

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED AND PUBLISHED BY
THE FIRST REGULAR SESSION OF THE
SIXTY-SEVENTH IDAHO LEGISLATURE

Convened January 9, 2023
Adjourned April 6, 2023

Volume 2

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

Chairman Lakey
Senate Judiciary & Rules
Chairman Skaug
House Judiciary, Rules & Administration

CHAPTER 200
(H.B. No. 292)

AN ACT

RELATING TO PROPERTY TAX RELIEF; PROVIDING LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-911, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING DATES ON WHICH SCHOOL LEVY AND BOND ELECTIONS MAY BE HELD; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-810, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF CERTAIN EXCESS CASH BALANCE MONEYS FOR THE PURPOSE OF PROPERTY TAX RELIEF; REPEALING SECTION 62, CHAPTER 318, LAWS OF 2022, RELATING TO THE REPEAL OF THE TAX RELIEF FUND; AMENDING SECTION 63, CHAPTER 318, LAWS OF 2022, TO REMOVE AN EFFECTIVE DATE; REPEALING SECTION 57-811, IDAHO CODE, RELATING TO THE TAX RELIEF FUND; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-811, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE TAX RELIEF FUND; AMENDING SECTION 57-827, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE PUBLIC DEFENSE FUND; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY FOR THE PROPERTY TAX REDUCTION PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-724, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING HOMEOWNER PROPERTY TAX RELIEF; AMENDING SECTION 63-902, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PROPERTY TAX NOTICES; AMENDING SECTION 63-3024B, IDAHO CODE, TO PROVIDE FOR TRANSFERS FROM THE IDAHO TAX REBATE FUND TO THE HOMEOWNER PROPERTY TAX RELIEF ACCOUNT AND THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION 63-3620F, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF CERTAIN SALES TAXES; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF SALES TAX REVENUES; APPROPRIATING MONEYS AND PROVIDING FOR A ONE-TIME CASH TRANSFER FROM THE GENERAL FUND TO THE HOMEOWNER PROPERTY TAX RELIEF ACCOUNT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT. It is the intent of the Legislature to meet the funding needs of schools and also to grant tax relief to the citizens of Idaho by reducing their property tax burdens. The Legislature finds that property taxes are being driven to a large extent by supplemental levies and bonds for schools and that enhanced funding for education at the state level can mitigate the need for reliance on local property taxpayers for school operations and facility costs and thereby also reduce the number of dates needed for holding school levy and bond elections.

SECTION 2. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-911, Idaho Code, and to read as follows:

33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created in the state treasury the school district facilities fund. The fund shall consist of moneys provided pursuant to sections 57-811 and 63-3638, Idaho Code, and any other legislative transfers or appropriations. Interest earned from the investment of moneys in the fund shall be returned to the fund.

(2) The moneys in the fund shall be distributed by the state controller to the state department of education by August 1 each year for the purpose

of construction or renovation of school facilities. The moneys shall be distributed by the state department of education to each school district, as defined in section 33-1001(21), Idaho Code, on a per-pupil basis, using the average daily attendance calculation provided in section 33-1003A, Idaho Code, except that a student attending less than half-time through a virtual learning program shall not be counted toward that school district's average daily attendance calculation. The state department of education shall transfer the moneys by no later than August 31 each year to each school district. Such moneys shall be used in place of property tax levy moneys and shall be expended by a school district for one (1) or more of the purposes set forth in paragraphs (a) through (d) of this subsection. Moneys in the fund must be used by a school district in the following order of priority:

- (a) Payment of existing school bonds authorized pursuant to chapter 11, title 33, Idaho Code;
- (b) Payment of supplemental school levies authorized pursuant to section 33-802, Idaho Code, excluding indefinite term supplemental levies described in section 33-802(5), Idaho Code;
- (c) Saved in a reserve account by the school district for future school facility construction or renovation needs; and
- (d) For use in securing and making payments on a new school facilities bond.

(3) The amount of moneys received by a school district pursuant to this section must be deducted from a school levy that would otherwise have been paid by property taxpayers. Such moneys may not be duplicated by the collection of property tax, and no property taxes may be collected in order to make extra payments on expenses described in subsection (2) of this section in excess of required amounts.

(4) Each school district shall identify the amount received in the current year pursuant to this section in the certification of its budget in accordance with section 63-803, Idaho Code. Said amount must be subtracted from the amount to be levied. The amount of moneys thereby saved from being collected by a property tax levy shall be reported on each property tax notice pursuant to section 63-902, Idaho Code.

(5) Each school district shall report annually to the state department of education, in a manner prescribed by it, on the expenditure of moneys it has received pursuant to this section. The state department of education shall present the reports to the legislature each January.

SECTION 3. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section or section 34-219 34-220, Idaho Code, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

- (1) The dates on which elections may be conducted are:
 - (a) The third Tuesday in May of each year; and
 - (b) The Tuesday following the first Monday in November of each year.
- (c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1 next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election ~~on the second Tuesday in March of each year and on the last Tuesday in August~~ of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the ~~four (4)~~ three (3) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 4. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-810, Idaho Code, and to read as follows:

57-810. CASH TRANSFERS FOR PROPERTY TAX RELIEF. Notwithstanding the provisions of section 57-814, Idaho Code, after the close of each fiscal year in 2023, 2024, and 2025, 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, of each such year, there is hereby appropriated one hundred fifty million dollars (\$150,000,000) or the balance of the general fund excess cash balance, whichever is less, to be transferred as follows:

(1) The state controller shall transfer the first fifty million dollars (\$50,000,000) to the homeowner property tax relief account established pursuant to the provisions of section 63-724, Idaho Code; and

(2) The state tax commission shall transfer the remaining moneys to be used for the purpose of property tax relief in the following manner. Fifty percent (50%) of the remaining moneys shall be distributed to the school district facilities fund established pursuant to section 33-911, Idaho Code, and fifty percent (50%) shall be distributed to each county in the proportion that the amount of property taxes levied for the current tax year and approved pursuant to section 63-809, Idaho Code, on all taxable properties in the county bears to the total amount of property taxes levied for the current tax year and approved pursuant to section 63-809, Idaho Code, in all the counties. This amount shall be certified to the county auditor and tax collector by the state tax commission no later than the first Monday in November. Each county shall apply the moneys received as a credit on each property owner's property tax bill in proportion to the amount of property taxes on the property and shall distribute the moneys in the same manner as if they were property taxes.

SECTION 5. That Section 62, Chapter 318, Laws of 2022, be, and the same is hereby repealed.

SECTION 6. That Section 63, Chapter 318, Laws of 2022, be, and the same is hereby amended to read as follows:

SECTION 63. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 through 38, 54, 59, and 61 of this act shall be in full force and effect on and after passage and approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall be in full force and effect on and after July 1, 2022. Sections 39 through 52 shall be in full force and effect on and after July 1, 2023. ~~Section 62 shall be in full force and effect on and after July 2, 2024.~~ Section 56 shall be in full force and effect on and after October 1, 2024.

SECTION 7. That Section 57-811, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-811, Idaho Code, and to read as follows:

57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(2) For fiscal year 2025 and each fiscal year thereafter, twenty percent (20%) of the moneys in the tax relief fund is continuously appropriated and shall be transferred to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(3) For fiscal year 2024 and each fiscal year thereafter, the state controller shall transfer thirty-six million dollars (\$36,000,000) from the tax relief fund to the state public defense fund established pursuant to section 57-827, Idaho Code.

(4) For fiscal year 2023 and each fiscal year thereafter, the state controller shall transfer the remaining balance of the fund or two hundred thirty-six million dollars (\$236,000,000), whichever is less, from the tax relief fund to the general fund.

SECTION 9. That Section 57-827, Idaho Code, be, and the same is hereby amended to read as follows:

57-827. STATE PUBLIC DEFENSE FUND. (1) There is hereby established in the state treasury the state public defense fund to be managed by the state treasurer. Moneys in the fund shall consist of:

(a) Moneys transferred to the fund pursuant to section ~~63-3638(10)-57-811~~, Idaho Code;

(b) Legislative appropriations to the fund;

(c) On and after October 1, 2024, any fees or reimbursement ordered pursuant to section 19-854(7) and 19-858, Idaho Code, or distributed pursuant to section 31-3201I(16), Idaho Code;

(d) Any bequests or donations to the fund; and

(e) Interest earned on idle moneys in the fund.

(2) Moneys in the fund shall be used as determined by legislative appropriation to fulfill the state's obligation to provide indigent public defense pursuant to the sixth amendment of the United States constitution and section 13, article I of the constitution of the state of Idaho.

SECTION 10. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX OR OCCUPANCY TAX REDUCTION AMOUNTS. (1)~~(a)~~ The state tax commission shall publish adjustments to the income limitations, which shall be the greater of:

~~(i)~~ (a) An individual's income as defined in section 63-701, Idaho Code, of not more than ~~thirty-one thousand nine hundred dollars (\$31,900)~~ thirty-seven thousand dollars (\$37,000) per household for tax year ~~2021~~ 2023 and each tax year thereafter; or

~~(ii)~~ (b) One hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year 2021 and each tax year thereafter.

~~(b)~~ (2) On and after January 1, ~~2022~~ 2023, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds the greater of ~~three hundred thousand dollars (\$300,000)~~ or ~~one hundred fifty percent (150%)~~ four hundred thousand dollars (\$400,000) or ~~two hundred percent (200%)~~ of the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

~~(e)~~ (3) The lowest income limitation shall allow a maximum reduction of one thousand five hundred dollars (\$1,500) in tax year 2021 and thereafter, or actual property taxes or occupancy taxes, as applicable, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic maximum reduction, in practicable increments, so that the highest income limitation will provide for a reduction of two hundred fifty dollars (\$250), or actual property taxes, whichever is less.

~~(2)~~ (4) The state tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i). The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

~~(3)~~ (5) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

SECTION 11. That Chapter 7, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-724, Idaho Code, and to read as follows:

63-724. HOMEOWNER PROPERTY TAX RELIEF. (1) It is the intent of the legislature to provide property tax relief on owner-occupied properties in Idaho receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year by providing state moneys as replacement funding as provided in this section. This section does not apply to occupancy taxes levied pursuant to section 63-317, Idaho Code.

(2) For the purpose of this section:

(a) "Eligible property taxes" means all property tax levies on homes receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year, except for bonds, school district levies, plant facility levies, and any voter-approved temporary levy for a specific duration. When calculating the eligible property taxes for the purpose of this section, the taxable value of each property shall include the value of no more than one (1) acre.

(b) "Homeowner property tax relief homestead" means a property receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year.

(3) There is hereby created in the state treasury the homeowner property tax relief account. Moneys in this account shall consist of moneys transferred from the general fund and are continuously appropriated for homeowner property tax relief pursuant to the provisions of this section.

(4) The county assessor shall prepare a homeowner property tax relief roll, which shall be in addition to all other property rolls. By no later than the fourth Monday of August each year, the homeowner property tax relief roll shall be certified by the county assessor to the county auditor and to the state tax commission in the manner prescribed by rules promulgated by the state tax commission. The homeowner property tax relief roll shall show:

(a) The name of the taxpayer;

(b) An accurate description of the homeowner property tax relief homestead; and

(c) The property's current market value for assessment purposes.

(5) (a) The county auditor shall complete the homeowner property tax relief roll by adding the following information:

(i) The current year's levy for the tax code area in which the property is situated;

(ii) The amount of eligible property taxes levied on each qualifying homestead; and

(iii) The total amount of eligible property taxes levied on all properties within the county that are receiving the homestead property tax exemption as of the second Monday in July of each year.

(b) By no later than the fourth Monday of October each year, the county auditor shall certify the completed homeowner property tax relief roll to the state tax commission in the manner prescribed by rules promulgated by the state tax commission.

(6) The state tax commission shall determine the total number of homeowner property tax relief homesteads to be allowed in each county, the dollar amount of eligible property taxes for each homeowner property tax relief homestead allowed, and the total dollar amount of eligible property taxes for all homeowner property tax relief homesteads within each county. The state tax commission shall divide the moneys in the homeowner property tax relief account as of August 1 each year by the total dollar amount of eligible property taxes levied on all such property tax relief homesteads in all counties, then multiply the result by the total amount of eligible property taxes levied on such homesteads in each county. This amount shall be certified to the county auditor and tax collector by the state tax commission no later than the first Monday in November. By no later than December 20 of each year, the state tax commission shall pay to the county tax collector of each county the first half of the amount due to each county as reimbursement for homeowner property tax relief as provided in this section and shall pay the second half of such amount by no later than June 20 of the following year.

(7) The state tax commission may audit each and every property on the homeowner property tax relief roll. If the state tax commission determines that a homeowner property tax relief homestead credit is erroneous, the state tax commission shall disapprove as much of the credit as necessary in order to conform with statutory standards. The state tax commission shall provide the homeowner written notice of the state tax commission's intent to disapprove all or a portion of the credit. The homeowner shall have twenty-eight (28) days to make written protest to the state tax commission of the intended action. The homeowner may submit additional information and may request an informal hearing with the state tax commission. If the homeowner fails to make written protest within twenty-eight (28) days, the state tax commission shall provide written notice of disapproval to both the homeowner and the county auditor of the county in which the property is situated by December 20. Any homeowner whose claim is disapproved in whole or in part by the state tax commission may appeal such disapproval to the board of tax appeals or to the district court of the county of residence of the taxpayer within thirty (30) days.

(8) Each county treasurer shall apply the moneys received pursuant to subsection (6) of this section to the eligible property taxes levied on the properties listed on the certified homeowner property tax relief roll that year. The moneys shall be designated as a line item credit against the total of all eligible property taxes on the property tax bill for each property receiving the tax relief provided by this section. Such moneys shall be distributed in the same manner as property tax revenues.

(9) The amount of property tax relief for a homeowner's property taxes shall be applied after the homestead exemption pursuant to section 63-602G, Idaho Code, has been applied. The property tax relief amount cannot exceed the actual amount of current eligible property taxes due on the homeowner's property tax notice. No delinquent property taxes, penalties, interest, or fines may be paid with moneys from this program.

(10) Nothing in this section shall prevent a homeowner from applying for or receiving any other property tax relief provided pursuant to this chapter. The property tax relief provided pursuant to this section shall be

credited to the homeowner's property tax bill before any other property tax relief is applied, up to a maximum of the actual property taxes due on the homeowner property tax relief homestead.

(11) Any amount of homeowner property tax relief moneys distributed by the state tax commission to a county that exceeds the total amount of all eligible property taxes due from all homeowner property tax relief homesteads in the county shall revert to the state general fund. The county treasurer shall deposit such moneys with the state treasurer by the fourth Monday in July each year for the preceding property tax year.

(12) Within three (3) years of payment, the state tax commission may recover any erroneous or incorrect payment made to any homeowner receiving relief under this section. The deficiency determination, collection, and enforcement procedures provided in chapter 30, title 63, Idaho Code, shall apply and be available to the state tax commission for enforcement and collection under this section. Wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this section, be described as tax relief liens and proceedings. In connection with this section, a deficiency shall consist of any amount erroneously paid on behalf of a homeowner under this section.

SECTION 12. That Section 63-902, Idaho Code, be, and the same is hereby amended to read as follows:

63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1) For property on the property roll or operating property roll, the county tax collector must, prior to the fourth Monday of November in each year, mail or transmit electronically, as that term is defined in section 63-115, Idaho Code, if electronic transmission is requested by the taxpayer, to every taxpayer, or to his agent or representative, at his last known post office address, a tax notice prepared upon forms prescribed in section 63-219, Idaho Code, which shall contain at least the following:

- (a) The year in which the property tax was levied;
- (b) The name and address of the property owner;
- (c) An accurate description of the property or, in lieu thereof, the tax number of record;
- (d) The parcel number;
- (e) Full market value for assessment purposes;
- (f) The total amount of property taxes due:
 - (i) State;
 - (ii) County;
 - (iii) City;
 - (iv) School district separately shown as:
 - (A) Maintenance and operation;
 - (B) Bond;
 - (C) Supplemental;
 - (D) Other;
 - (v) And every other tax being separately shown.
- (g) All property tax levies in the tax code area;
- (h) The expiration dates of all bonds and levies approved by voters at an election for each taxing district as defined in section 63-3101, Idaho Code, submitted to the tax collector pursuant to section 63-803(5), Idaho Code;
- (i) The date when such property taxes become delinquent;
- (j) Notation of delinquencies against said property;
- (k) Whether an interim payment account exists;
- (l) The combined amount of property tax savings, which shall be labeled on the notice as "tax relief appropriated by the Legislature", for each taxpayer as a result of moneys received by a school district from the school district facilities fund established pursuant to section

33-911, Idaho Code, and the homeowner property tax relief granted pursuant to section 63-724, Idaho Code, if any;

~~(1)~~ (m) The different payment options available to the taxpayer, his agent, or representative, which shall be printed in boldface type in a contrasting color or highlighted on the face of the tax notice; and

~~(m)~~ (n) The total amount of property taxes for the previous tax year.

