death reviews convened by the Department of Health and Welfare in circumstances where the death of a child is suspected or confirmed to have resulted from abuse or neglect.

The Task Force shall be composed of not more than 18 members appointed by the Governor. The membership shall include, but will not be limited to, the following, with consideration of geographical representation:

- Law Enforcement Community
- Criminal Court Judge
- Civil Court Judge
- Prosecuting Attorney
- Defense Attorney
- Child Advocate Attorney
- Court Appointed Special Advocate Representative
(where such programs operate)
- Health Professional
- Mental Health Professional
- Child Protective Service Agency
- Individual experienced in working with children with disabilities

- Parent Group Representative
- Education Representative
- Juvenile Justice Representative
- Adult former victim of child abuse or neglect
- Individual experienced in working with homeless children/youth

The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Members of the Task Force shall elect their chair from among their members.

The Task Force shall submit a written report by June 1 of each year to document its efforts.

The Department of Health and Welfare shall be the fiscal agent, providing support for the Task Force, and shall monitor contracts for staff to carry out the activities directed by the Task Force, as Children's Justice Act Grant funding is available.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 7th day of December in the year of our Lord 2016, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2016-07

CONTINUING APPOINTMENT OF MEMBERS OF THE BOARD OF ENVIRONMENTAL QUALITY

WHEREAS, the State of Idaho administers the Clean Air Act, 42 U.S.C. 7401 et seq., through provisions of State law identified and described in a State Implementation Plan (SIP);

WHEREAS, the Idaho Board of Environmental Quality is authorized to make final administrative appeal determinations regarding air quality permits and enforcement orders;

WHEREAS, section 128 of the Clean Air Act requires Idaho's SIP to include the following provisions:

- (1) Any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter; and
- (2) Any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers shall be adequately disclosed.

WHEREAS, Idaho Code § 39-107(1) (a) provides:

The board of environmental quality shall consist of seven (7) members who shall be appointed by the governor, with the advice and consent of the senate. The members shall serve at the pleasure of the governor. Each member of the board shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector, and shall be appointed to assure appropriate geographic representation of the state of Idaho. Not more than four (4) members of the board shall be from any one (1) political party. Two (2) members of the board shall be chosen with due regard to either knowledge and interest in solid waste; two (2) members shall be chosen for their knowledge of and interest in air quality; two (2) members shall be chosen for their knowledge and interest in water quality; and one (1) member shall be chosen with due regard for their knowledge of and interest in air, water and solid waste issues.

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 the appointment of members to the Idaho board of environmental quality shall be made in conformance with the requirements of Idaho Code section 39-107(1) (a), and section 128 of the Clean Air Act (2 U.S.C. 7428).



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 14th day of December in the year of our Lord 2016, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-01

EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY
AND TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF
SERVICE REGULATIONS UNDER IDAHO LAW TO HELP MEET FUEL DEMANDS

WHEREAS, the people of Idaho are faced with continued extremely harsh winter conditions; and

WHEREAS, these conditions have caused an increased short-term demand for propane, heating oil, and diesel fuel and necessitate the timely delivery of these products by commercial delivery trucks; and

WHEREAS, limited petroleum production in Idaho has disrupted the ability of industry to provide consistent and timely availability of fuel stocks to bulk distributors, causing delay in the loading and transport times of these supplies by commercial delivery trucks; and

WHEREAS, these shortages and delays may threaten the health, property, and welfare of Idahoans, warranting the declaration of a short-term energy emergency; and

WHEREAS, under IDAPA 11.13.01.009, the Governor, via the Idaho State Police, may suspend the provisions of any agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency upon a declaration of emergency by the Governor; and

WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Idaho, provided for in Idaho Code § 67-2901B and IDAPA 11.13.01.004.03, will assist Idahoans by facilitating and expediting the distribution of petroleum products;

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 declare that a state of energy emergency exists in Idaho, as defined in IDAPA 11.13.01.009, and order as follows:

1. A temporary suspension of "hours of service" regulations, as provided in Idaho Code § 67-2901B (incorporating by reference IDAPA 11.13.01.004.03, which, in turn, incorporates by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while transporting fuel.
2. This order pertains only to carriers actively involved in transporting any flammable or liquid gas, such as propane, heating fuel, and diesel fuel used specifically in the heating of homes.
3. Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.
4. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.
5. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in Idaho Code § 67-2901(B), must be followed.

The Executive Order is effective January 4, 2017, and expires on, January 27, 2017.