(2) The information required by subsection (1) (h) of this section may be satisfied if the county treasurer provides an annual insert with the tax notice or a link on the tax notice to the county website where the information required by subsection (1) (h) of this section can be accessed. Such information must be archived on the county website. In addition to including the link to the county website, the county treasurer may also include on the tax notice a quick response code to access the information required by subsection (1) (h) of this section.

(3) The tax notices shall be numbered consecutively and the numbers must be entered upon all property rolls.

(4) Tax notices prepared in tax code area format shall state that levy sheets are available to the public.

(5) Levy sheets shall list the total property tax levy for each taxing district or taxing jurisdiction and the total in each tax code area.

(6) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a statement of the total amount of property taxes billed, on or before the second Monday of December.

(7) The tax collector in each county of the state is authorized to destroy all duplicate property tax receipts and microfilm of tax receipts on file in his office as they reach ten (10) years old. Property tax receipts may be destroyed if information has been replicated in other storage media.

(8) Computer and data processing routines for completion of all phases of the property tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation "property roll" appears within title 63, Idaho Code, data processing or computer procedures and forms may be substituted as permanent records.

(9) The county tax collector must, as soon as possible after the subsequent or missed property roll is delivered to him from the county auditor, mail or transmit electronically, if electronic transmission is requested by the taxpayer, a notice to every taxpayer listed on the subsequent or missed property roll, or to his agent or representative. The notice shall conform as nearly as possible to the notice required for property listed on the property roll.

(10) Failure to mail or transmit electronically, if electronic transmission is requested by the taxpayer, such property tax notice, or receipt of said notice by the taxpayer, shall not invalidate the property taxes, or any proceedings in the collection of property taxes, or any proceedings in the foreclosure of property tax liens.

(11) No charge, other than property taxes, shall be included on a tax notice unless the entity placing such charge has received approval from the board of county commissioners to place such charge on the tax notice and such entity:

(a) Has the authority by law to place a lien on property; and

(b) Has the authority to certify such charge to the auditor; and

(c) Is required to collect such charge in the same manner provided by law for the collection of real and personal property taxes.

(12) If a taxpayer requests to receive a tax notice electronically, the request must be made on a form provided by the county tax collector.

SECTION 13. That Section 63-3024B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024B. IDAHO TAX REBATE FUND. (1) There is hereby created in the state treasury the Idaho tax rebate fund for the purpose of implementing the provisions of this section.

(a) Up to two hundred twenty million dollars (\$220,000,000), less administrative costs, shall be distributed by the state tax commission to pay rebates to individual taxpayers as provided in subsection (2) of this section, which moneys are continuously appropriated.

(b) For rebates authorized under subsection (3) of this section, up to three hundred fifty million dollars (\$350,000,000), less administrative costs, shall be distributed by the state tax commission to pay rebates to individual taxpayers, which moneys are continuously appropriated.

(c) For rebates authorized under subsection (4) of this section, up to five hundred million dollars (\$500,000,000), less administrative costs, shall be distributed by the state tax commission to pay rebates to individual taxpayers, which moneys are continuously appropriated.

(d) On June 1, 2023, of the moneys remaining following the distributions authorized pursuant to paragraphs (a), (b), and (c) of this subsection, anticipated to be approximately one hundred thirty million dollars (\$130,000,000), fifty percent (50%) shall be transferred by the state controller to the homeowner property tax relief account established pursuant to section 63-724, Idaho Code, and fifty percent (50%) shall be transferred by the state controller to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(2) After filing a 2020 Idaho individual income tax return or form 24 on or before December 31, 2021, any full-year resident taxpayer who also filed an individual income tax return or a form 24 for 2019 shall receive a onetime, nontaxable income tax rebate check in an amount approximately equal to nine percent (9%) of the tax amount, if any, reported on 2019 form 40, line 20, or for service members on 2019 form 43, line 42, or fifty dollars (\$50.00) per taxpayer and each dependent, whichever is more. Any unexpended moneys remaining from the rebate authorized under this subsection shall be added by the state tax commission to the moneys designated for the rebate authorized under subsection (3) of this section.

(3) After filing a 2021 Idaho individual income tax return or form 24 on or before December 31, 2022, any full-year resident taxpayer who also filed a 2020 individual income tax return or form 24 on or before December 31, 2022, shall receive a onetime, nontaxable income tax rebate check in an amount approximately equal to twelve percent (12%) of the tax amount, if any, reported on 2020 form 40, line 20, or for service members on 2020 form 43, line 42, or seventy-five dollars (\$75.00) per taxpayer and each dependent, whichever is more. The state tax commission shall issue such rebates during the 2022 fiscal year and 2023 fiscal year to the extent possible.

(4) In addition to the rebate granted under subsection (3) of this section, after filing a 2021 Idaho individual income tax return or form 24 on or before December 31, 2022, any full-year resident taxpayer who also filed a 2020 individual income tax return or a form 24 on or before December 31, 2022, shall receive a onetime nontaxable income tax rebate check in an amount approximately equal to ten percent (10%) of the tax amount, if any, reported on 2020 form 40, line 20, or for service members on 2020 form 43, line 42, or three hundred dollars (\$300) per individual return or six hundred dollars (\$600) per joint return, whichever is more. The state tax commission shall issue such rebates during the 2023 fiscal year to the extent possible.

SECTION 14. That Section 63-3620F, Idaho Code, be, and the same is hereby amended to read as follows:

63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITATORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected by retailers without a physical presence in Idaho, as described in section 63-3611(3)(h), Idaho Code, and state sales and use taxes collected on transactions facilitated for third-party sellers by marketplace facilitators, as described in section 63-3605E, Idaho Code, shall be distributed as provided in this section.

(2) ~~From June 1, 2019, through June 30, 2024, all~~ All state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims under this section. All refunds authorized for payment by the state tax commission shall be paid through the state refund account and those moneys are continuously appropriated; and

(b) All remaining funds received pursuant to this section shall be distributed to the tax relief fund established in section 57-811, Idaho Code.

~~(3) On and after July 1, 2024, all state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission through the distribution formula set forth for other sales and use tax revenue in section 63-3638, Idaho Code.~~

~~(4) (3)~~ Marketplace facilitators must obtain a separate seller's permit and collect and remit under that separate permit for state sales and use taxes collected on transactions facilitated for third-party sellers.

SECTION 15. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

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

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

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

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

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

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

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

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsection (1) of this section, is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

~~(i) Beginning in fiscal year 2025 and each fiscal year thereafter, four million dollars (\$4,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code.~~

~~(ii) After the distribution required by subparagraph (i) of this paragraph, the~~

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

~~(iii)~~ (ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

~~(iv)~~ (iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

~~(v)~~ (iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

~~(i) Beginning in fiscal year 2025, five million dollars (\$5,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code. The growth percentage distributed pursuant to this subparagraph shall be recalculated each quarter beginning in fiscal year 2026 and in each fiscal year thereafter through fiscal year 2030. If the growth is positive and is calculated over the same period from the previous fiscal year, a proportional increase in the initial transfer amount of up to five percent (5%) annually shall be transferred to the state public defense fund. After fiscal year 2030, an amount equal to one-fourth (1/4) of the total amount transferred to the state public defense fund in fiscal year 2030 pursuant to this subparagraph shall be transferred quarterly to the state public defense fund;~~

~~(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine~~

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

~~(iii) Following the distribution required by subparagraph (i) of this paragraph, forty~~

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10) (b) ~~(iii)~~ (ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10) (b) ~~(iii)~~ (ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

4. If the dollar amount of money available under this subsection (10) (b) ~~(iii)~~ (ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

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

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

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

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

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute such amounts to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

(13) Amounts calculated in accordance with section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2022, are not entitled to a payment under the provisions of this subsection.

(14) For fiscal years 2023 and 2024 only, a sum of thirty-four million dollars (\$34,000,000) shall be distributed each year by the state tax commission to the forty-four (44) counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants. No later than July 1, 2022, the state public defense commission shall certify to the state tax commission each county's proportionate share of all counties' indigent defense expenses in county fiscal year 2021, excluding any state funding or grants.

~~(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.~~

(15) For fiscal year 2024 and each fiscal year thereafter, two and twenty-five hundredths percent (2.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1) and (10) of this section, is continuously appropriated and shall be distributed annually to the homeowner property tax relief account established in section 63-724, Idaho Code.

~~(16) (a) Four and five-tenths percent (4.5%), but not less than eighty of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1) and (10) of this section, or one hundred forty million dollars (\$140,000,000), whichever is less, shall be distributed as follows:~~

~~(a) Eighty million dollars (\$80,000,000) is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code; and~~

~~(b) Any portion of the four and five-tenths percent (4.5%) The remaining moneys provided for in paragraph (a) of this subsection that exceeds eighty million dollars (\$80,000,000) is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool funds allocated to them pursuant to this paragraph for local highway projects.~~

~~(c) The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.~~

(17) Beginning in fiscal year 2024 and each fiscal year thereafter, three hundred thirty million dollars (\$330,000,000) shall be distributed annually to the public school income fund created in section 33-903, Idaho Code, and eighty million dollars (\$80,000,000) shall be distributed annually to the in-demand careers fund established in section 33-4305, Idaho Code. The state tax commission shall make such transfers in quarterly installments. ~~The distributions required by this subsection must immediately follow the distributions provided for in subsection (16) of this section.~~

(18) For fiscal year 2024 and each fiscal year thereafter, two and twenty-five hundredths percent (2.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1) and (10) of this section, is continuously appropriated and shall be distributed annually to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(19) 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.

SECTION 16. ONE-TIME CASH TRANSFER FROM THE GENERAL FUND. Moneys from the General Fund, in addition to moneys from the Idaho Tax Rebate Fund, shall be used to fund the first year of the homeowner property tax relief program pursuant to Section 63-724, Idaho Code, prior to the availability of sales tax funding pursuant to Section 63-3638(15), Idaho Code, as provided in this act. There is hereby appropriated and the State Tax Commission shall transfer \$75,000,000 from the General Fund to the Homeowner Property Tax Relief Account established pursuant to Section 63-724, Idaho Code, on June 1, 2023, or as soon thereafter as is practicable.

SECTION 17. 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 18. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 through 9 and 11 through 17 of this act shall be in full force and effect on and after passage and approval, and Section 10 of this act shall be in full force and effect after passage and approval, and retroactively to January 1, 2023.

Approved March 29, 2023

CHAPTER 201
(S.B. No. 1120)

AN ACT

RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE THAT CERTAIN LICENSES SHALL NOT BE ISSUED AFTER A CERTAIN DATE, TO PROVIDE THAT CERTAIN LICENSES MAY NOT BE SOLD, LEASED, OR TRANSFERRED, TO PROVIDE THAT CERTAIN LICENSES MAY BE SOLD OR TRANSFERRED ONLY ONCE, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE REVERSION OF CERTAIN LICENSES UNDER LEASE, AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. (1) The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided in this chapter, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail, and, upon the issuance of such license, the licensee ~~therein named~~ shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter, and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States census bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued ~~and which~~ that has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year, provided however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

(2) Nothing ~~herein contained~~ in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery or ski resort, or to the lessee of any premises situate thereon, whether located within or without the limits of any city. For the purpose of this section, a golf course shall comprise an actual bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways, and greens laid out and used in the usual and regular manner of a golf course.

Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof.

(3) ~~Also for the purpose~~ For purposes of this section, a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself or through others, including, but not limited to, the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the wintertime, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. Alternatively, for the purpose of this section, a ski resort may also be defined as a downhill ski area, open to the public, comprising real property of not less than two hundred fifty (250) skiable acres, operating two (2) or more chairlifts with a vertical lift of one thousand (1,000) feet or more, and capable of transporting a minimum of one thousand eight hundred (1,800) skiers per hour. A ski resort qualifying under this definition shall also have on the premises a lodge facility providing shelter and food service to the public, the operator of which shall also be the valid owner or lessee of the grounds and facilities upon which the ski resort offers downhill skiing services to the public. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

(4) ~~Nothing herein contained in this chapter~~ shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

(5) ~~Nothing herein contained in this chapter~~ shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the civil aeronautics board of the United States of America. Not more than one (1) license shall be issued on any airport.

(6) ~~Nothing herein contained in this chapter~~ shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased, or occupied by the club, and only to bona fide members of the club, ~~and to serve and to sell alcoholic beverages for consumption and to bona fide members' guests.~~ A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which that on July 1, 1983, holds a liquor license, may continue to possess that license. Any club that possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (1), (2) and (3) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(6), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses, shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

(7) Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide convention center that is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room that will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (3) of section 23-904, Idaho Code. The holder of a convention center license shall not be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term "holder" shall include an owner, operator, or lessee and shall include a stockholder, director, or officer of a corporation or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as ~~herein defined in this section.~~

(8) ~~Nothing~~ If an owner, operator, or lessee has a validly issued retail liquor by the drink license at the time of application, nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a food, beverage, and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage, and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five

hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. No license shall be issued under this subsection on or after July 1, 2028.

(9) Nothing in this chapter shall prohibit the issuance of a license to a federally recognized Indian tribe as defined in section 67-4001, Idaho Code, which is an owner, operator, or lessee of a food, conference, and lodging facility located within the boundaries of the Indian tribe's reservation and containing a minimum of thirty-five thousand (35,000) square feet and fifty (50) guest rooms. Licenses issued to Indian tribes are not transferable.

(10) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of the lodging, dining, and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex. For purposes of this subsection, a gondola resort complex means an actual bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

(11) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a winery also operating a golf course on the premises.

(12) Subject to approval of the mayor and city council, nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a food, conference, and lodging facility constructed after May 1, 2000, containing a minimum of thirty-five thousand (35,000) square feet and fifty-five (55) guest rooms with a minimum taxable value of three million dollars (\$3,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census.

(13) Nothing contained in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a conference and event center that is within the city limits of a resort city as defined in section 50-1044, Idaho Code, that has enacted local option nonproperty taxes in accordance with section 50-1046, Idaho Code, including, at the time of issuance, a resort city tax on sales of liquor by the drink, wine, and beer sold at retail for consumption on the licensed premises. There shall be only one (1) conference and event center license to sell liquor by the drink issued per resort city pursuant to this subsection. For the purposes of this section, a conference and event center means facilities situated on premises consisting of a building or buildings and the contiguous property owned or leased and under common ownership or control by the licensee. Such facilities must provide ~~not~~ no less than four thousand (4,000) square feet of enclosed space for conference and event purposes, exclusive of space dedicated by the licensee to the commercial kitchen. The commercial kitchen must include a type 1 commercial hood and cooking equipment, exclusive of microwave ovens and grills. The fee for any license issued to a qualifying licensee shall be as prescribed in section 23-904(1), (2), or (3), Idaho Code, depending on the population of the resort city in which the conference and event center is located and as prescribed in section 23-916, Idaho Code. A license issued pursuant to this subsection may be renewed without regard to the population or status of the city for which the license was issued and without regard for the continuation of local option nonproperty taxes by the city, provided the applicant for renewal is not otherwise disqualified from licensure pursuant to

section 23-910, Idaho Code. Not more than one (1) license shall be issued to a conference and event center. A conference and event center license shall not be transferable and may not be sold. For the purpose of issuance and maintenance of a license under this subsection, such facilities may serve liquor only while such facilities are hosting a conference or event. Nothing in this subsection shall excuse a conference and event center from complying with actual use standards in title 23, Idaho Code, or administrative rules promulgated pursuant to statutory authority granted under this title.

(14) The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Except for licenses issued pursuant to subsection (1) of this section, licenses issued under the provisions of this section are not transferable to any other location, facility, or premises.

(15) A license issued pursuant to subsection (1) of this section on or after July 1, 2023:

(a) May not be sold or leased;

(b) Shall not be transferable to any other location, facility, or premises; and

(c) Shall not qualify for the discount established in section 23-217(2), Idaho Code.

(16) A license issued pursuant to subsection (1) of this section prior to July 1, 2023, may be sold or transferred to another location, facility, or premises only once on or after July 1, 2023, and shall thereafter be non-transferable. Prior to such sale or transfer, the licensee shall be entitled to the discount established in section 23-217(2), Idaho Code. Subsequent to such sale or transfer, the licensee shall not be entitled to such discount. For purposes of this subsection only, the following circumstances shall not qualify as a sale or transfer:

(a) The license is inherited or otherwise acquired through a will, trust, or other estate-planning document;

(b) The license is given to a person by the person's parent, grandparent, child, sibling, aunt, uncle, or first cousin without consideration or remuneration;

(c) A business or other entity with which the license is associated is sold or leased, and the license remains associated with such business or entity, provided that such business or entity must have occupied its location, facility, or premises at the time of sale or lease for at least one (1) year prior to the sale or lease, and provided further, that such business or entity may not move from its location, facility, or premises within one (1) year following the sale or lease. Any sale or lease that does not conform to the provisions of this paragraph shall be considered a sale or transfer; or

(d) The licensee owns, operates, or leases more than one (1) business or entity and transfers the license from one business or entity to another owned, operated, or leased by such licensee.

(17) If a license that was issued pursuant to subsection (1) of this section is under lease before July 1, 2023, then such license shall revert to the owner's possession upon the conclusion of the lease period. Once such reversion occurs, the license owner may sell or transfer the license subject to the provisions of subsection (16) of this section. The license owner may sell such license subject to the provisions of subsection (16) of this section under an installment contract wherein such contract shall not exceed a term of five (5) years.

SECTION 2. LEGISLATIVE INTENT. The State of Idaho utilizes a population-based method of regulating licenses for retail liquor by the drink. The Legislature recognizes that this form of regulation has unintentionally created a speculative market for the transferability of retail liquor by the drink licenses. It is the intent of the Legislature to cease the transfer of retail liquor by the drink licenses issued on and after July 1, 2023, while recognizing that licenses issued prior to that date should have a method to recoup some value from such licenses.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 202
(H.B. No. 244)

AN ACT

RELATING TO THE IDAHO RESIDENTIAL CARE OR ASSISTED LIVING ACT; AMENDING SECTION 39-3316, IDAHO CODE, TO PROVIDE FOR IN-PERSON VISITATION RIGHTS, TO PROVIDE THAT PRECAUTIONS SUCH AS HEALTH SCREENINGS SHALL NOT BE MORE STRINGENT FOR VISITORS THAN FOR FACILITY STAFF, TO PROVIDE THAT VISITATION MAY NOT BE PRECLUDED BASED ON THE VISITOR'S VACCINATION STATUS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-3316, Idaho Code, be, and the same is hereby amended to read as follows:

39-3316. RESIDENT RIGHTS. A residential care or assisted living facility must protect and promote the rights of each resident, including each of the following rights:

(1) Resident records. Each facility must maintain and keep current a record of the following information on each resident:

(a) A copy of the resident's current negotiated service agreement and physician's order.

(b) ~~Written acknowledgement~~ acknowledgment that the resident has received copies of the rights.

(c) A record of all personal property and funds ~~which that~~ the resident has entrusted to the facility, including copies of receipts for the property.

(d) Information about any specific health problems of the resident ~~which that~~ may be useful in a medical emergency.

(e) The name, address and telephone number of an individual identified by the resident who should be contacted in the event of an emergency or death of the resident.

(f) Any other health-related, emergency, or pertinent information ~~which the~~ resident requests the facility to keep on record.

(g) The current admission agreement between the resident and the facility.

(2) Privacy. Each resident must be assured the right to privacy with regard to accommodations, medical and other treatment, written and telephone communications, visits, and meetings of family and resident groups.

(3) Humane care and environment (dignity and respect).

- (a) Each resident shall have the right to humane care and a humane environment, including the following:
- (i) The right to a diet ~~which is~~ consistent with any religious or health-related restrictions.
 - (ii) The right to refuse a restricted diet.
 - (iii) The right to a safe and sanitary living environment.
- (b) Each resident shall have the right to be treated with dignity and respect, including:
- (i) The right to be treated in a courteous manner by staff.
 - (ii) The right to receive a response from the facility to any request of the resident within a reasonable time.
 - (iii) The right to be communicated with, orally and/or in writing, in a language they the resident understands.
- (4) Personal possessions. Each resident shall have the right to:
- (a) Wear his own clothing.
 - (b) Determine his own dress or hair style.
 - (c) Retain and use his own personal property in his own living area so as to maintain individuality and personal dignity.
 - (d) Be provided a separate storage area in his own living area and at least one (1) locked cabinet or drawer for keeping personal property.
- (5) Personal funds. Residents whose board and care is paid for by public assistance shall retain, for their personal use, the difference between their total income and the applicable board and care allowance established by department rules.
- (a) A facility shall not require a resident to deposit his personal funds with the facility.
 - (b) Once the facility accepts the written authorization of the resident, it must hold, safeguard, and account for such personal funds under a system established and maintained by the facility in accordance with this paragraph.
- (6) Management of personal funds. Upon a facility's acceptance of written authorization of a resident, the facility must manage and account for the personal funds of the resident deposited with the facility as follows:
- (a) The facility must deposit any amount of a resident's personal funds in excess of five (5) times the personal needs allowance in an interest-bearing account (or accounts) that is separate from any of the facility's operating accounts and credit all interest earned on such separate account to such account. The facility must maintain any other personal funds in a noninterest-bearing account or petty cash fund.
 - (b) The facility must assure a full and complete separate accounting of each resident's personal funds, maintain a written record of all financial transactions involving each resident's personal funds deposited with the facility, and afford ~~the~~ each resident (or a legal representative of ~~the~~ each resident) reasonable access to such record.
 - (c) Upon the death of a resident with such an account, the facility must promptly convey the resident's personal funds (and a final accounting of such funds) to the individual administering the resident's estate. For clients of the department, the remaining balance of funds shall be refunded to the department.
- (7) Access and visitation rights. Each facility must permit:
- (a) Immediate in-person access to any resident by any representative of the department, by the state ombudsman for the elderly or his designees, or by the resident's individual physician.
 - (b) Immediate in-person access to a resident, subject to the resident's right to deny or withdraw consent at any time, by immediate family or other relatives.

(c) Immediate access to a resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, by others who are visiting with the consent of the resident.

(d) Reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(8) Employment. Each resident shall have the right to refuse to perform services for the facility except as contracted for by the resident and the administrator of the facility. If the resident is hired by the facility to perform services as an employee of the facility, the wage paid to the resident shall be consistent with state and federal law.

(9) Confidentiality. Each resident shall have the right to confidentiality of personal and clinical records.

(10) Freedom from abuse, neglect, and restraints. Each resident shall have the right to be free from physical, mental, or sexual abuse, neglect, corporal punishment, involuntary seclusion, and any physical or chemical restraints.

(11) Freedom of religion. Each resident shall have the right to practice the religion of his choice or to abstain from religious practice. Residents shall also be free from the imposition of the religious practices of others.

(12) Control and receipt of health-related services. Each resident shall have the right to control his receipt of health-related services, including:

(a) The right to retain the services of his own personal physician, dentist and other health care professionals.

(b) The right to select the pharmacy or pharmacist of ~~their~~ his choice so long as it meets the statute and rules governing residential care or assisted living and the policies and procedures of the residential care or assisted living facility.

(c) The right to confidentiality and privacy concerning his medical or dental condition and treatment.

(d) The right to refuse medical services based on informed decision-making. Refusal of treatment does not relieve the facility of its obligations under this chapter.

(13) Grievances. Each resident shall have the right to voice grievances with respect to treatment or care that is (or fails to be) furnished, without discrimination or reprisal for voicing the grievances and the right to prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.

(14) Participation in resident and family groups. Each resident shall have the right to organize and participate in resident groups in the facility and the right of the resident's family to meet in the facility with the families of other residents in the facility.

(15) Participation in other activities. Each resident shall have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.

(16) Examination of survey results. Each resident shall have the right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the department with respect to the facility and any plan of correction in effect with respect to the facility.

(17) Access by advocates and representatives. A residential care or assisted living facility shall permit advocates and representatives of community legal services programs, whose purposes include rendering assistance without charge to residents, to have access to the facility at reasonable times in order to:

(a) Visit, talk with, and make personal, social and legal services available to all residents.

(b) Inform residents of their rights and entitlements, and their corresponding obligations, under state, federal and local laws by distribution of educational materials and discussion in groups and with individuals.

(c) Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, and in all other matters in which residents are aggrieved, which may be provided individually, or in a group basis, and may include organizational activity, counseling and litigation.

(d) Engage in all other methods of assisting, advising and representing residents so as to extend to them the full enjoyment of their rights.

(e) Communicate privately and without restrictions with any resident who consents to the communication.

(f) Observe all common areas of the facility.

(18) Access by protection and advocacy system. A residential care or assisted living facility shall permit advocates and representatives of the protection and advocacy system, designated by the governor pursuant to 42 U.S.C. section 15043 and ~~42 U.S.C. section 10801 et seq.~~, access to residents, facilities and records in accordance with applicable federal statutes and regulations.

(19) Access by the long-term care ombudsman. A residential care or assisted living facility shall permit advocates and representatives of the long-term care ombudsman program, pursuant to 42 U.S.C. section 3058, section 67-5009, Idaho Code, and IDAPA 15.01.03, rules of the office commission on aging, access to residents, facilities and records in accordance with applicable federal and state law, rules and regulations.

(20) A facility may not require precautions, such as health screenings, for in-person visitors that are more stringent than precautions for facility staff, and in-person access pursuant to subsection (7) (a) and (b) of this section shall not be precluded on the basis of a visitor's vaccination status.

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

Approved March 30, 2023

CHAPTER 203
(S.B. No. 1072)

AN ACT

RELATING TO DISINTERMENT; AMENDING SECTION 39-269, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISINTERMENT OF A BODY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-269, Idaho Code, be, and the same is hereby amended to read as follows:

39-269. DISINTERMENT -- RULES. (1) No body or stillborn fetus shall be disinterred within the state of Idaho except upon a permit granted by the state registrar of vital statistics. The forms of disinterment permits shall be prepared by the state registrar.

(2) Disinterment and removal must be done under the personal supervision of a licensed mortician, and only upon verified application of the per-

son or persons having the highest authority under the provisions of section 54-1142, Idaho Code. Only such persons as are actually necessary shall be present. The person having the highest authority under the provisions of section 54-1142, Idaho Code, may choose to be present or may choose the designee to attend in the person's place. The coffin shall not be opened either at place of disinterment or place of destination, except by special permit be issued by the state registrar. And in

(3) In the case of disinterment of bodies dead by reason of contagious and infectious diseases, as shown by the certificate of death given by the certifying physician or coroner, the sexton and all other persons engaged in such removal or being present shall immediately thereafter change and disinfect their clothing and properly disinfect their hands, head and face, provided, that such disinterment may also be governed by rules promulgated by the state board of health and welfare and a synopsis of the same shall be printed on the back of every permit. In case of any contagious and infectious disease where remains are to be shipped to points in other states, permission must first be obtained from the state health officer of such state.

(4) The state registrar may also issue a special disinterment permit for legal purposes. This permit for legal purposes shall be granted only upon application of a prosecuting attorney, the attorney general of this state, or the coroner of the county in which the body is interred, stating therein such facts which make it evident to the state registrar that the ends of justice require that disinterment be permitted. Such special disinterment for legal purposes shall be governed by rules promulgated by the state board of health and welfare and a synopsis of the same shall be printed on the back of every such special disinterment permit for legal purposes.

(5) Bodies in a receiving vault when prepared by a licensed mortician shall not be regarded as disinterred bodies until after the expiration of thirty (30) days.

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

Approved March 30, 2023

CHAPTER 204
(H.B. No. 357)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO DEPARTMENT OF CORRECTION; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction in the Prisons Administration Program the following amounts to be expended according to the designated expense classes from the General Fund for the period of July 1, 2022, through June 30, 2023, for the purpose of the refurbishing its facility to meet safety and execution requirements for the firing squad:

FOR:

Operating Expenditures	\$100,000
Capital Outlay	<u>650,000</u>
TOTAL	\$750,000

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated to the Idaho Department of Correction from the General Fund for refurbishing its facility to meet safety and execution requirements for the firing squad for fiscal year 2023 in an amount not to exceed \$750,000 from the General Fund to be used for nonrecurring expenditures related to refurbishing its facility to meet safety and execution requirements for the firing squad for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 30, 2023

CHAPTER 205
(S.B. No. 1190)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2023;
APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR THE FEDERAL/STATE AGREEMENTS PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 149, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Military Division for the Federal/State Agreements Program \$19,000,000 from the Federal Grant Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023.

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

Approved March 30, 2023

CHAPTER 206
(H.B. No. 333)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDIRECT SUPPORT SERVICES, LICENSING AND CERTIFICATION, AND INDEPENDENT COUNCILS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MEDICAID TRACKING REPORTS; REQUIRING REPORTS ON FACILITY LICENSING AND CERTIFICATION; REQUIRING A REPORT ON THE CRIMINAL HISTORY UNIT; PROVIDING FOR ACCOUNTABILITY REPORTS; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF INDIRECT SUPPORT SERVICES; PROHIBITING TRANSFERS OF PERSONNEL COSTS FOR THE DIVISION OF LICENSING AND CERTIFICATION; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF INDEPENDENT COUNCILS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$11,789,600	\$10,554,200	\$333,000		\$22,676,800
Cooperative Welfare (Dedicated)					
Fund	1,926,200	1,502,100			3,428,300
Cooperative Welfare (Federal)					
Fund	<u>15,507,500</u>	<u>11,144,500</u>	<u>417,000</u>		<u>27,069,000</u>
TOTAL	\$29,223,300	\$23,200,800	\$750,000		\$53,174,100
II. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,033,000	\$251,200			\$2,284,200
Cooperative Welfare (Dedicated)					
Fund	976,800	12,200			989,000
Cooperative Welfare (Federal)					
Fund	<u>4,627,600</u>	<u>639,100</u>			<u>5,266,700</u>
TOTAL	\$7,637,400	\$902,500			\$8,539,900

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
III. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$193,500	\$17,400			\$210,900
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>460,100</u>	<u>275,900</u>		<u>\$31,600</u>	<u>767,600</u>
TOTAL	\$653,600	\$308,300		\$31,600	\$993,500
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$333,500	\$2,100			\$335,600
Domestic Violence Project					
Fund	210,000	164,600		\$171,800	546,400
Cooperative Welfare (Dedicated)					
Fund		40,000			40,000
Cooperative Welfare (Federal)					
Fund	383,800	769,200		12,515,400	13,668,400
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>0</u>		<u>2,500,000</u>	<u>2,500,000</u>
TOTAL	\$927,300	\$975,900		\$15,187,200	\$17,090,400
DIVISION TOTAL	\$1,580,900	\$1,284,200		\$15,218,800	\$18,083,900
GRAND TOTAL	\$38,441,600	\$25,387,500	\$750,000	\$15,218,800	\$79,797,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Developmental Disabilities Council	6.00
Domestic Violence Council	6.00
Indirect Support Services	262.60
Licensing and Certification	71.90

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2024.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Division of Medicaid and Division of Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis and the Division of Financial Management.

SECTION 7. REPORTS ON FACILITY LICENSING AND CERTIFICATIONS. The Licensing and Certification Program shall provide biannual reports to the Legislative Services Office Division of Budget and Policy Analysis and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2023, and the second report shall be submitted no later than June 30, 2024.