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 4th day of January in the year of our Lord 2017, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-02FINDINGS OF THE IDAHO CYBERSECURITY CABINET TASK FORCE

WHEREAS, Executive Order 2015-07 established the Idaho Cybersecurity Task Force (Task Force) to detect and identify threats and vulnerabilities in state government networks; and

WHEREAS, Executive Order 2015-07 directed the Task Force to make recommendations on best practices to manage and reduce cyber risks; and

WHEREAS, the members of the Task Force have met with national experts, business and industry experts and counterparts in other states to understand best practices in cybersecurity; and

WHEREAS, the Task Force has finalized a list of initial recommendations;

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. The appointment of a Director of Information Security reporting directly to the Governor to oversee implementation of statewide cybersecurity policies, ensure compliance with this executive order, and develop a potential audit process.
2. All state agencies to immediately adopt and to implement by June 30, 2017, the National Institute of Standards and Technology (NIST) Cybersecurity Framework in order to better foster risk and cybersecurity management communications and decision making with both internal and external organizational stakeholders.
3. All executive branch agencies to implement the first five (5) Center for Internet Security Critical Security Controls (CIS Controls) for evaluation of existing state systems by June 30, 2018. Updates on adoption of the NIST Cybersecurity Framework and implementation of CIS Controls will be included in each agency's strategic plan submission to the Division of Financial Management (DFM).
4. The State Department of Administration to facilitate annual penetration tests and annual vulnerability scans on state technology systems in order to identify steps to mitigate identified risks. All reports generated from these activities should be made available to the Director of Information Security.
5. The State Division of Human Resources, in conjunction with all executive branch agencies, to compile and review cybersecurity curriculum for mandatory education and training of state employees, and to determine appropriate levels of training for various classifications of state employees.
6. All executive branch agencies to develop employee education and training plans and submit such plans within 90 days of the issuance of this executive order to the Director of Information Security. The plans shall describe how existing and new state employees will receive the statewide mandatory education and training module on cybersecurity before being granted access to state systems.
7. All executive branch agencies to require that all state employees complete the state's annual cybersecurity training commensurate with their highest level of information access and core work responsibilities.

8. The State Department of Administration, in collaboration with the Director of Information Security and the Idaho Office of Emergency Management, to create, coordinate, publish, routinely update and market a statewide cybersecurity website as an information repository for intelligence sharing and cybersecurity best practices.
9. The Director of Information Security, in order to promote the cyber resiliency of the entire State of Idaho, to develop a public outreach program for local government, private business and Idaho citizens to share best practices and current information regarding cybersecurity.
10. All public-facing state agency websites to include a link to the statewide cybersecurity website -- www.cybersecurity.idaho.gov.



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 16th day of January in the year of our Lord 2017, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-03

CREATING THE IDAHO STRATEGIC ENERGY ALLIANCE

WHEREAS, it is the policy of the State of Idaho to promote development of the state's energy resources to increase energy supply in an economically efficient manner while maintaining the integrity of Idaho's natural resources; and

WHEREAS, the State of Idaho encourages public dialogue and educating citizens on the importance of the state's diverse energy portfolio; and

WHEREAS, the presence of an affordable, reliable and abundant energy supply is critical for our state and national economy while reducing dependence on foreign energy sources; and

WHEREAS, developing Idaho's energy resources will benefit the state by creating diverse, sustainable forms of energy and new job opportunities for Idahoans; and

WHEREAS, the state's energy portfolio should emphasize the importance of an affordable, reliable and secure energy supply, as well as diverse energy resources and production methods, while providing the highest value to the citizens of 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 the following:

1. The continuation of the Idaho Strategic Energy Alliance (Alliance) as an effort between the State of Idaho and interested stakeholders to facilitate the discussion of a sound energy portfolio for Idaho.
2. The responsibilities of the Alliance shall be to provide information to and a forum for open discussion with elected officials, stakeholders and the public through a Board of Directors. The focus of this information and discussion will be to:
 - a. Increase awareness and understanding of Idaho's diverse energy resources;
 - b. Increase awareness of cost-effective energy efficiency and conservation opportunities within Idaho;
 - c. Improve cooperation, collaboration and communication among public and private-sector entities in the areas of energy efficiency, conservation, and affordable and sustainable energy development; and
 - d. Provide a forum to showcase Idaho's new and innovative energy technologies.
3. Membership of the Board of Directors shall include, but not be limited to, stakeholder representatives and the following representatives of State entities or their designee:
 - a. Administrator of the Office of Energy and Mineral Resources;
 - b. President of the Public Utilities Commission;
 - c. Director of the Department of Lands;
 - d. Director of the Department of Commerce; and
 - e. Administrator of the Division of Building Safety.
4. Members of the Board of Directors, including the Chairman and Vice Chairman, shall be designated by and serve at the pleasure of the Governor. Terms for Board members will be two years. The Board shall be governed by an Executive Committee consisting of the Chairman, Vice Chairman, and the Administrator of the Office of Energy and Mineral Resources.
5. The Idaho Strategic Energy Alliance shall be overseen, coordinated and supported by the Office of Energy and Mineral Resources.
6. When necessary, the Alliance's Board of Directors may engage representatives of the federal government, local government organizations, Idaho universities, private entities and not-for-profit organizations who can provide the expertise and resources necessary to contribute to the success of the Alliance.