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

SECTION 9. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 10. TRANSFER OF PERSONNEL COSTS FOR DIVISION OF INDIRECT SUPPORT SERVICES. Notwithstanding the provisions of Section 67-3511(4), Idaho Code, funding provided for the personnel costs expense class in the Division of Indirect Support Services shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 11. TRANSFER OF PERSONNEL COSTS FOR DIVISION OF LICENSING AND CERTIFICATION. Notwithstanding the provisions of Section 67-3511(4), Idaho Code, funding provided for the personnel costs expense class in the Division of Licensing and Certification shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 12. TRANSFER OF PERSONNEL COSTS FOR DIVISION OF INDEPENDENT COUNCILS. Notwithstanding the provisions of Section 67-3511 (4), Idaho Code, funding provided for the personnel costs expense class in the Division of Independent Councils shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 207
(S.B. No. 1193)

AN ACT

RELATED TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2023, through June 30, 2024, for the purpose of entering into voluntary contracts and agreements:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:			
FROM:			
Department of Environmental Quality (Receipts)			
Fund	\$35,000		\$35,000
II. WATER QUALITY:			
FROM:			
Department of Environmental Quality (Receipts)			
Fund	<u>105,700</u>	<u>39,500</u>	<u>145,200</u>
GRAND TOTAL	\$140,700	\$39,500	\$180,200

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

Approved March 30, 2023

CHAPTER 208
(H.B. No. 138)

AN ACT

RELATING TO PRESIDENTIAL PRIMARY ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PRESIDENTIAL PRIMARIES; AMENDING SECTION 34-106, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRESIDENTIAL PRIMARIES, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-411A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PRESIDENTIAL PRIMARIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-601, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRESIDENTIAL PRIMARIES; AMENDING SECTION 34-713, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PRESIDENTIAL PRIMARIES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 34-731, IDAHO CODE, RELATING TO THE PRESIDENTIAL PRIMARY; REPEALING SECTION 34-732, IDAHO CODE, RELATING TO CANDIDATES; REPEALING SECTION 34-733, IDAHO CODE, RELATING TO REMOVAL FROM BALLOT; REPEALING SECTION 34-734, IDAHO CODE, RELATING TO VOTING; REPEALING SECTION 34-735, IDAHO CODE, RELATING TO PRESIDENTIAL PRIMARY RESULTS; REPEALING SECTION 34-736, IDAHO CODE, RELATING TO DELEGATES TO THE NATIONAL CONVENTION; REPEALING SECTION 34-737, IDAHO CODE, RELATING TO CONDUCT OF ELECTION; REPEALING SECTION 34-738, IDAHO CODE, RELATING TO COSTS OF A PRESIDENTIAL PRIMARY; AMENDING SECTION 34-904A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PRESIDENTIAL PRIMARIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1203A, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRESIDENTIAL PRIMARIES; AMENDING SECTION 34-1205, IDAHO CODE, TO REMOVE A PROVISION REGARDING A PRESIDENTIAL PRIMARY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. ~~(1)~~ "Primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections, ~~with the exception of presidential primaries,~~ shall be held on the third Tuesday of May in each even-numbered year.

~~(2) "Presidential primary" means an election held for the purpose of allowing voters to express their choice of candidate for nomination by a political party for president of the United States. A presidential primary shall be held on the second Tuesday in March in each presidential election year.~~

SECTION 2. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section or section ~~34-219~~ 34-220, Idaho Code, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if when it is necessary to do emergency work to prepare for a national or local defense, or ~~it is necessary to do emergency work to safeguard life, health or property.~~

~~(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.~~

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1 next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section ~~which that~~ falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section ~~which that~~ falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the four (4) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 3. That Section 34-411A, Idaho Code, be, and the same is hereby amended to read as follows:

34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAFFILIATED ELECTORS. (1) For a primary election, ~~including a presidential primary election,~~ an elector may change such elector's political party affiliation or become "unaffiliated" by filing a signed form with the county clerk no later than the last day a candidate may file for partisan political office prior to such primary election, as provided for in section 34-704 ~~or 34-732,~~ Idaho Code. An "unaffiliated" elector may affiliate with the party of the elector's choice by filing a signed form up to and including election day. The application form described in section 34-1002, Idaho Code, shall also be used for this purpose.

(2) For a primary election, an "unaffiliated" elector may select a political party affiliation only prior to voting in the primary election. An elector may make such selection on or before election day, by declaring such political party affiliation to the poll worker or other appropriate election personnel. The poll worker or other appropriate election personnel shall then record in the poll book the elector's choice. After the primary election, the county clerk shall record the party affiliation so recorded in the poll book as part of such elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

SECTION 4. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the third Tuesday in May, 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

~~(4) A presidential primary shall be held on the second Tuesday in March in each presidential election year.~~

SECTION 5. That Section 34-713, Idaho Code, be, and the same is hereby amended to read as follows:

34-713. PREPARATION OF PRIMARY BALLOTS. (1) Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary ballots for the forthcoming election. The printing of the ballots shall be a county expense and paid out of the county treasury ~~except presidential primary ballots, which shall be paid for as provided in section 34-738, Idaho Code.~~

(2) Each county clerk shall cause to be published on the earliest date possible in May the names of all the political party candidates who shall appear on the primary ~~or presidential primary~~ ballot. The names shall be listed alphabetically under each particular office title.

SECTION 6. That Section 34-731, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 34-732, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 34-733, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 34-734, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 34-735, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 34-736, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 34-737, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 34-738, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 34-904A, Idaho Code, be, and the same is hereby amended to read as follows:

34-904A. ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS. (1) Except as provided in subsection (2) of this section, an elector who has designated a party affiliation shall be allowed to vote only in the primary ~~or presidential~~ primary election of the political party for which such an elector is so registered.

(2) A political party qualified to participate in elections pursuant to section 34-501, Idaho Code, may, no later than the last Tuesday in the November prior to a primary ~~or presidential~~ election, notify the secretary of state in writing that the political party elects to allow, in addition to those electors who have registered with that political party, any of the following to vote in such party's primary ~~or presidential~~ primary election:

(a) Electors designated as "unaffiliated";

(b) Electors registered with a different political party qualified to participate in elections pursuant to section 34-501, Idaho Code. In the event a state chairman of a political party elects to allow electors to vote in that party's primary ~~or presidential~~ primary election pursuant to this paragraph ~~(b)~~, the state chairman shall identify which political parties' registrants are allowed to vote in such primary ~~or presidential~~ primary election.

(3) In the event that more than one (1) political party allows "unaffiliated" electors to vote in their party's primary ~~or presidential~~ primary election, an "unaffiliated" elector shall designate which political party's primary ~~or presidential~~ primary election the elector chooses to vote in by declaring such designation to the poll worker or other appropriate election personnel, who shall then record in the poll book the elector's choice. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(4) In the event no more than one (1) political party allows "unaffiliated" electors to vote in their party's primary ~~or presidential~~ primary election, an "unaffiliated" elector may designate that political party's primary ~~or presidential~~ primary election as the election the elector chooses to vote in by declaring such designation to the poll worker or other appropriate election personnel, who shall then record in the poll book the elector's choice. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) An "unaffiliated" elector having declared such designation as provided for in subsection (3) or (4) of this section shall not be permitted to vote in the primary ~~or presidential primary~~ election of any other party held on that primary ~~or presidential primary~~ election date.

(6) If an "unaffiliated" elector does not declare a choice of political party's primary ~~or presidential primary~~ election ballot, the elector shall not be permitted to vote in any political party's primary ~~or presidential primary~~ election but shall receive a nonpartisan ballot when such a ballot is available.

(7) In the event that one (1) or more political parties allow electors affiliated with a different political party to vote in their primary ~~or presidential primary~~ election pursuant to this section, an elector affiliated with a different political party shall declare to the poll worker or other appropriate election personnel in which primary ~~or presidential primary~~ election ballot such elector wishes to vote. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(8) Provided that all other provisions of this act are complied with, nothing in this section shall be construed to prohibit an elector designated as "unaffiliated" from voting in the primary ~~or presidential primary~~ election of a different party held in subsequent years. Notwithstanding any other provision of this act, if a political party allows "unaffiliated" electors to vote in that political party's primary ~~or presidential primary~~ election pursuant to this section, a vote by an "unaffiliated" elector in such primary ~~or presidential primary~~ election shall not change or affect the elector's "unaffiliated" designation.

SECTION 15. That Section 34-1203A, Idaho Code, be, and the same is hereby amended to read as follows:

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

(1) (a) After the completion of all county canvasses for any primary or general election, ~~including any presidential primary election,~~ the secretary of state shall identify and order a postelection audit of certain paper ballots cast in any election, shall immediately post to the website of the office of the secretary of state a list of the elections, counties, and precincts selected for audit, and shall immediately notify each affected county clerk and county sheriff of the same. Upon receiving such notification, the county sheriff shall immediately impound and take into custody the affected ballots pursuant to the procedures in chapter 23, title 34, Idaho Code. Upon completion of the postelection audit, the ballots shall be resealed and returned to the custody of the county clerk, or the county sheriff in the event that the ballots are subject to a recount pursuant to chapter 23, title 34, Idaho Code.

(b) A postelection audit authorized pursuant to paragraph (a) of this subsection may be ordered for:

- (i) Any or all federal elections held in Idaho;
- (ii) The election for governor;
- (iii) The statewide office election having the narrowest percentage margin of votes;
- (iv) The statewide ballot question election having the narrowest percentage margin of votes; and
- (v) One (1) legislative office election within the county.

(c) The precincts selected for audit pursuant to paragraph (a) of this subsection shall:

(i) Be selected by lot by the secretary of state without the use of a computer at an open public meeting governed by the provisions of chapter 2, title 74, Idaho Code; and

(ii) Not exceed five percent (5%) of the precincts in the county or one (1) precinct, whichever is greater. Provided, however, that multiple precincts may be selected in any county if the number of ballots from the precincts so selected is less than two thousand one hundred (2,100).

(d) The secretary of state, in lieu of auditing the early or absentee ballots from any precincts selected for postelection audit, may select days, batches, legislative districts, or tabulation machines of early or absentee ballots for audit until the number of ballots selected equals or exceeds the number of early or absentee ballots that were cast from the precincts selected for postelection audit. Such days, batches, legislative districts, or tabulation machines shall be selected under the same requirements by which precincts were selected. The provisions of this paragraph apply only to a county that:

(i) Does not organize the storage of its early or absentee ballots by precinct;

(ii) Organizes the storage of such ballots by day, batch, legislative district, or tabulation machine; and

(iii) Publicly reports the election results for early or absentee ballots by day, batch, legislative district, or tabulation machine on the county's website prior to the secretary of state's selection of precincts to be audited.

(2) The secretary of state shall conduct, and the county clerks shall facilitate, any postelection audit ordered pursuant to subsection (1) of this section. Such an audit shall be open to attendance by news media personnel. By directive issued at least sixty (60) days prior to the election, the secretary of state shall determine the procedures by which the postelection audit is to be conducted. Such procedures shall be developed in consultation with county clerks and shall include provisions allowing each interested candidate and political party, and each political committee that publicly reported expending money on a ballot question for which the results will be audited, to appoint a designated observer. Within the time specified in the directive, the secretary of state shall report the results of any postelection audits on the website of the office of the secretary of state and to the county clerk of each county in which paper ballots were audited.

(3) The secretary of state may order additional postelection audits, without regard to the election or precinct limitations provided in subsection (1) of this section, if he determines that such action is warranted by the findings of the audits ordered pursuant to subsection (1) of this section. The secretary of state shall limit such orders for additional postelection audits to the types of problems identified by the audits performed pursuant to subsection (1) of this section.

(4) The office of the secretary of state shall pay for the cost of any postelection audits conducted pursuant to this section, including reimbursing county clerks for any costs associated with facilitating such audits.

SECTION 16. That Section 34-1205, Idaho Code, be, and the same is hereby amended to read as follows:

34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of commissioners shall be the county board of canvassers and the county clerk shall serve as their secretary for this purpose. The county board of canvassers shall meet within seven (7) days after a primary ~~or presidential primary~~ election and within ten (10) days after a general election for the purpose of canvassing the election returns of all precincts within the county.

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 209
(S.B. No. 1182)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; DIRECTING THE USE OF MONEYS FOR SUICIDE PREVENTION AND AWARENESS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE COOPERATIVE WELFARE FUND TO THE RURAL PHYSICIAN INCENTIVE FUND; DIRECTING THE USE OF MONEYS FOR PROJECT ECHO; ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM; ALLOCATING FUNDING FOR SMOKING CESSATION; DIRECTING THE USE OF CERTAIN FUNDS; PROHIBITING THE TRANSFER OF PERSONNEL COSTS; PROVIDING FOR ACCOUNTABILITY REPORTS; DIRECTING EXPENDITURES FOR PROJECT FILTER; PROVIDING LEGISLATIVE INTENT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILY GRANT FUNDS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of 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, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,290,300	\$1,063,500		\$2,829,600	\$6,183,400
Idaho Immunization Dedicated Vaccine					
Fund		18,970,000			18,970,000
Cancer Control					
Fund	70,600	205,000		82,600	358,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Central Tumor Registry					
Fund		120,000		240,000	360,000
Cooperative Welfare (Dedicated)					
Fund	2,780,700	5,462,700		11,136,200	19,379,600
Idaho Millennium Income					
Fund		2,000,000		1,278,900	3,278,900
Cooperative Welfare (Federal)					
Fund	16,063,500	30,262,600		54,289,700	100,615,800
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>0</u>		<u>1,000,000</u>	<u>1,000,000</u>
TOTAL	\$21,205,100	\$58,083,800		\$70,857,000	\$150,145,900

II. EMERGENCY MEDICAL SERVICES:**FROM:**

Cooperative Welfare (General)					
Fund	\$71,400	\$85,000			\$156,400
Emergency Medical Services					
Fund	2,031,200	1,750,200			3,781,400
Emergency Medical Services III					
Fund				\$1,700,000	1,700,000
TSE Registry					
Fund	120,400	327,000			447,400
Cooperative Welfare (Dedicated)					
Fund	772,400	551,400			1,323,800
Cooperative Welfare (Federal)					
Fund	968,000	724,300		4,314,200	6,006,500
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>0</u>		<u>2,500,000</u>	<u>2,500,000</u>
TOTAL	\$3,963,400	\$3,437,900		\$8,514,200	\$15,915,500

III. LABORATORY SERVICES:**FROM:**

Cooperative Welfare (General)					
Fund	\$2,164,300	\$351,400			\$2,515,700
Cooperative Welfare (Dedicated)					
Fund	421,100	279,300			700,400
Cooperative Welfare (Federal)					
Fund	<u>1,902,900</u>	<u>3,181,000</u>	<u>\$200,000</u>		<u>5,283,900</u>
TOTAL	\$4,488,300	\$3,811,700	\$200,000		\$8,500,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. SUICIDE PREVENTION AND AWARENESS:					
FROM:					
Cooperative Welfare (General)					
Fund	\$336,400	\$820,500		\$644,600	\$1,801,500
Cooperative Welfare (Federal)					
Fund	<u>0</u>	<u>115,000</u>		<u>404,000</u>	<u>519,000</u>
TOTAL	\$336,400	\$935,500		\$1,048,600	\$2,320,500
V. HEALTH CARE POLICY INITIATIVES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$105,400	\$233,000		\$143,700	\$482,100
Cooperative Welfare (Dedicated)					
Fund	77,200	75,000			152,200
Cooperative Welfare (Federal)					
Fund	<u>104,300</u>	<u>33,000</u>		<u>356,300</u>	<u>493,600</u>
TOTAL	\$286,900	\$341,000		\$500,000	\$1,127,900
GRAND TOTAL	\$30,280,100	\$66,609,900	\$200,000	\$80,919,800	\$178,009,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2024.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. SUICIDE PREVENTION AND AWARENESS. The amount appropriated in Section 1 of this act for the Suicide Prevention and Awareness Program shall be used in accordance with the plan developed by the various stakeholders as required by Section 6, Chapter 340, Laws of 2018. Further, the program shall continue to work with all relevant stakeholders to maximize the moneys appropriated for this purpose. The department shall provide a report to the Legislative Services Office on the implementation of the program no later than November 1, 2023.

SECTION 7. CASH TRANSFER. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, there is hereby appropriated and the Office of the State Controller shall transfer \$640,000 from the Cooperative Welfare (General) Fund to the Rural Physician Incentive Fund on July 15, 2023, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2023, through June 30, 2024.

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

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

SECTION 10. SMOKING CESSATION. Of the amount appropriated in Section 1 of this act, \$1,278,700 from the Idaho Millennium Income Fund shall be distributed to the public health districts for the purpose of prevention and cessation programs for tobacco, vape, and other substances as funds allow. These moneys shall be distributed equally among the public health districts.

SECTION 11. DIRECTING USE OF FUNDS. Of the amount appropriated in Section 1 of this act from the ARPA State Fiscal Recovery Fund for ambulance funding, \$2,500,000 shall be distributed first for equipment needs and then according to the uses described in Section 56-1018B, Idaho Code. The Emergency Medical Services Program of the Department of Health and Welfare shall be responsible for requiring qualifying nonprofit and governmental entities that submit an application for a grant to provide information and a certification as part of the grant application to show that the moneys will be used for needs related to the COVID-19 pandemic and will be spent during the allowable time period for the ARPA State Fiscal Recovery Fund.

SECTION 12. TRANSFER OF PERSONNEL COSTS. Pursuant to Section 67-3511(4), Idaho Code, funding provided for the personnel costs expense class in the Public Health Services Division shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 13. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 14. PROJECT FILTER ALLOWABLE USES. Of the amount appropriated in Section 1 of this act, \$2,000,000 from the Idaho Millennium Income Fund shall be expended for the purposes of prevention and cessation programs from tobacco, vape, and other substances as funds allow. No moneys for Project Filter from the Millennium Income Fund shall be used for sponsorships or passive advertising.

SECTION 15. LEGISLATIVE INTENT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. It is the intent of the legislature that of the funds appropriated in Section 1 of this act for the Temporary Assistance for Needy Families (TANF) program, none shall be used to support instruction, coursework, electives, programs, or any other activities that involve the participation of students, faculty, staff, or volunteers and that deal with the subjects of sexual behavior, sexual health, sexual attitudes, or sexual philosophy.

SECTION 16. In addition to the appropriation made in Section 1, Chapter 199, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division in the Public Health Program the following amounts to be expended for the designated expense classes from the Cooperative Welfare (Dedicated) Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$130,500
Trustee and Benefit Payments	<u>1,169,500</u>
TOTAL	\$1,300,000

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, Section 16 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 210
(S.B. No. 1148)

AN ACT

RELATING TO THE STATE JUDICIARY; AMENDING SECTION 1-2101, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEMBERSHIP OF AND APPOINTMENTS TO THE JUDICIAL COUNCIL, TO REMOVE A PROVISION REGARDING AN ADJUNCT MEMBER, TO PROVIDE FOR A CERTAIN REQUIREMENT OF THE IDAHO STATE BAR, TO PROVIDE FOR TERMS OF MEMBERS AS OF CERTAIN DATES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2102, IDAHO CODE, TO REVISE A PROVISION REGARDING A DUTY OF THE COUNCIL, TO PROVIDE FOR CERTAIN DUTIES OF THE COUNCIL, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-905, IDAHO CODE, TO PROVIDE FOR NONPARTISAN BALLOTS FOR THE ELECTION OF JUDGES OF THE COURT OF APPEALS AND TO REMOVE A PROVISION REGARDING BALLOTS; AMENDING SECTION 74-104, IDAHO CODE, TO PROVIDE FOR CERTAIN RECORDS OF THE JUDICIAL COUNCIL; AMENDING SECTION 48-1509, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-2101, Idaho Code, be, and the same is hereby amended to read as follows:

1-2101. JUDICIAL COUNCIL -- CREATION -- MEMBERSHIP -- APPOINTMENTS -- VACANCIES. (1) There is hereby created a judicial council ~~which shall consist of seven (7) permanent members, and one (1) adjunct member. Three (3) permanent~~ that shall consist of nine (9) members. There shall be four (4) attorney members, one (1) of whom shall be a district judge, shall be appointed by the board of commissioners of the Idaho state bar one (1) of whom shall be a magistrate judge, and two (2) of whom shall be members of the Idaho state bar. The district judge and magistrate judge members shall be appointed by the governor from a list of three (3) judges for each position submitted to the governor by the Idaho supreme court from the roster of judges currently serving as full-time judges in the state of Idaho with the consent of the senate. The two (2) nonjudicial attorney positions may be held by attorneys with any type of practice, provided they shall not both be attorneys whose practice as certified by them at the time of their appointment is predominantly civil defense, predominantly representing civil plaintiffs, predominantly criminal defense, or predominantly criminal prosecution. For each of the nonjudicial attorney positions, the Idaho state bar shall nominate from its membership and submit to the governor a list of three (3) attorneys who meet the criteria of this section. The governor shall select one (1) such attorney for each vacancy for appointment to the judicial council with the consent of the senate. ~~Three (3) permanent~~ There shall be four (4) non-attorney members that shall be appointed by the governor from the residents of the state of Idaho with the consent of the senate. If any of the above appointments be are made during a recess of the senate, they shall be subject to consent of the senate at its next session. The term of office for a permanent an appointed member of the judicial council shall be six (6) four (4) years. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration for area representation and not more than three (3) five (5) of the permanent appointed members shall be from one (1) political party. The chief justice of the Ssupreme Ccourt shall be the seventh ninth member and chairman of the judicial council. No permanent more than two (2) of the non-judicial members of the judicial council, except a judge or justice, may hold any other office or position of profit under the United States or the state of

Idaho. The judicial council shall act by concurrence of ~~four (4)~~ five (5) or more members and according to rules which that it adopts.

~~(2) In addition to the permanent members of the judicial council, whenever there is an issue before the council which involves the removal, discipline or recommendation for retirement of a district court magistrate, the chief justice shall appoint an adjunct member of the judicial council, who shall be a district court magistrate. For all purposes for which the adjunct appointment is made, the adjunct member shall be a full voting member of the judicial council. In selecting nonjudicial attorneys to nominate for membership on the judicial council, the Idaho state bar commission shall solicit applications from members of the state bar who are eligible for nomination as provided in subsection (1) of this section and shall make a good faith effort to solicit feedback on such attorneys to determine each applicant's appropriateness to serve on the council.~~

(3) Members serving on the judicial council and confirmed by the senate as of July 1, 2023, shall continue to serve until the expiration of their terms. All subsequent appointments shall be made subject to the requirements of this section, provided that the length of the initial terms of the additional members added to the council by this act may be less than four (4) years as designated by the governor in his appointment in order to as nearly as practicable stagger the terms of newly appointed members and those currently serving in order to promote continuity and avoid disproportionate council turnover in any given year. Subsequent terms thereafter shall be for four (4) years as required in this section.

SECTION 2. That Section 1-2102, Idaho Code, be, and the same is hereby amended to read as follows:

1-2102. DUTIES OF COUNCIL. The judicial council shall:

(1) Conduct studies for the improvement of the administration of justice;

(2) Make reports to the supreme court and legislature at intervals of not more than two (2) years;

~~(3) Submit to the governor the names of not less than two (2)~~ three (3) or and not more than four (4) qualified persons for each vacancy in the office of justice of the supreme court, judge of the court of appeals, or district judge, one (1) of whom shall be appointed by the governor; provided, that the council shall submit only the names of those qualified persons who are eligible to stand for election pursuant to section 1-2404, 34-615, or 34-616, Idaho Code; and provided further, that for each vacancy the governor may request one (1) time that up to three (3) additional names be submitted for the vacancy, in which case the council shall solicit interest in the vacancy a second time and submit the number of additional qualified applicants as the governor requested for the vacant position to be considered with the original list;

(4) For each list of names submitted to the governor under subsection (3) of this section, provide to the governor a report summarizing the factors considered in including each person on the list. Such factors may include references to comments and ratings received by the council regarding each nominee as well as other qualifications and considerations that the council considered in making its recommendations; provided however, that a comment that is not a public record or subject to disclosure pursuant to court rule shall not be disclosed in this report;

~~(4)~~ (5) Recommend the removal, discipline, and retirement of judicial officers, including magistrates;

~~(5)~~ (6) Prepare an annual budget request in the form prescribed in section 67-3502, Idaho Code, and submit such request to the supreme court, which shall include such request as submitted by the judicial council in the annual budget request of the judicial department; and

(7) Not less than forty-eight (48) hours prior to an interview of an applicant by the judicial council, if requested by an applicant, disclose to the applicant any written information or comments provided to the judicial council about the applicant, removing information that would identify the commenter, as part of or to be considered in the application and interview process. No written information submitted to the council shall be submitted to council members nor considered by them if it has been requested by, but not disclosed to, the applicant to whom the information relates. If such information is not a public record or is not subject to disclosure pursuant to court rule, it shall not be publicly disclosed in any manner by any person except as permitted by this section; and

~~(6)~~ (8) Such other duties as may be assigned by law.

SECTION 3. That Section 34-905, Idaho Code, be, and the same is hereby amended to read as follows:

34-905. NONPARTISAN BALLOTS FOR ELECTION OF JUSTICES OF SUPREME COURT, JUDGES OF THE COURT OF APPEALS, AND DISTRICT JUDGES. There shall be a single nonpartisan ballot for the election of justices of the supreme court, judges of the court of appeals, and district judges. The names of all candidates for each office shall be listed under the proper office title by the secretary of state. A similar ballot shall be prepared for any general election, whenever it shall be necessary to conduct an election for judicial office.

~~The ballot for each judicial office shall contain the words: "To succeed (Judge, Justice) . . . ,"~~ inserting the name of the ~~or of each incumbent candidate for re-election, or retiring judge or justice as the case may be, whose successor is to be elected in that year followed by the words: "Vote for One," followed by the names of the candidates for that particular office.~~

SECTION 4. That Section 74-104, Idaho Code, be, and the same is hereby amended to read as follows:

74-104. RECORDS EXEMPT FROM DISCLOSURE -- EXEMPTIONS IN FEDERAL OR STATE LAW -- COURT FILES OF JUDICIAL PROCEEDINGS -- JUDICIAL COUNCIL. (1) The following records are exempt from disclosure:

~~(1)~~ (a) Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.

~~(2)~~ (b) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules, and any drafts or other working memoranda related to judicial decision-making, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(2) The judicial council ratings and tabulated scores from attorney questionnaires of candidates for a judicial vacancy whose names are submitted to the governor and the summary prepared pursuant to section 1-2102(4), Idaho Code, shall be public.

SECTION 5. That Section 48-1509, Idaho Code, be, and the same is hereby amended to read as follows:

48-1509. PUBLIC RECORDS. All documents submitted to the attorney general by any person, including nonprofit hospital entities giving notice under section 48-1503, Idaho Code, in connection with the attorney general's review of the proposed nonprofit hospital conversion transaction pursuant to this chapter shall be deemed records contained in court files of judicial proceedings, as provided for in section 74-104-~~(2)~~(1)(b), Idaho Code, and shall only be subject to public disclosure, pursuant to a public document request, in the same manner as set forth in that section.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 211
(S.B. No. 1192)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ENERGY AND MINERAL RESOURCES ; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; REAFFIRMING STATUTORY COMPLIANCE REGARDING RESILIENT GRID GRANTS; REQUIRING A REPORT ON ENERGY RESILIENCY SUBGRANTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of Energy and Mineral Resources the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
FROM:					
Indirect Cost Recovery					
Fund	\$223,700	\$37,800			\$261,500
Renewable Energy Resources					
Fund	230,400	40,500			270,900
Miscellaneous Revenue					
Fund	10,100	10,100			20,200
Petroleum Price Violation					
Fund	266,000	160,900	\$26,400	\$58,000	511,300
Federal Grant					
Fund	<u>706,500</u>	<u>467,200</u>	<u>0</u>	<u>5,998,900</u>	<u>7,172,600</u>
TOTAL	\$1,436,700	\$716,500	\$26,400	\$6,056,900	\$8,236,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Energy and Mineral Resources is authorized no more than eleven (11.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, 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 Office of Energy and Mineral Resources any unexpended and unencumbered balances appropriated to the Office of Energy and Mineral Resources from the Miscellaneous Revenue Fund for the purpose of the Energy Resiliency Grant Program for fiscal year 2023, in the amount not to exceed \$15,000,000 from the Miscellaneous Revenue Fund, to be used for nonrecurring expenditures related to the Energy Resiliency Grant Program for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. RESILIENT GRID GRANTS. Of the moneys appropriated in Section 1 of this act from the Federal Grant Fund for Infrastructure Investment and Jobs Act of 2021 Resilient Grid Grants, no funds shall be expended for promotion, advertisement, enforcement, or adoption of the International Energy Conservation Code beyond the 2018 energy conservation codes already in effect, pursuant to Section 39-9701, Idaho Code.

SECTION 5. ENERGY RESILIENCY SUBGRANT REPORTING. Relating to the moneys appropriated in Section 1 of this act from the Federal Grant Fund for Infrastructure Investment and Jobs Act of 2021 subgrants, and in Section 3 of this act from the Miscellaneous Revenue Fund for energy resiliency subgrants, the Office of Energy and Mineral Resources shall provide a written report to the Joint Finance-Appropriations Committee no later than December 1, 2023, detailing the distribution and use of these funds.

SECTION 6. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 212
(S.B. No. 1196)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PARKS AND RECREATION FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PARKS AND RECREATION FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FISCAL YEAR 2023 CASH TRANSFER TO THE PARKS AND RECREATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$85,000,000 from the General Fund to the Parks and Recreation Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 201, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Parks and Recreation for the Capital Development Program \$85,000,000 from the Parks and Recreation Fund to be expended for the period July 1, 2022, through June 30, 2023, for deferred maintenance, capital projects, and collaborative interagency projects.

SECTION 3. FISCAL YEAR 2024 CASH TRANSFER TO THE PARKS AND RECREATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$10,000,000 from the General Fund to the Parks and Recreation Fund on July 1, 2023, or as soon thereafter as practicable, for the period July 1, 2023, through June 30, 2024.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Parks and Recreation for the Capital Development Program \$10,000,000 from the Parks and Recreation Fund to be expended for the period July 1, 2023, through June 30, 2024, for capital projects.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3 and 4 of this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 213
(S.B. No. 1183)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REMEDIATION PROJECT REPORTING REQUIREMENTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE ENVIRONMENTAL REMEDIATION BASIN FUND FOR FISCAL YEAR 2024; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (GENERAL) FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2024; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE DEQ (GENERAL) FUND; PROVIDING REQUIREMENTS FOR THE USE OF THE ARPA STATE FISCAL RECOVERY FUND; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATION AND SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY WASTE MANAGEMENT AND REMEDIATION PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,528,600	\$1,919,000	\$1,255,300		\$5,702,900
Air Quality Permitting					
Fund	214,100	90,700	63,100		367,900
Public Water System Supervision					
Fund	271,700	78,900	48,000		398,600
Environmental Remediation (Box)					
Fund	10,300				10,300
Environmental Remediation (Basin)					
Fund	14,600	14,400	12,600		41,600
Department of Environmental Quality (Receipts)					
Fund	240,400	117,100	75,500		433,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Idaho Underground Storage Tank Program					
Fund	57,600	15,900	14,300		87,800
IPDES Program					
Fund	226,200	50,500	45,600		322,300
Bunker Hill Trust					
Fund	27,300	6,800	5,900		40,000
Department of Environmental Quality (Federal)					
Fund	1,420,700	1,263,200	966,500		3,650,400
ARPA State Fiscal Recovery					
Fund	<u>419,000</u>	<u>0</u>	<u>0</u>		<u>419,000</u>
TOTAL	\$5,430,500	\$3,556,500	\$2,486,800		\$11,473,800

II. AIR QUALITY:**FROM:**

Department of Environmental Quality (General)					
Fund	\$4,645,800	\$213,600	\$4,000		\$4,863,400
Air Quality Permitting					
Fund	1,493,900	59,700		\$63,000	1,616,600
Department of Environmental Quality (Receipts)					
Fund	421,000	393,000		300,000	1,114,000
Department of Environmental Quality (Federal)					
Fund	<u>1,281,900</u>	<u>1,971,200</u>	<u>0</u>	<u>1,241,400</u>	<u>4,494,500</u>
TOTAL	\$7,842,600	\$2,637,500	\$4,000	\$1,604,400	\$12,088,500