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 8th day of March in the year of our Lord 2017, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-04

CREATING THE INTERAGENCY STUDENT SERVICES SUPPORT COMMITTEE

WHEREAS, the State of Idaho recognizes the need to aid special needs students in their readiness and ability to learn while providing federally mandated educational services; and

WHEREAS, the State of Idaho recognizes that public schools and their students are best served by establishing and jointly administering a school-based Medicaid program as part of an effective, transparent and accountable system for accessing available federal Medicaid funds; and

WHEREAS, coordination of health and educational services and development of partnerships between educational agencies, health agencies and public school-related stakeholders best serves the interests of public schools and their students throughout Idaho; and

WHEREAS, providing services through a school-based Medicaid program, in a manner that is as efficient and expeditious as possible, is in the best interest of Idaho's public schools and their special needs students;

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 "Interagency Student Services Support Committee" (ISSSC) and do hereby further order as follows:

1. By not later than August 1, 2017, the Department of Education and the Department of Health and Welfare shall create and jointly operate a school-based Medicaid student services support committee hereafter known as the Interagency Student Services Support Committee (ISSSC).
2. The Committee membership shall be comprised of the following standing members:
 - a. The State Superintendent of Public Instruction or designee;
 - b. The Director of the Department of Health and Welfare or designee;
 - c. The Executive Director of the State Board of Education or designee;
 - d. Two (2) members of the Idaho Legislature, one (1) representing a Health and Welfare Committee appointed by the chair of that committee and one (1) representing an Education Committee appointed by the chair of that committee;

- e. One (1) member from the Division of Medicaid for school-based services within the Department of Health and Welfare;
 - f. One (1) member from the Division of Special Education or school-based Medicaid program within the Department of Education;
 - g. The Executive Director of the Idaho School Boards Association or designee;
 - h. The Executive Director of the Idaho Association of School Administrators or designee;
 - i. Two (2) of the six (6) special education members participating on the existing school-based Medicaid advisory committee.
3. Co-Chairs will be appointed by the Governor from the membership of the committee to serve up to two years with one Co-Chair representing either the School Boards Association or the Association of School Administrators:
- a. Meetings shall be held no less than once each quarter during the calendar year. Additional meetings may be held at the discretion of the Co-Chairs;
 - b. Meetings shall comply with chapter 2, title 74, Idaho Code. Meetings will be held and postings associated with such meetings shall be done at the designated location of the meeting;
 - c. The Committee may form advisory subcommittees, as necessary, which must report back to the Committee;
 - d. The Committee may seek out technical or professional assistance, as deemed necessary and appropriate.
4. Each Committee member shall have full and equal voting rights. A simple majority of members voting shall be sufficient to decide any matter pending before the Committee.
5. The Committee's responsibilities shall include, but not be limited to, the following:
- a. Identifying and recommending to the Division of Medicaid the elimination of state regulatory requirements, practices, interpretations and barriers that exceed federal requirements, when the committee believes such regulatory requirements are unnecessary;
 - b. Developing recommendations to the Division of Medicaid that state Medicaid plans and related agreements support public schools seeking reimbursement for school-based Medicaid-eligible services. If existing state Medicaid plans and related agreements impede the ability for public schools to be reimbursed for all school-based Medicaid-eligible services that they provide, the Committee shall recommend amendments to the plans and agreements. Thereafter, the Committee shall annually review for best practices and recommend any necessary changes to the school-based Medicaid services portions of the state Medicaid plan;

- c. Developing recommendations for an Interagency Agreement between the Department of Health and Welfare and the Department of Education relating to IDEA and school-based Medicaid with the goal of ensuring schools shall be reimbursed for eligible school-based services that they provide and ensure that schools can utilize available federal Medicaid funds to deliver school-based programs;
 - (i) The Committee shall annually identify any areas that may require amendment to the Interagency Agreement in order to remain current with student needs, public school needs and the expansion of opportunities for reimbursement available to school-based programs;
 - (ii) The Committee shall annually review the professional development program associated with school-based Medicaid and make recommendations for additions and modifications to the program;
 - (iii) Any recommended amendments to the Interagency Agreement shall be approved by the Committee on or before December 31 of each year;
 - d. Developing recommendations to the Division of Medicaid regarding requirements associated with third-party liability issues;
 - e. Developing ways to eliminate administrative burdens on public schools by researching, identifying and recommending implementation of methodologies that simplify claims processing for billing, auditing, technical assistance and reimbursement activities associated with the school-based program;
 - f. Reviewing Department of Health and Welfare and Department of Education forms utilized in the school-based Medicaid program, including but not limited to Medicaid provider agreements, annual certifications, audit forms and the annual committee report as addressed in this subsection, and recommending appropriate modifications. The review shall include implementation concerns raised by public schools or identified by the Department of Health and Welfare;
 - g. Recommending regulatory and operational changes to ensure that public schools are utilizing available federal Medicaid funds to deliver school-based programs;
 - h. Recommending content for the Department of Health and Welfare and Department of Education school-based Medicaid website and for the professional development program providing public schools with resources to assist in program implementation.
6. No later than January 30 of each year, the Committee, through its chair, shall be responsible for providing a report to the Legislature and the Governor, which shall be made available to public schools. The report may include, but shall not be limited to, the number of public schools utilizing school-based Medicaid funding within the past school year.



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 16th day of March in the year of our Lord 2017, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

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Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

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39-6110	Amended	Ch. 72 -	176
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39-6112	Amended	Ch. 72 -	179
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39-6117	Amended	Ch. 72 -	184
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39-7203	Referred to	Ch.210 -	514
39-8202	Amended	Ch.200 -	502
39-8813	New Section Added	Ch. 40 -	62
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39-9303	Amended and Redesignated 39-9403	Ch. 58 -	114
39-9304	Amended and Redesignated 39-9404	Ch. 58 -	115
39-9305	Amended and Redesignated 39-9405	Ch. 58 -	115
39-9306	Amended	Ch.298 -	796
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39-9308	Amended and Redesignated 39-9408	Ch. 58 -	116
39-9309	Amended and Redesignated 39-9409	Ch. 58 -	116
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39-9406	Redesignated from 39-9306	Ch. 58 -	115
39-9407	Redesignated from 39-9307	Ch. 58 -	116
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40-701	Amended	Ch. 43 -	64
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40-719	Amended	Ch.337 -	871
40-720	New Section Added	Ch.322 -	845
40-1304	Amended	Ch.212 -	515
40-2305	New Section Added	Ch.147 -	364
40-2401	Referred to	Ch.322 -	845
40-2401	Referred to	Ch.337 -	872

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41-332	Amended	Ch. 58 -	116
41-342	Amended	Ch. 58 -	116
41-343	Amended	Ch. 58 -	117
41-514	Amended and Redesignated 41-515	Ch. 76 -	198
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41-515	Redesignated from 41-514	Ch. 76 -	198
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41-1003	Amended	Ch.198 -	494
41-1016	Amended	Ch.258 -	634
41-1088	Amended	Ch.114 -	265
41-1090	New Section Added	Ch.198 -	495
41-1091	New Section Added	Ch.198 -	495
41-1092	New Section Added	Ch.198 -	495
41-1093	New Section Added	Ch.198 -	497
41-1094	New Section Added	Ch.198 -	497
41-1095	New Section Added	Ch.198 -	497
41-1096	New Section Added	Ch.198 -	497
41-1097	New Section Added	Ch.198 -	498
41-1830	New Section Added	Ch.265 -	660
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41-2803	Amended	Ch. 58 -	118
41-2804	Amended	Ch. 58 -	118
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41-3434	Amended	Ch. 75 -	192
41-3434	Amended	Ch. 77 -	213
41-3802	Referred to	Ch. 75 -	188
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41-4010	Amended	Ch.179 -	410
41-4934	Amended	Ch. 58 -	122
41-5203	Amended	Ch.281 -	741
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41-5501	Amended	Ch.281 -	733
41-5503	Amended	Ch.281 -	735
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41-5505	Amended	Ch.281 -	737

41-5506	Amended	Ch.281 -	738
41-5507	Amended	Ch.281 -	738
41-5508	Amended	Ch.281 -	739
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41-6303	New Section Added	Ch. 75 -	189
41-6304	New Section Added	Ch. 75 -	189
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41-6306	New Section Added	Ch. 75 -	190
41-6307	New Section Added	Ch. 75 -	191
41-6308	New Section Added	Ch. 75 -	191
41-6401	New Section Added	Ch. 77 -	209
41-6402	New Section Added	Ch. 77 -	209
41-6403	New Section Added	Ch. 77 -	210
41-6404	New Section Added	Ch. 77 -	210
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42-233	Amended	Ch.271 -	709
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42-502	New Section Added	Ch.178 -	409
42-502	Repealed	Ch.178 -	408
42-503	New Section Added	Ch.178 -	409
42-503	Repealed	Ch.178 -	408
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42-1414	Amended	Ch.162 -	385
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42-1734B	Amended	Ch.131 -	308
42-3301	Amended	Ch. 74 -	187
42-3303	Amended	Ch. 74 -	187
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47-320	Amended	Ch.121 -	280
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47-324	Amended	Ch.121 -	284
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47-332	New Section Added	Ch.271 -	705
47-333	New Section Added	Ch.271 -	706
47-334	New Section Added	Ch.271 -	706
47-801	Amended	Ch.119 -	272

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49-117	Amended	Ch.147	-	357
49-119	Amended	Ch.134	-	316
49-121	Amended	Ch.134	-	317
49-123	Amended	Ch.147	-	360
49-123	Referred to	Ch. 43	-	63
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49-306	Amended	Ch.216	-	527
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49-402	Amended	Ch.233	-	570
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49-415E	Repealed	Ch.233	-	572
49-416A	Repealed	Ch.233	-	572
49-416B	Repealed	Ch.233	-	572
49-416C	Repealed	Ch.233	-	572
49-416D	Repealed	Ch.233	-	572
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49-1602	Amended	Ch.234	-	574
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49-2706	Amended	Ch.170	-	393
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50-708	Amended	Ch.129	-	303
50-1301	Amended	Ch. 86	-	232
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51-102	Repealed	Ch.192	-	441
51-103	New Section Added	Ch.192	-	442
51-103	Repealed	Ch.192	-	441