III. WATER QUALITY:**FROM:**

Department of Environmental Quality (General)					
Fund	\$9,138,100	\$1,788,100		\$967,500	\$11,893,700
Public Water System Supervision					
Fund	1,395,900	499,700			1,895,600
Department of Environmental Quality (Receipts)					
Fund	687,400	1,003,500		2,521,600	4,212,500
IPDES Program					
Fund	1,189,300	443,400	\$12,000		1,644,700
Department of Environmental Quality (Federal)					
Fund	6,131,800	13,440,000		2,333,200	21,905,000
ARPA State Fiscal Recovery					
Fund	<u>446,300</u>	<u>7,500</u>	<u>0</u>	<u>59,452,200</u>	<u>59,906,000</u>
TOTAL	\$18,988,800	\$17,182,200	\$12,000	\$65,274,500	\$101,457,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$149,200	\$10,200			\$159,400
Environmental Remediation (Basin)					
Fund	79,500	15,500			95,000
Department of Environmental Quality (Federal)					
Fund	<u>16,100</u>	<u>0</u>		<u>\$50,000</u>	<u>66,100</u>
TOTAL	\$244,800	\$25,700		\$50,000	\$320,500
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$3,134,100	\$152,700		\$94,600	\$3,381,400
Environmental Remediation (Box)					
Fund	277,900	76,600		150,500	505,000
Environmental Remediation (Basin)					
Fund	389,500	41,800		200,000	631,300
Department of Environmental Quality (Receipts)					
Fund	868,500	127,100		51,800	1,047,400
Idaho Underground Storage Tank Program					
Fund	274,700	25,000			299,700
Bunker Hill Trust					
Fund	110,500	2,957,000		300,000	3,367,500
Bunker Hill Central Treatment Plant					
Fund		555,000			555,000
Department of Environmental Quality (Federal)					
Fund	3,345,700	8,242,900		3,015,500	14,604,100
ARPA State Fiscal Recovery					
Fund	<u>1,021,800</u>	<u>8,432,800</u>		<u>4,000,000</u>	<u>13,454,600</u>
TOTAL	\$9,422,700	\$20,610,900		\$7,812,400	\$37,846,000
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$99,400	\$8,700			\$108,100
Department of Environmental Quality (Federal)					
Fund	<u>1,153,900</u>	<u>1,318,800</u>		<u>\$146,900</u>	<u>2,619,600</u>
TOTAL	\$1,253,300	\$1,327,500		\$146,900	\$2,727,700
GRAND TOTAL	\$43,182,700	\$45,340,300	\$2,502,800	\$74,888,200	\$165,914,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred seventy-nine (379.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REMEDIATION PROJECT REPORTING REQUIREMENTS. Moneys deposited into the Environmental Remediation (Basin) Fund shall be used for remediation of the Coeur d'Alene Basin in accordance with the Superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall submit an annual report to the Governor, the Legislature, and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 4. CASH TRANSFER FOR WASTE REMEDIATION. There is hereby appropriated to the Department of Environmental Quality and the Office of the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

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

SECTION 6. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (GENERAL) FUND. There is hereby appropriated to the Department of Environmental Quality and the Office of the State Controller shall transfer \$279,000 from the Department of Environmental Quality (General) Fund to the Agricultural Best Management Practices (BMP) Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 7. REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality from the ARPA State Fiscal Recovery Fund for water infrastructure and remediation projects for fiscal year 2023 from the ARPA State Fiscal Recovery Fund, to be used for nonrecurring expenditures related to water infrastructure and remediation projects for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 8. REAPPROPRIATION AUTHORITY FOR AMERICAN RESCUE PLAN FUND. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality in the Air Quality Program from the American Rescue Plan Fund for air quality monitors for fiscal year 2023 in an amount not to exceed \$195,900 from the American Rescue Plan Fund, to be used for nonrecurring expenditures related to air quality monitors for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 9. REAPPROPRIATION AUTHORITY DEQ (GENERAL) FUND. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality in the Administration and Support Services Program from the DEQ (General) Fund for the electronic data management system for fiscal year 2023 in an amount not to exceed \$3,000,000 from the DEQ (General) Fund, to be used for nonrecurring expenditures related to the electronic data management system for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 10. USES OF ARPA STATE FISCAL RECOVERY FUND. It is the intent of the Legislature to provide no more than \$325,000,000 of the American Rescue Plan Act (ARPA) funding to support construction of drinking water and wastewater projects. Moneys shall be appropriated from the ARPA State Fiscal Recovery Fund for this purpose. The Department of Environmental Quality (DEQ) may use the ARPA State Fiscal Recovery Fund to fund all eligible planning grant requests received consistent with existing processes. DEQ shall provide ARPA funding in the form of grants for construction of drinking water and wastewater projects using a tiered approach that provides the highest level of grant funding to systems with the greatest level of need but least ability to pay, as determined by factors including size of system (smaller systems rank higher), monthly user rates, median income, and readiness to proceed. DEQ may consider all projects meeting the intended criteria where costs were incurred after March 3, 2021, and where construction will be completed prior to December 31, 2026. This includes funding cost overruns for existing state revolving loan-funded projects currently under construction if they are due to factors such as increased labor and material costs. DEQ shall provide a written update of recipients to germane legislative committees upon approval by the Board of Environmental Quality. DEQ shall submit a report to the Governor and the Legislature detailing progress and expenditures by January 6, 2024.

SECTION 11. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 12. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Administration and Support Services Program \$3,000,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of an electronic data management system.

SECTION 13. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Waste Management and Remediation Program \$555,000 from the Bunker Hill Central Treatment Plant Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for services affected by inflation.

SECTION 14. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Air Quality Program \$195,900 from the American Rescue Plan Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023, for air quality monitoring equipment.

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, Sections 12, 13, and 14 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 214
(S.B. No. 1181)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2024; PROVIDING REQUIREMENTS FOR ELIGIBLE WATER PROJECTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$887,300	\$937,600	\$204,000		\$2,028,900
Indirect Cost Recovery					
Fund	179,100	205,700			384,800
Water Administration					
Fund		20,900			20,900
Miscellaneous Revenue					
Fund	0	171,200	0		171,200
TOTAL	\$1,066,400	\$1,335,400	\$204,000		\$2,605,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General					
Fund	\$3,808,900	\$707,000		\$6,936,500	\$11,452,400
Indirect Cost Recovery					
Fund		81,000			81,000
Aquifer Planning and Management					
Fund	1,130,600	457,400			1,588,000
Miscellaneous Revenue					
Fund		164,500			164,500
ARPA State Fiscal Recovery					
Fund				50,000,000	50,000,000
Federal Grant					
Fund	<u>346,800</u>	<u>857,700</u>		<u>0</u>	<u>1,204,500</u>
TOTAL	\$5,286,300	\$2,267,600		\$56,936,500	\$64,490,400
III. WATER MANAGEMENT:					
FROM:					
General					
Fund	\$6,570,500	\$2,289,100	\$82,500		\$8,942,100
Indirect Cost Recovery					
Fund		78,800			78,800
Water Administration					
Fund	1,579,400	235,000			1,814,400
Miscellaneous Revenue					
Fund	1,024,100	320,200			1,344,300
Federal Grant					
Fund	<u>284,800</u>	<u>348,800</u>	<u>0</u>		<u>633,600</u>
TOTAL	\$9,458,800	\$3,271,900	\$82,500		\$12,813,200
IV. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General					
Fund	\$366,300	\$198,300			\$564,600
Northern Idaho Adjudication					
Fund	<u>0</u>	<u>38,700</u>	<u>\$9,000</u>		<u>47,700</u>
TOTAL	\$366,300	\$237,000	\$9,000		\$612,300

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
V. BEAR RIVER BASIN ADJUDICATION:					
FROM:					
General					
Fund	\$672,400	\$185,500	\$89,500		\$947,400
GRAND TOTAL	\$16,850,200	\$7,297,400	\$385,000	\$56,936,500	\$81,469,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred seventy (170.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management, and Implementation Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$1,000,000 to the Water Management Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024, to be used for hydrologic data collection, monitoring and modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. These moneys shall be administered by the Idaho Water Resource Board through a competitive, matching grant process that prioritizes projects based on the public benefits they provide.

SECTION 6. WATER PROJECTS ELIGIBLE FOR FUNDING FROM THE AMERICAN RESCUE PLAN ACT (ARPA). It is the intent of the Legislature to provide approximately \$250,000,000 of American Rescue Plan Act (ARPA) funding to support projects managed by the Idaho Water Resource Board. Moneys shall be appropriated from the ARPA State Fiscal Recovery Fund for this purpose. Projects may include: (1) the continued identification, study, construction, or enlargement of managed aquifer recharge sites above Milner Dam in accordance with Section 42-1760(2)(c) and (d), Idaho Code, that, based on scientific data and technical analysis, address the restoration and stabilization of the Eastern Snake Plain Aquifer; (2) the enlargement of Anderson Ranch Reservoir, located on the south fork of the Boise River; (3) the construction of water delivery and treatment systems for the Mountain Home Air Force Base,

provided that the Idaho Water Resource Board shall have the authority to transfer ownership of the state-constructed pump station and pipeline to the Air Force at no cost upon completion, and provided further that, notwithstanding the transfer of the pump station and pipeline, the Snake River water rights for the project shall remain in the board's ownership; (4) the design, planning, construction, and implementation of other ARPA-eligible water resource management programs, plans, and projects approved by the board.

SECTION 7. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 215
(H.B. No. 356)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE RURAL NURSING LOAN REPAYMENT FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$250,000 from the General Fund to the Rural Nursing Loan Repayment Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Public Health Services \$250,000 from the Rural Nursing Loan Repayment Fund to be expended for trustee and benefit payments for the period July 1, 2023, through June 30, 2024.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 216
(H.B. No. 343)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Idaho Public Charter School Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$142,500	\$47,600	\$190,100
Public Charter School Authorizers			
Fund	<u>414,100</u>	<u>124,700</u>	<u>538,800</u>
TOTAL	\$556,600	\$172,300	\$728,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Public Charter School Commission is authorized no more than five (5.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Public Charter School Commission any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Public Charter School Commission from the Public Charter School Authorizers Fund for fiscal year 2023, to be used for nonrecurring expenditures, for the period July 1, 2023, through June 30, 2024. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 217
(H.B. No. 355)

AN ACT

RELATING TO THE APPROPRIATION FROM THE IDAHO MILLENNIUM INCOME FUND FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO RECOVERY IDAHO FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR THE STUDENT SERVICES PROGRAM FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR THE ADMINISTRATION PROGRAM FOR FISCAL YEAR 2024; CLARIFYING THE USE OF FUNDS; REQUIRING REPORTING ON THE COMPREHENSIVE STATE PLAN; PROVIDING FOR CONSIDERATION ON THE USE OF THE IDAHO MILLENNIUM INCOME FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention Program \$160,000 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, for the purpose of performing tobacco and vape compliance checks.

SECTION 2. There is hereby appropriated to the State Treasurer \$1,350,000 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, to be provided to Recovery Idaho for equal distribution to the nine recovery centers for the purpose of operational support.

SECTION 3. There is hereby appropriated to the Public Health Districts \$499,800 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, to be equally distributed among the Public Health Districts and expended for tobacco and vaping prevention and cessation programs.

SECTION 4. There is hereby appropriated to Idaho Public Television \$300,000 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, for the purpose of production and media campaigns for education and awareness related to vaping and tobacco.

SECTION 5. There is hereby appropriated to the State Department of Education for the Student Services Program \$3,000,000 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, for the purpose of safe and drug free related programs and overall health and wellbeing of Idaho youth in schools.

SECTION 6. There is hereby appropriated to the State Department of Education for the Administration Program \$250,000 from the Idaho Millennium Income Fund to be expended for the period July 1, 2023, through June 30, 2024, for the purpose of developing a comprehensive state plan on youth prevention programs for tobacco and vape products and the overall health of Idaho's youth.

SECTION 7. SAFE AND DRUG FREE SCHOOL PROGRAMS. Of the moneys appropriated in Section 5 of this act, funds are to be maximized through enhancements of existing programs, establishing new programs not being provided by other government entities, and with collaboration from the members of the Joint Legislative Millennium Fund Committee.

SECTION 8. COMPREHENSIVE STATE PLAN. Of the moneys appropriated in Section 6 of this act, the comprehensive state plan must involve input from other state, local, and nonprofit entities to achieve comprehensiveness for the most effective and efficient results. The State Department of Education shall on a periodic basis report to the Joint Legislative Millennium Fund Committee on progress with implementation of the comprehensive state plan.

SECTION 9. FUTURE CONSIDERATION FOR USE OF FUNDS. The Joint Legislative Millennium Fund Committee, pursuant to Section 67-1808(6), Idaho Code, recommends that all moneys available for appropriation from the Idaho Millennium Income Fund beginning in fiscal year 2024 and each year thereafter, be prioritized for programs that focus on prevention, cessation, and treatment related to tobacco, vaping, alcohol, illegal substances, and other substances that may be abused beyond the intended uses, and for the overall safety and well-being of Idaho youth. Funding should be prioritized to programs first that benefit Idahoans less than 18 years of age and then for adults with higher risk factors for abusing or using various substances outlined in this section. Consistent with Section 67-1806, Idaho Code, the joint committee shall be responsible for the predominant recommendation on the uses of the Idaho Millennium Income Fund. In accordance with the priorities of this section, any requested funds not already an ongoing appropriation in fiscal year 2024 shall be presented in the Legislative Budget Book as a request for new onetime appropriation in the Idaho Millennium Fund Program and not in the respective agency budgets.

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 July 1, 2023.

Approved March 30, 2023

CHAPTER 218
(S.B. No. 1044)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 9-203, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-510, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-2-801, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8807, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 22-2726, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-4302, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-219, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 73, LAWS OF 2022, TO REDESIGNATE THE SECTION; AMENDING SECTION 34-701, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 39-414, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-414A, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING CHAPTER 97, TITLE 39, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 134, LAWS OF 2022, TO REDESIGNATE THE CHAPTER; AMENDING CHAPTER 97, TITLE 39, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 80, LAWS OF 2022, TO REDESIGNATE THE CHAPTER AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-2444, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1705, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2918A, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 54-5207, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5802, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 54-5805, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-616, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 267, LAWS OF 2022, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 17, TITLE 56, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 200, LAWS OF 2022, TO REDESIGNATE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-811, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 59-1303, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 67-2922, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4304, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4305, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4306, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5303, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 67-5308, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 74-105, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

(1) A husband cannot be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, nor does this exception apply to any case of lewd and lascivious conduct or attempted lewd and lascivious conduct where either party would otherwise be protected by this privilege.

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon, in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

(3) A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

(4) A physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, that:

(a) Nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.

(b) Nothing herein contained shall be deemed to preclude physicians from testifying at all cases of physical injury to a person where it appears the injury has been caused as a result of domestic violence.

(c) After the death of a patient, in any action involving the validity of any will or other instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property or incurring any financial obligation, such physician or surgeon may testify to the mental or physical condition of such patient and in so testifying may disclose information acquired by him concerning such patient which was necessary to enable him to prescribe or act for such deceased.

(d) Where any person or his heirs or representatives brings an action to recover damages for personal injuries or death, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said injured or deceased person and whose testimony is material in the action may testify.

(e) If the patient be dead and during his lifetime had not given such consent, the bringing of an action by a beneficiary, assignee or payee or by the legal representative of the insured, to recover on any life, health or accident insurance policy, shall constitute a consent by such beneficiary, assignee, payee or legal representative to the testimony of any physician who attended the deceased.

(5) A public officer cannot be examined as to communications made to him in official confidence when the public interests would suffer by disclosure.

(6) Any certificated counselor, psychologist, or psychological examiner, duly appointed, regularly employed, and designated in such capacity by any public or private school in this state for the purpose of counseling students shall be immune from disclosing, without the consent of the student, any communication made by any student so counseled or examined in any civil or criminal action to which such student is a party. Such matters so communicated shall be privileged and protected against disclosure.

(7) Any parent, guardian or legal custodian shall not be forced to disclose any communication made by their minor child or ward to them concerning matters in any civil or criminal action to which such child or ward is a party. Such matters so communicated shall be privileged and protected against disclosure; excepting, this section does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this section apply to any case of physical injury to a minor child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, guardians or legal custodians.