51-104	New Section Added	Ch.192	-	442
51-104	Repealed	Ch.192	-	441
51-105	New Section Added	Ch.192	-	443
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51-109	New Section Added	Ch.192	-	444
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51-110	New Section Added	Ch.192	-	444
51-110	Repealed	Ch.192	-	441
51-111	New Section Added	Ch.192	-	444
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51-116	Repealed	Ch.192	-	441
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51-117	New Section Added	Ch.192	-	453
51-117	New Section Added	Ch.192	-	453
51-117	Repealed	Ch.192	-	441
51-117	Repealed	Ch.192	-	453
51-118	New Section Added	Ch.192	-	453
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51-131	New Section Added	Ch.192	-	452
51-132	New Section Added	Ch.192	-	452
51-133	New Section Added	Ch.192	-	453
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54-705	Amended	Ch.190 -	432
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54-707A	New Section Added	Ch.190 -	435
54-708	Amended	Ch. 26 -	47
54-708	Amended	Ch.190 -	435
54-709	Amended	Ch. 26 -	48
54-710	Amended	Ch. 26 -	49
54-711	Amended	Ch. 26 -	49
54-716	New Section Added	Ch.190 -	436
54-717	New Section Added	Ch.190 -	437
54-912	Amended	Ch.196 -	480
54-920	Amended	Ch. 57 -	88
54-1001A	Amended	Ch.113 -	264
54-1016	Amended	Ch.325 -	856
54-1110	New Section Added	Ch.184 -	423
54-1112	Referred to	Ch.308 -	821
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54-1402	Referred to	Ch.273 -	718
54-1403	Amended	Ch. 49 -	79
54-1410	Amended	Ch. 55 -	85
54-1411	Amended	Ch. 55 -	86
54-1501	Referred to	Ch.230 -	557
54-1520	Amended	Ch.230 -	557
54-1522	Amended	Ch.230 -	557
Ch.17	Referred to	Ch.238 -	587
54-1704	Amended	Ch. 23 -	42
54-1704	Amended	Ch. 25 -	45
54-1704	Amended	Ch.143 -	339
54-1705	Referred to	Ch.190 -	437
54-1723	Amended	Ch. 24 -	43
54-1733E	New Section Added	Ch. 23 -	43
54-1733E	New Section Added	Ch. 25 -	46
54-1734	Amended	Ch.190 -	438
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54-1803	Referred to	Ch.273 -	717
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54-1811	Amended	Ch. 81 -	225
54-1847	Referred to	Ch. 81 -	225
54-1903	Amended	Ch.197 -	482
54-1926	Amended	Ch.197 -	483
54-2004	Amended	Ch.232 -	564
54-2011	Amended	Ch.232 -	568
54-2017	New Section Added	Ch.232 -	568
54-2020	Amended	Ch.232 -	569
54-2041	Referred to	Ch.232 -	569
54-2053	Amended	Ch.125 -	295
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54-2302	Amended	Ch. 238	-	585
54-2305	Amended	Ch. 238	-	586
54-2316	New Section Added	Ch. 238	-	587
54-2317	New Section Added	Ch. 238	-	588
54-2318	New Section Added	Ch. 238	-	589
54-2319	New Section Added	Ch. 238	-	590
54-2320	New Section Added	Ch. 238	-	590
54-2514A	Amended	Ch. 126	-	296
54-2605	Amended	Ch. 123	-	292
54-2902	Amended	Ch. 67	-	157
54-2903	Amended	Ch. 67	-	157
54-2904	Amended	Ch. 67	-	159
54-2905	Amended	Ch. 67	-	160
54-2908	Amended	Ch. 67	-	161
54-2916A	New Section Added	Ch. 67	-	162
54-2917	Amended	Ch. 67	-	163
54-2919	Amended	Ch. 67	-	163
54-2924	Amended	Ch. 67	-	163
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54-3502	Amended	Ch. 294	-	776
54-3502A	New Section Added	Ch. 294	-	777
54-3503	Amended	Ch. 294	-	778
54-3504	Amended	Ch. 294	-	778
54-3505	Amended	Ch. 294	-	779
54-3506	Amended	Ch. 294	-	780
54-3507	Repealed	Ch. 294	-	781
54-3508	Amended	Ch. 294	-	781
54-3509	Amended	Ch. 294	-	781
54-3510	Amended	Ch. 294	-	782
54-3510A	New Section Added	Ch. 294	-	783
54-3511	Amended	Ch. 294	-	783
54-3512	Amended	Ch. 294	-	783
54-3513	New Section Added	Ch. 294	-	783
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54-4503	Amended	Ch. 122	-	287
54-4504	Amended	Ch. 122	-	288
54-4505	Amended	Ch. 122	-	288
54-4506	Amended	Ch. 122	-	289
54-4507	Amended	Ch. 122	-	289
54-4508	Amended	Ch. 122	-	290
54-4509	Amended	Ch. 122	-	290
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54-4514	Amended	Ch. 122	-	291
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54-5707	Amended	Ch. 242	-	600
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55-702	Repealed	Ch. 192	-	441
55-703	Repealed	Ch. 192	-	441
55-704	Repealed	Ch. 192	-	441
55-705	Repealed	Ch. 192	-	441
55-706	Repealed	Ch. 192	-	441
55-707	Repealed	Ch. 192	-	441

55-707A	Repealed	Ch.192	-	441
55-708	Repealed	Ch.192	-	441
55-709	Repealed	Ch.192	-	441
55-710	Repealed	Ch.192	-	441
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55-722	Repealed	Ch.192	-	441
55-723	Repealed	Ch.192	-	441
55-724	Repealed	Ch.192	-	441
55-725	Repealed	Ch.192	-	441
55-726	Repealed	Ch.192	-	441
55-727	Repealed	Ch.192	-	441
55-728	Repealed	Ch.192	-	441
55-729	Repealed	Ch.192	-	441
55-730	Repealed	Ch.192	-	441
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55-1902	Amended	Ch. 86	-	233
55-2003	Amended	Ch.134	-	321
55-2004	Amended	Ch.134	-	322
55-2007	Amended	Ch.134	-	322
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56-265	Amended	Ch. 82	-	226
56-708	New Section Added	Ch. 65	-	154
56-1055	New Section Added	Ch. 93	-	241
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57-719	Amended	Ch. 90	-	237
57-814	Amended	Ch.322	-	845
57-1112	Amended	Ch. 41	-	62
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TITLE 59				
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59-407	Amended	Ch.192	-	458
59-502	Amended	Ch.168	-	392
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61-313	Amended	Ch. 58	-	126

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63-205B	Amended	Ch. 15	-	26
63-318	New Section Added	Ch.134	-	323
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APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

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Senator James E. Risch (R)
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Mike Simpson (R), Second District
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STATE ELECTED OFFICIALS

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)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

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 Judiciary, Rules & Administration; Transportation & Defense

16 - ADA COUNTY

Grant Burgoyne (D) Senate 2nd Term
 Served 3 terms, House 2008-2014
 2203 Mountain View Drive, Boise 83706
 Home 377-5729 Bus 859-8828
 Email: gburgoyne@senate.idaho.gov
 Attorney, Mediator, and Arbitrator
 Spouse - Christy
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Economic Outlook and Revenue Assessment
 Committee; Joint Millennium Fund Committee; Judiciary & Rules;
 Legislative Council; Local Government & Taxation

John McCrostie (D) House Seat A 2nd Term
 7820 W. Riverside Drive, Garden City 83714
 Home 440-8317
 Email: jmccrostie@house.idaho.gov
 Teacher
 Spouse - Dave Navarro
 Education; Judiciary, Rules & Administration; Local Government

Hy Kloc (D) House Seat B 3rd Term
 3932 Oak Park Place, Boise 83703
 Home 343-8465
 Email: hkloc@house.idaho.gov
 Boise State Public Radio (Retired)
 Spouse - Joan L. Wallace
 Business; Education

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Maryanne Jordan (D) Senate 2nd Term
 MINORITY CAUCUS CHAIR
 312 N. Atlantic Street, Boise 83706
 Home 859-1931
 Email: mjordan@senate.idaho.gov

Spouse - Rocky
 Agricultural Affairs; Health & Welfare; Resources & Environment

John Gannon (D) House Seat A 3rd 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 Spouse - Bev
 Economic Outlook and Revenue Assessment Committee; Judiciary,
 Rules & Administration; Revenue & Taxation; Transportation &
 Defense

Sue Chew (D) House Seat B 6th Term
 1304 Lincoln Avenue, Boise 83706
 Home 332-1049
 Email: schew@house.idaho.gov

Licensed Pharmacist/Adjunct Professor
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare; Local Government

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 3rd Term
 Served 1 term, House 2012-2013
 3578 S. Crosspoint Avenue, Boise 83706
 Home 385-9564
 Email: jwardengelking@senate.idaho.gov

Teacher (Retired) Spouse - Kay Frank Engelking
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Education; Finance/JFAC; Joint Millennium
 Fund Committee

Iana Rubel (D) House Seat A 3rd Term
 ASSISTANT MINORITY LEADER
 2750 Migratory Drive, Boise 83706
 Home 866-4776
 Email: irubel@house.idaho.gov

Attorney
 Environment, Energy & Technology; Health & Welfare; Resources
 & Conservation; Ways & Means