(8) (a) As used in this subsection:

(i) "First responder" means:

1. A peace officer as defined in section 19-5101(d), Idaho Code, when employed by a city, county, or the Idaho state police;
2. A firefighter as defined in section 59-1302(16), Idaho Code;
3. A volunteer emergency responder as defined in section 72-102(31), Idaho Code;
4. An emergency medical service (EMS) provider certified by the department of health and welfare pursuant to sections 56-1011 through 56-1018B, Idaho Code, and an ambulance-based clinician as defined in the rules governing emergency medical services as adopted by the department of health and welfare; and
5. An emergency communications officer as defined in section 19-5101(f), Idaho Code.

(ii) "Peer support counseling session" means a meeting conducted by a peer support specialist, which meeting is held in response to a critical incident, traumatic event, or other personal or professional wellness issue.

(iii) "Peer support specialist" means a person designated by a public agency employing first responders to lead, moderate, or assist in a peer support counseling session.

(b) Any peer support specialist or participant in a peer support counseling session cannot disclose and shall not be forced to disclose a communication made during or arising out of a peer support counseling session without the consent of the person who made the communication or about whom the communication was made, unless the communication:

- (i) Involves a threat of suicide or a threat to commit a criminal act;
- (ii) Involves information required by law to be reported; or
- (iii) Is an admission of criminal conduct.

(c) Any disclosure permitted by paragraph (b) of this subsection that is made during or as part of court proceedings is subject to the rules of the Idaho supreme court.

~~8-~~ (9) A person employed by or volunteering at a nongovernmental domestic or sexual violence program shall not, without the written and signed consent of the recipient of services, be required to or compelled to disclose any communication made between the person in the course of employment or volunteer services for the domestic or sexual violence program and a recipient of the program's services or to disclose information or records about

a recipient of the services of a domestic or sexual violence program, provided that disclosure of communications during or as part of court proceedings is subject to the rules of the Idaho supreme court. The provisions of this subsection shall not apply to communications made to a provider or employee during medical services, medical procedures, medical exams, medical evaluations, or forensic interviews.

9. (10) For purposes of this section:

~~(A)~~ (a) "Recipient" means any individual who has received or inquired about receiving services or assistance from a domestic or sexual violence program, including shelter, advocacy, counseling, or other services offered by a domestic or sexual violence program.

~~(B)~~ (b) "Domestic or sexual violence program" means any nonprofit organization, nongovernmental organization, private entity, or tribe or tribal organization that has as its primary purpose the operation of shelters or supportive services for victims of domestic or sexual violence and their dependents or counseling, advocacy, or self-help services to victims of domestic or sexual violence.

SECTION 2. That Section 14-510, Idaho Code, be, and the same is hereby amended to read as follows:

14-510. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS. (1) Except as provided in subsection (4) of this section, any stock, shareholding or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is considered abandoned if:

(a) The interest in the association is owned by a person who within five (5) years has failed to:

(i) Claim a dividend, distribution or other sum payable as a result of the interest; or

(ii) Communicate with the association regarding the interest or a dividend, distribution or other sum payable as the result of the interest, as evidenced by memorandum or other record on file with the association prepared by an employee of the association; and

(b) The association does not know the location of the owner at the end of the five (5) year period. The return of official shareholder notifications or communications by the postal service as undeliverable is evidence that the association does not know the location of the owner.

(2) This chapter applies to:

(a) The underlying stock, shareholdings or other intangible ownership interests of an owner;

(b) Any stock, shareholdings or other intangible ownership interests of an owner when the business association is in possession of the certificate or other evidence of ownership; and

(c) The stock, shareholdings or other intangible ownership interests of dividend- and nondividend-paying business associations, whether or not the interest is represented by a certificate.

(3) At the time an interest is considered abandoned under this section, any dividend, distribution or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is considered abandoned.

(4) (a) This chapter does not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions or other sums payable as a result of the interest unless:

(i) The records available to the administrator of the plan show that the owner has not within five (5) years communicated in any manner described in subsection (1) of this section; or -

(ii) Five (5) years have elapsed since the location of the owner became unknown to the association, as evidenced by the return of official shareholder notifications or communications by the postal service as undeliverable, and the owner has not within those five (5) years communicated in any manner described in this chapter.

(b) The five (5) year period from the return of official notifications or communications begins at the earlier of the return of the second of those notifications or communications or the time the holder discontinues mailings to the shareholder.

SECTION 3. That Section 15-2-801, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-801. RENUNCIATION.

(1) (a) A person or the representative of an incapacitated or unascertained person who is an heir, devisee, person succeeding to a renounced interest, donee, beneficiary under a testamentary or nontestamentary instrument, donee of a power of appointment, grantee, surviving joint owner or surviving joint tenant, beneficiary of an insurance contract, person designated to take pursuant to a power of appointment exercised by a testamentary or nontestamentary instrument, or otherwise the recipient of any benefit under a testamentary or nontestamentary instrument, may renounce, in whole or in part, powers, future interests, specific parts, fractional shares or assets thereof by filing a written instrument within the time and at the place hereinafter provided.

(b) The instrument shall:

- (i) Describe the property or interest renounced;
- (ii) Be signed by the person renouncing; and
- (iii) Declare the renunciation and the extent thereof.

(c) The appropriate court may direct or permit a trustee under a testamentary or nontestamentary instrument to renounce or to deviate from any power of administration, management or allocation of benefit upon finding that exercise of such power may defeat or impair the accomplishment of the purposes of the trust whether by the imposition of tax or the allocation of beneficial interest inconsistent with such purposes. Such authority shall be exercised after hearing and upon notice to all known persons beneficially interested in such trust or estate, in the manner pursuant to part 4, chapter 1, title 15, Idaho Code.

(2) Except as provided in subsection (9) of this section, the writing specified in subsection (1) of this section must be filed within nine (9) months after the transfer or the death of the decedent, or donee of the power, whichever is the later, or, if the taker of the property is not then finally ascertained, not later than nine (9) months after the event that determines that the taker of the property or interest is finally ascertained or his interest indefeasibly vested. The writing must be filed in the court of the county where proceedings concerning the decedent's estate are pending, or where they would be pending if commenced. If an interest in real estate is renounced, a copy of the writing may also be recorded in the office of the recorder in the county in which said real estate lies. A copy of the writing also shall be delivered in person or mailed by registered or certified mail to the personal representative of the decedent, the trustee of any trust in which the interest renounced exists, and no such personal representative, trustee or person shall be liable for any otherwise proper distribution or other disposition made without actual notice of the renunciation. the

(3) Unless the decedent or donee of the power has otherwise indicated, the property or interest renounced passes as if the person renouncing had predeceased the decedent, or if the person renouncing is designated to take

under a power of appointment as if the person renouncing had predeceased the donee of the power. A future interest that takes effect in possession or enjoyment after the termination of the estate or interest renounced takes effect as if the person renouncing had predeceased the decedent or the donee of the power. In every case, the renunciation relates back for all purposes to the date of death of the decedent or the donee, as the case may be.

(4) The right to renounce property or an interest therein is barred by:

- (a) Assignment, conveyance, encumbrance, pledge or transfer of property therein or any contract therefor;
- (b) Written waiver of the right to renounce; or
- (c) Sale or other disposition of property pursuant to judicial process, made before the renunciation is effective.

(5) The right to renounce granted by this section exists irrespective of any limitation on the interest of the person renouncing in the nature of a spendthrift provision or similar restriction.

(6) The renunciation or the written waiver of the right to renounce is binding upon the person renouncing or person waiving and all persons claiming through or under him.

(7) This section does not abridge the right of any person to assign, convey, release or renounce any property or an interest therein arising under any other statute.

(8) In clarification and amplification of subsection (1) (a) of this section, and to make clear the existing terms thereof, a renunciation may be made by an agent appointed under a power of attorney, by a conservator or guardian on behalf of an incapacitated person, or by the personal representative or administrator of a deceased person. The ability to renounce on behalf of the person does not need to be specifically set forth in a power of attorney if the power is general in nature.

(9) The due date for filing a timely disclaimer under subsection (2) of this section, where the decedent died after December 31, 2009, but before December 17, 2010, shall be not earlier than September 19, 2011.

SECTION 4. That Section 18-8807, Idaho Code, be, and the same is hereby amended to read as follows:

18-8807. CIVIL CAUSES OF ACTION. (1) Any female upon whom an abortion has been attempted or performed, the father of the preborn child, a grandparent of the preborn child, a sibling of the preborn child, or an aunt or uncle of the preborn child may maintain an action for:

- (a) All damages from the medical professionals who knowingly or recklessly attempted, performed, or induced the abortion in violation of this chapter;
- (b) Notwithstanding any other provision of law, statutory damages in an amount not less than twenty thousand dollars (\$20,000) from the medical professionals who knowingly or recklessly attempted, performed, or induced an abortion in violation of this chapter; and
- (c) Costs and attorney's fees. 8803-8804

(2) Notwithstanding any other provision of law, a person may bring an action under this section not later than four (4) years following the date the cause of action accrues.

(3) Notwithstanding any other provision of law, a civil cause of action under this section may not be brought by a person who impregnated the mother through an act of rape or incest.

(4) Notwithstanding any other provision of law, including chapter 1, title 12, Idaho Code, a court may not award costs or attorney's fees to a defendant in an action brought under this section unless the defendant has complied with the applicable requirements of sections 18-8803 and 18-8804, Idaho Code.

(5) The civil causes of action provided for in this section exist independently of any criminal action commenced pursuant to this chapter. A civil cause of action may be pursued under the provisions of this chapter even if a criminal prosecution is not pursued.

(6) Notwithstanding any other provision of law, including chapters 14, 17, and 18, title 54, Idaho Code, the requirements of this section shall be enforced exclusively through the private civil causes of action described. No enforcement of this section may be taken or threatened against any person by this state, a political subdivision of this state, a prosecuting attorney, or an executive or administrative officer or employee of this state or a political subdivision of this state.

(7) Notwithstanding any other provision of law, this state, a state official, or a prosecuting attorney may not intervene in an action brought under this section. Nothing in this subsection shall prohibit a person described in this subsection from filing an amicus curiae brief in the action.

(8) Nothing in this section shall be deemed to affect any familial rights or responsibilities or any proceedings conducted under Idaho law.

SECTION 5. That Section 22-2726, Idaho Code, be, and the same is hereby amended to read as follows:

22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL FUND. In those counties of Idaho wherein all or a substantial part of the county has been created and is operating as a soil conservation district or districts under the provisions of chapter 27, title 22, Idaho Code, or any amendment thereto, the board of county commissioners may, from time to time, at their discretion and upon request of the supervisors of such soil conservation districts provide in their budget a sufficient amount of money from the county general fund for allocation to the districts to be used by the districts for any purposes authorized by law, or in lieu of such allocation the county commissioners at their discretion may assign or hire an employee or employees of the county to assist the supervisors in the performance of the work of their office. The duties of such employee or employees shall be under the direct supervision of the supervisors of each soil conservation district.

SECTION 6. That Section 33-4302, Idaho Code, be, and the same is hereby amended to read as follows:

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

(1) (a) The following individuals shall be eligible for the scholarship program provided for in this section:

(i) Any spouse or child of any Idaho citizen who, while such person is or was a resident of the state of Idaho:

1. Has been determined by the federal government to be a prisoner of war or missing in action; or

2. Died of, or has become totally and permanently disabled by, injuries or wounds sustained during active duty or inactive duty training—has;

(ii) Any spouse or child of any member of the United States armed forces who is stationed in the state of Idaho on military orders and who:

1. Is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action or has died of or become totally and permanently disabled by injuries or wounds sustained in action as a result of such deployment; or

2. Dies of, or becomes totally and permanently disabled by, injuries or wounds sustained during active duty or inactive duty training; and

(iii) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (b) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The scholarship provided for in this section shall not be available unless it is determined that:

1. The death or disablement of the public safety officer occurred in the performance of the officer's duties;

2. The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and

3. The public safety officer was not voluntarily intoxicated at the time of death.

(b) As used in this section:

(i) "Active duty" means state active duty as defined in section 46-409, Idaho Code, or full-time duty with any of the United States armed forces.

(ii) "Inactive duty training" means training or maintenance activities prescribed, required, or authorized for military members that do not constitute active duty.

(iii) "Military member" means a member of the United States armed forces.

(iv) "Public safety officer" means a peace officer, a firefighter, a paramedic as defined in section 56-1012, Idaho Code, or an emergency medical technician as defined in section 56-1012, Idaho Code.

(v) "United States armed forces" means the air force, army, coast guard, marine corps, navy, or space force, or the reserve component of any such service.

(vi) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department, or licensed emergency medical service provider organization.

(2) (a) To be eligible for the scholarship provided for in this section, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or dies or becomes totally and permanently disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for in this section, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action or died or became totally and permanently disabled. However, in the situation of disability, the spouse must be currently married to such person.

(3) An eligible individual who applies for the scholarship provided for in this section shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public career technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment, and supplies necessary for pursuit of such program of enrollment not to exceed five hundred dollars

(\$500) per quarter, semester, intensified semester, or like educational period; and such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility. However, such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods, and the initiation of such educational benefits shall extend for a period of ten (10) years after achieving a high school diploma or its equivalency or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(4) The eligible individual shall meet such other educational qualifications as such institution of higher education or career technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents of the university of Idaho.

(5) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board for career technical education. The board shall verify the eligibility of the applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall in their preparation of future budgets include costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement from appropriations of state funds.

(7) For the purposes of this section, a member of the United States armed forces is considered totally and permanently disabled if at the time of application a current disability determination made or recognized by the United States social security administration or the Idaho division of veterans services is in effect with respect to such individual.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

(9) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

SECTION 7. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section or section 34-219 34-220, Idaho Code, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in

each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution₇ or on January 1 next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section₇ ~~which that~~, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section₇ shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section ~~which that~~ falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary₇ and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section ~~which that~~ falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the four (4) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 8. That Section 34-219, Idaho Code, as enacted by Section 1, Chapter 73, Laws of 2022, be, and the same is hereby amended to read as follows:

~~34-219~~ 34-220. JUDICIAL REVIEW -- ELECTION RESULTS. (1) If the vote count in an election has been completed and it appears to the secretary of state or a county clerk that an error has occurred in the administration of such election that may be sufficient to change the result of the election, then the secretary of state or clerk of the county in which such error appears to have occurred may petition the district court of the county in which the error appears to have occurred for judicial review of the election. The pe-

tion shall be filed within twenty-eight (28) days of the date of the election.

(2) The secretary of state or the county clerk initiating a petition under this section shall serve notice of the petition on:

- (a) Any candidate appearing on the ballot in such election; and
- (b) Any taxing district or other party responsible for placing an initiative, a referendum, or another question on the ballot in such election.

(3) The district court may:

- (a) Give such precedence on its docket to a petition under this section as the circumstances may require; and
- (b) Consider any evidence related to the error alleged in the petition.

(4) The scope of the district court's review shall be limited to whether the error alleged in the petition occurred and, if so, whether the error was sufficient to change the result of the election. If the court determines that the error was sufficient to change the result of the election, then the court shall declare the election void and order a new election to be held at the expense of the agency where the error occurred. The new election shall be held as soon as practicable and need not occur on a date provided in section 34-106, Idaho Code.

(5) Court proceedings held pursuant to this section shall be conducted according to the Idaho rules of civil procedure, as applicable, and any other rules deemed pertinent by the district court.

SECTION 9. That Section 34-701, Idaho Code, be, and the same is hereby amended to read as follows:

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) Declarations of candidacy shall include campaign contact information, including phone numbers.

(3) The form described in subsection (1) of this section shall include a sworn verification that the person satisfies the legal qualifications for the office being sought. Any person filing a form described in subsection (1) of this section shall disclose on such form whether the person has claimed an exemption under section 63-602G, Idaho Code, and the address of any homestead for which such exemption is claimed by the person and, if married, the person's spouse.

~~(3)~~ (4) All filing fees shall be paid in cash, cashier's check, postal money orders, credit card, debit card, or personal check. Any transaction cost associated with processing a credit card or debit card payment that is charged to the office receiving a candidate filing fee may be added to said filing fee.

SECTION 10. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health and to enter into agreements with the director of the state department of health and welfare or the director of the department of environmental quality to provide services or do such other

things as specified in the agreement. An agreement entered pursuant to this subsection may be between either such director and one (1) district or multiple districts. An order of a district board of health will take effect immediately. However, notwithstanding the provisions of this subsection, if an order applies to all persons in a county or a public health district, the board of county commissioners within each affected county, after consulting with the district board of health, will determine by resolution whether or not to approve the order within county limits within seven (7) days of the date of the order. If the board of county commissioners approves the order, then the order will take effect immediately for a period of thirty (30) days. Thereafter, the order may be extended, amended, or modified and reimposed for thirty (30) day periods, subject to approval by the board of county commissioners. 7

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations7 or by standards promulgated pursuant to this chapter or chapter 1, title 39, Idaho Code.

(5) To deposit all moneys or payment received or collected by gift, grant, devise, or any other way to the respective division or subaccount of the public health district in the public health district fund authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy.

(7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality, and the department of environmental quality.

(8) To enter into contracts with other governmental agencies, and this chapter hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase, exchange, or sell real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive, and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this chapter.

(11) To establish a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for an amount reasonably calculated to cover the cost of rendering such services.

(12) To enter into a lease of real or personal property as lessor or lessee, or other transaction, with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district7 and to pledge nontax revenues of the district to secure the district's obligations under such leases. For the purposes of this chapter, a public health district is not a subdivision of the state and shall be considered an independent body corporate and politic pursuant to section 1, article VIII7 of the constitution of the state of Idaho7 and is not authorized hereby to levy taxes ~~nor~~ or to obligate the state of Idaho concerning such financing.

(13) To administer and certify solid waste disposal site operations, closure, and post-closure procedures established by statute or regulation in accordance with the provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code.

(14) To select a board member to serve as trustee on the board of trustees of the Idaho district boards of health.

SECTION 11. That Section 39-414A, Idaho Code, be, and the same is hereby amended to read as follows:

39-414A. AUDIT OF HEALTH DISTRICT FINANCES. It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district no less frequently than every two (2) years. Such audit shall be in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its budget. ~~services office, pursuant to section 67-702, Idaho Code~~

SECTION 12. That Chapter 97, Title 39, Idaho Code, as enacted by Section 1, Chapter 134, Laws of 2022, be, and the same is hereby amended to read as follows:

CHAPTER 97 98
ESSENTIAL CAREGIVERS

~~39-9701~~ 39-9801. DEFINITIONS. As used in this chapter:

- (1) "Assistance" means aid in meeting daily living needs.
- (2) "Essential caregiver" means a person designated by a patient or resident to visit the patient or resident at a facility.
- (3) "Facility" means an institution providing health care services, a health care setting, or a setting in which to receive assistance, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, nursing facilities, skilled nursing centers, residential treatment centers, rehabilitation and other therapeutic health settings, certified family homes, group homes, or assisted living facilities.
- (4) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (5) "Patient" means a person receiving health care services at a facility.
- (6) "Resident" means a person receiving assistance at a facility.

~~39-9702~~ 39-9802. LEGISLATIVE INTENT. In enacting this chapter, it is the intent of the legislature to guarantee and protect the right of Idahoans to be visited by essential caregivers of their choosing when staying in a health care or assistance facility.

~~39-9703~~ 39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resident has the right to visitation from an essential caregiver while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit. For purposes of this subsection, a restriction is reasonable if the restriction:

- (a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and

(b) Does not interfere with the patient's or resident's general right to visitation by essential caregivers.

(2) A facility that provides or intends to provide health care services or assistance must:

(a) When practicable, notify a potential patient or resident of the right to designate essential caregivers prior to admission to the facility;

(b) Provide each patient or resident an opportunity to designate essential caregivers; and

(c) Accommodate a patient's or resident's request to have essential caregivers visit within the limits prescribed by this section.

SECTION 13. That Chapter 97, Title 39, Idaho Code, as enacted by Section 1, Chapter 80, Laws of 2022, be, and the same is hereby amended to read as follows:

CHAPTER 97 99
DOWN SYNDROME DIAGNOSIS INFORMATION ACT

~~39-9701~~ 39-9901. SHORT TITLE. This chapter shall be known and may be cited as the "Down Syndrome Diagnosis Information Act."

~~39-9702~~ 39-9902. DEFINITIONS. For purposes of this chapter:

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

(2) "Down syndrome" means a chromosomal condition associated with either an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21. Trisomy 21 is the medical term for Down syndrome.

(3) "Down syndrome organization" means any state or local nonprofit organization primarily involved in providing advocacy, support, and education to individuals with Down syndrome and their support community.

(4) "Health care practitioner" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law. "Health care practitioner" includes a genetic counselor.

(5) "Parent" means any person expecting a child who has received a test result from a prenatal screening or diagnostic test that indicates a high likelihood or the definite presence of Down syndrome, or the parent or legal guardian of a child diagnosed with Down syndrome.

~~39-9703~~ 39-9903. APPLICABILITY. A health care practitioner who provides prenatal or postnatal care and who administers or requests administration of a prenatal or postnatal screening or diagnostic test that detects Down syndrome or receives a result from such test that indicates a high likelihood or the definite presence of Down syndrome shall deliver to the parents the information support sheet provided by the department under section ~~39-9704~~ 39-9904, Idaho Code.

~~39-9704~~ 39-9904. SUPPORT SHEET. (1) The department shall create an up-to-date, evidence-based support sheet about Down syndrome that has been reviewed by medical experts and the Idaho Down syndrome council. The support sheet shall be provided at the time of diagnosis or when an ultrasound or test detects a high likelihood of Down syndrome. The support sheet shall be readily accessible and include the following:

(a) A clinical course description of Down syndrome, including possible physical, developmental, educational, and psychosocial outcomes;

(b) Options available for treatment and therapy for conditions related to Down syndrome;

(c) Life expectancy for individuals with Down syndrome; and

(d) Contact information for nonprofit Idaho Down syndrome organizations that provide information and support services for caregivers, including first-call programs and information hotlines specific to Down syndrome, resource centers, and other education and support programs for Down syndrome.

(2) The department shall post the information required in this section on its website and shall include an information support sheet, in a print-friendly format, to be delivered by health care practitioners to parents as prescribed in section ~~39-9703~~ 39-9903, Idaho Code.

(3) The department shall ensure that the information on the support sheet required in this section is culturally and linguistically appropriate for caregivers.

(4) A Down syndrome organization may request that the department include the organization's informational material and contact information on the department's website. The department may add the information to the website upon request.

(5) The department shall meet annually with representatives of the Idaho Down syndrome council to ensure the information in the support sheet that is made available by the department is current.

SECTION 14. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card that shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers, or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant, which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

(2) No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

(3) Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day,

year)." The nonrefundable fee for a four (4) year identification card issued to persons twenty-one (21) years of age or older shall be fifteen dollars (\$15.00), of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight (8) year identification card shall be twenty-five dollars (\$25.00), of which fifteen dollars (\$15.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (7) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (7) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (7) of this section.

(4) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(5) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

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

(7) Every identification card issued to a person who is a citizen of the United States may include the notation "USA." Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(8) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more

than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (7) of this section.

(9) (a) If an Idaho identification card has expired or will expire and the identification card holder is temporarily out of state, except on active military duty, the identification card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification card holder.

(b) Upon returning to the state of Idaho, the identification card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(10) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the card holder is released from active duty.

(11) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(12) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(13) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

(14) Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs

that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

(15) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(16) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(17) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(18) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(19) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(5), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(20) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (16) of this section.

~~(16)~~ (21) The department may issue an initial four (4) year no-fee identification card to an individual who is homeless. The department shall establish a form for verification of homelessness pursuant to this section. Such form shall require the signature of an outreach worker or service worker verifying that the individual is homeless and attesting to the individual's residency at an Idaho relief agency or shelter. An applicant issued an identification card under the provisions of this subsection shall be entitled to one (1) free replacement. Subsequent replacements and renewals of this identification card will be subject to the fees imposed in this section.

SECTION 15. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Accredited school or college of pharmacy" means a school or college that meets the minimum standards of the accreditation council for pharmacy education and appears on its list of accredited schools or colleges of pharmacy.

(2) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(3) "Certificate" means a license or registration issued by the board unless specifically stated.

~~(3)-(5)~~ (4) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of such drugs to a group of chain pharmacies that have the same common ownership and control.

~~(4)-(6)~~ (5) "Colicensed partner or product" means an instance where two (2) or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the federal food and drug administration's implementation of the prescription drug marketing act.

~~(7)~~ (6) "Collaborative pharmacy practice" means a pharmacy practice where one (1) or more pharmacists or pharmacies jointly agree to work under a protocol authorized by one (1) or more prescribers to provide patient care

and drug therapy management services not otherwise permitted to be performed by a pharmacist under specified conditions.

~~(5)-(8)~~ (7) "Compounding" means the practice in which a pharmacist, a prescriber, or, in the case of an outsourcing facility, a person under the supervision of a pharmacist combines, mixes or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.

~~(6)-(9)~~ (8) "Counseling" or "counsel" means the effective communication by the pharmacist of information, as set out in this chapter, to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescription drugs and devices.

~~(7)-(10)~~ (9) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

~~(8)-(11)~~ (10) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article, including any component part or accessory that is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

~~(9)-(12)~~ (11) "Dispense" or "dispensing" means the preparation and delivery of a drug pursuant to a lawful prescription drug order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription.

~~(10)-(13)~~ (12) "Distribute" means the delivery of a drug other than by administering or dispensing.

~~(14)~~ (13) "Distributor" means a supplier of drugs manufactured, produced, or prepared by others to persons other than the ultimate consumer.

~~(15)~~ (14) "Donation repository" means:

(a) A community health center as defined in section 39-3203, Idaho Code;

(b) A free medical clinic as defined in section 39-7702, Idaho Code;

(c) A designated regional behavioral health center as described in chapter 31, title 39, Idaho Code;

(d) A state charitable institution as described in chapter 1, title 66, Idaho Code; or

(e) A drug outlet as defined in this section.

~~(11)-(16)~~ (15) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animal; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

~~(12)-(17)~~ (16) "Drug outlet" means a resident or nonresident pharmacy, business entity or other facility subject to registration by the board, pursuant to section 54-1729, Idaho Code, where employees or personnel are engaged in the practice of pharmacy, in the provision of pharmaceutical care,

or in the dispensing, delivering, distributing or manufacturing of drugs or devices in or into Idaho.

~~(18)~~ (17) "Drug therapy management" means selecting, initiating, or modifying drug treatment pursuant to a collaborative pharmacy practice agreement.

~~(19)~~ (18) "Epinephrine auto-injector" means a single-use device for the automatic injection of a premeasured dose of epinephrine into the human body.

~~(13)~~~~(20)~~ (19) "Institutional drug order" means a prescription drug order issued in the unique form and manner permitted for a patient or resident of an institutional facility or as permitted for other purposes as defined in rule. Unless specifically differentiated, state law applicable to a prescription drug order is also applicable to an institutional drug order.

~~(14)~~~~(21)~~ (20) "Institutional facility" means a facility whose primary purpose is to provide a physical environment for patients to obtain health care services and in which patients spend a majority of their time, as may be further defined by board rule.

~~(15)~~~~(22)~~ (21) "Internship" means a practical experience program under the supervision of a preceptor.

~~(16)~~~~(23)~~ (22) "Investigational or new drug" means any drug limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

~~(17)~~~~(24)~~ (23) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive however of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law.

~~(18)~~~~(27)~~ (24) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering, dispensing or, as authorized by board rule, distributing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching, or chemical analysis and not for sale.

~~(19)~~~~(28)~~ (25) "Manufacturer" means a person who is licensed or approved by the federal food and drug administration to engage in the manufacture of drugs, including a colicensed partner or affiliate of that person, who compounds, cultivates, derives, harvests, mixes, or by other process produces or prepares legend drugs and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

~~(29)~~ (26) "Medically indigent patient" means a resident of Idaho who:

(a) Is not eligible for medicaid or medicare;

(b) Cannot afford private prescription drug insurance; or

(c) Does not have income and other resources available sufficient to pay for a legend drug.

~~(30)~~ (27) "Multistate license" means a license, registration, or other credential for the practice of pharmacy issued by the pharmacy licensing agency of a state.

~~(31)~~ (28) "Multistate licensee" means a multistate pharmacist, multi-state pharmacist intern, or multistate technician.

~~(32)~~ (29) "Multistate pharmacist" means a nonresident pharmacist who is licensed by a party state and is not otherwise licensed by the board.

~~(33)~~ (30) "Multistate pharmacist intern" means a nonresident pharmacist intern who is registered by a party state and is not otherwise licensed by the board.

~~(34)~~ (31) "Multistate practice of pharmacy" means the practice of pharmacy in or into Idaho, for a patient located in Idaho, by a multistate licensee, pursuant to the requirements of this section and the terms of a mutual recognition agreement.

~~(35)~~ (32) "Multistate technician" means a nonresident technician who is licensed by a party state and is not otherwise registered by the board.

~~(36)~~ (33) "Mutual recognition agreement" means a written agreement entered into between the board and a party state allowing for the multistate practice of pharmacy, subject to the requirements of this section and any other reasonable and supplemental contract terms negotiated by the board and the party state.

~~(20)~~~~(37)~~ (34) "Nonprescription drugs" means medicines or drugs that may be sold without a prescription drug order and that are prepackaged for use by the consumer and labeled in accordance with state and federal law.

~~(21)~~~~(38)~~ (35) "Nonresident" means a person or business entity located in the District of Columbia or a state or territory other than Idaho that practices pharmacy including, but not limited to, pharmaceutical care services into Idaho.

~~(22)~~~~(39)~~ (36) "Off-site pharmacy services" means services provided by a central drug outlet or an off-site pharmacist or technician. Services may include, but are not limited to: processing a request from another pharmacy to fill, refill or dispense a prescription drug order; performance of processing functions; or providing cognitive or pharmaceutical care services. Each function may be performed by the same or different persons and at the same or different locations.

~~(40)~~ (37) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

~~(23)~~~~(41)~~ (38) "Outsourcing facility" means a pharmacy or facility that is registered by the federal food and drug administration pursuant to 21 U.S.C. 353b and either registered or endorsed by the board.

~~(42)~~ (39) "Party state" means any pharmacy licensing agency of a state that has entered into a mutual recognition agreement with the board.

~~(24)~~~~(43)~~ (40) "Person" means an individual, corporation, partnership, association or any other legal entity.

~~(25)~~~~(44)~~ (41) "Person in charge" or "PIC" means a person whose qualifications, responsibilities, and reporting requirements are defined in rule.

~~(26)~~~~(45)~~ (42) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

~~(27)~~~~(46)~~ (43) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory or the District of Columbia and is engaged in the practice of pharmacy into Idaho, unless exempted.

~~(28)~~~~(47)~~ (44) "Pharmacist intern" means a person who is enrolled in or who has completed a course of study at an accredited school or college of pharmacy and is registered with the board as a pharmacist intern prior to commencement of an internship.

~~(29)~~~~(48)~~ (45) "Pharmacy" means any drug outlet, facility, department, or other place where prescription drug orders are filled or compounded and

where prescriptions are sold, dispensed, offered, or displayed for sale and that has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public.

~~(49)~~ (46) "Practice of pharmacy" means the safe interpretation, evaluation, compounding, administration, and dispensing of prescription drug orders, patient counseling, collaborative pharmacy practice, provision of pharmaceutical care services, proper storage of drugs and devices, and prescribing of drugs and devices as may be further defined in this chapter.

~~(30)~~~~(50)~~ (47) "Practitioner" means a person licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.

~~(31)~~~~(51)~~ (48) "Preceptor" means a pharmacist or other health professional licensed and in good standing who supervises the internship training of a registered pharmacist intern.

~~(32)~~~~(52)~~ (49) "Precursor" means a substance, other than a legend drug, that is an immediate chemical intermediate that can be processed or synthesized into a legend drug and is used or produced primarily for use in the manufacture of a legend drug.

~~(53)~~ (50) "Prepackaging" means the act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order.

~~(33)~~~~(54)~~ (51) "Prescriber" means an individual currently licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

~~(34)~~~~(55)~~ (52) "Prescriber drug outlet" means a drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples, patient assistance program drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho Code.

~~(35)~~~~(56)~~ (53) "