Phylis K. King (D) House Seat B 6th Term
 2107 Palouse Street, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pkking@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 3rd Term
 Served 1 term, House 2010-2012
 ASSISTANT MINORITY LEADER
 2304 W. Bella Street, Boise 83702
 Home 861-5482 Bus 861-5482
 Email: cbucknerwebb@senate.idaho.gov

Owner/Principal - Sojourner Coaching Spouse - Henry Webb
 Education; Joint Legislative Oversight/JLOC; Legislative Council;
 State Affairs; Transportation

Mathew W. "Mat" Erpelding (D) House Seat A 3rd Term
 MINORITY LEADER
 P.O. Box 1697, Boise 83701
 Home 856-0291
 Email: merpelding@house.idaho.gov

Owner - Leadership Development Spouse - Elizabeth
 Firm/Outfitter and Guide
 COCHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Legislative Conference Committee;
 Legislative Council; Resources & Conservation; Revenue &
 Taxation; Ways & Means

Melissa Wintrow (D) House Seat B 2nd Term
 1711 Ridenbaugh Street, Boise 83702
 Home 332-1076
 Email: mwintrow@house.idaho.gov

Education
 Appropriations/JFAC; Joint Millennium Fund Committee;
 Judiciary, Rules & Administration; Transportation & Defense

20 - ADA COUNTY

Chuck Winder (R) Senate 5th Term
 ASSISTANT MAJORITY LEADER
 5528 N. Ebbetts Avenue, Boise 83713
 Home 853-9090
 Email: cwinder@senate.idaho.gov

Businessman Spouse - Dianne
 Education; State Affairs; Transportation

Joe Palmer (R) House Seat A 5th Term
 1524 N. Meridian Road, Meridian 83642
 Bus 887-9488
 Email: jpalmer@house.idaho.gov

Self-employed Spouse - Leslie
 CHAIR-Transportation & Defense
 CO-CHAIR-Legislative Conference Committee
 Business; Economic Outlook and Revenue Assessment Committee;
 State Affairs

James Holtzclaw (R) House Seat B 3rd Term
 3720 N. Heritage View Avenue, 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 3rd Term
 Served 5 terms, House 2002-2012
 592 E. Saint Kitts Drive, Meridian 83642
 Home 362-5058 FAX 362-5058
 Email: cbayer@senate.idaho.gov
 Medical Research Scientist Spouse - Nicole
 VICE CHAIR-Local Government & Taxation
 COCHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Resources & Environment

Steven Harris (R) House Seat A 3rd Term
 851 E. Martinique Drive, Meridian 83642
 Home 861-8638
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 Change in Employee Compensation Committee; Commerce &
 Human Resources; State Affairs; Transportation & Defense

Thomas Dayley (R) House Seat B 3rd Term
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 VICE CHAIR-Agricultural Affairs
 Judiciary, Rules & Administration; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 2nd Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: ldenhartog@senate.idaho.gov
 Homemaker Spouse - Scott
 VICE CHAIR-Agricultural Affairs
 Education; Transportation

John Vander Woude (R) House Seat A 4th Term
 Served 1 term, House 2006-2008
 MAJORITY CAUCUS CHAIR
 5311 Ridgewood Road, 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 3rd Term
 3865 S. Black Cat Road, Nampa 83687
 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 VICE CHAIR-State Affairs
 Business; Legislative Council; Transportation & Defense

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 6th 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
 Resources & Environment

Christy Zito (R) House Seat A 1st Term
 P.O. Box 61, Hammett 83627
 Home 590-4633
 Email: czito@house.idaho.gov
 Homemaker
 Agricultural Affairs; Judiciary, Rules & Administration; State
 Affairs

Megan Blanksma (R) House Seat B 1st Term
 595 W. Thacker Road, Hammett 83627
 Home 366-7976 Bus 366-2349 FAX 366-2370
 Email: mblanksma@house.idaho.gov
 Agribusiness Owner/Operator Spouse - Jeffery
 Health & Welfare; Local Government; Resources & Conservation

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 4th Term
 1631 Richmond Drive, Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Contractor/Broker (Retired) Spouse - Jan
 CHAIR-Health & Welfare
 Resources & Environment

Lance W. Clow (R) House Seat A 3rd Term
 2170 Bitterroot Drive, Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 VICE CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Stephen Hartgen (R) House Seat B 5th 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
 Change in Employee Compensation Committee; Environment,
 Energy & Technology; Joint Millennium Fund Committee;
 Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim L. Patrick (R) Senate 3rd 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; Local Government & Taxation

Maxine T. Bell (R) House Seat A 15th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Farmer/School Librarian (Retired) Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Agricultural Affairs; Joint Legislative Oversight/JLOC

Clark Kauffman (R) House Seat B 3rd Term
 3791 N. 2100 E., Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckauffman@house.idaho.gov
 Farmer Spouse - Debbie
 Legislative Council; Resources & Conservation; Revenue &
 Taxation; Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 4th 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; Resources
 & Environment; State Affairs

Steven Miller (R) House Seat A 3rd Term
 1208 E. 200 N., Fairfield 83327
 Home 764-2560
 Email: smiller@house.idaho.gov
 Farmer/Rancher Spouse - Cheryl
 Agricultural Affairs; Appropriations/JFAC; Economic Outlook and
 Revenue Assessment Committee; Resources & Conservation

Sally Toone (D) House Seat B 1st Term
 2096 E. 1500 S., Gooding 83330
 Home 934-8114 FAX 934-8114
 Email: stoone@house.idaho.gov
 Educator Spouse - Mark
 Agricultural Affairs; Business; Education

27 - CASSIA & MINIDOKA COUNTIES

Kelly Arthur Anthon (R) Senate 2nd Term
 725 E. 300 S., Burley 83318
 Home 654-4099
 Email: kanthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Economic Outlook and Revenue Assessment
 Committee; Health & Welfare; Judiciary & Rules

Scott Bedke (R) House Seat A 9th 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 6th 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
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Resources &
 Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 3rd 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-Commerce & Human Resources
 Agricultural Affairs; Change in Employee Compensation
 Committee; Education

Randy Armstrong (R) House Seat A 1st Term
 P.O. Box 8, Inkom 83245
 Home 251-8157
 Email: armstrong@house.idaho.gov
 Retired Spouse - Paige
 Agricultural Affairs; Business; State Affairs

Kelley Packer (R) House Seat B 3rd 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
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Mark Nye (D) Senate 1st Term
 Served 1 term, House 2014-2016
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: mnye@senate.idaho.gov
 Country Lawyer Spouse - Eva
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Judiciary & Rules; Local Government & Taxation

Dustin Manwaring (R) House Seat A 1st Term
 1469 W. Quinn Road, Pocatello 83202
 Home 252-5295 Bus 252-5295 FAX (858) 228-1776
 Email: dmanwaring@house.idaho.gov
 Attorney Spouse - Whitney
 Business; Local Government; State Affairs

Elaine Smith (D) House Seat B 9th Term
 MINORITY CAUCUS CHAIR
 3759 Heron Avenue, 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; Ways & Means

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 5th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 528-6377 Bus 524-9004 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 5th Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 VICE CHAIR-Environment, Energy & Technology
 Business; Economic Outlook and Revenue Assessment Committee;
 Revenue & Taxation

Wendy Horman (R) House Seat B 3rd 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;
 Environment, Energy & Technology;

31 - BINGHAM COUNTY

Steve Bair (R) Senate 6th Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Agriservice Sales/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 3rd Term
 71 S. 700 W., 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
 Appropriations/JFAC; Environment, Energy & Technology;

Julie VanOrden (R) House Seat B 3rd Term
 425 S. 1100 W., Pingree 83262
 Home 684-4052 Bus 684-4052
 Email: jvanorden@house.idaho.gov
 Agribusiness Co-owner/Homemaker Spouse - Garth
 CHAIR-Education
 Agricultural Affairs

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

Mark Harris (R) Senate 2nd Term
 1619 8-Mile Creek Road, Soda Springs 83276
 Home 547-3360
 Email: mharris@senate.idaho.gov
 Rancher Spouse - Cheryl
 Health & Welfare; Joint Legislative Oversight/JLOC;
 Transportation

Marc Gibbs (R) House Seat A 5th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CHAIR-Resources & Conservation
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 Health & Welfare

Thomas F. Loertscher (R) House Seat B 7th Term
 Served 8 terms, House 1986-2002
 1357 Bone Road, Iona 83427
 Home 522-3072
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 10th 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 3rd Term
 P.O. Box 50617, Idaho Falls 83405
 Home 419-8266
 Email: jtrujillo@house.idaho.gov
 Certified Property Tax Appraiser
 VICE CHAIR-Revenue & Taxation
 Environment, Energy & Technology; Judiciary, Rules &
 Administration

Bryan Zollinger (R) House Seat B 1st Term
 594 J Street, Idaho Falls 83402
 Home 206-3086 Bus 524-0731
 Email: bzollinger@house.idaho.gov
 Attorney Spouse - Shara
 Health & Welfare; Judiciary, Rules & Administration; Local
 Government

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 9th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd East, Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Legislative Council; Local Government & Taxation; State Affairs

Ronald Nate (R) House Seat A 2nd 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 9th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Environment, Energy & Technology
 Resources & Conservation; Revenue & Taxation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Jeff C. Siddoway (R) Senate 6th Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 CHAIR-State Affairs
 Local Government & Taxation; Resources & Environment

Van T. Burtenshaw (R) House Seat A 2nd Term
 1329 E. 1500 N., 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

Karey Hanks (R) House Seat B 1st Term
 463 N. 1800 E., St. Anthony 83445
 Home 313-3911
 Email: khanks@house.idaho.gov
 Homemaker/Bus Driver Spouse - Burke
 Agricultural Affairs; Health & Welfare; Judiciary, Rules &
 Administration

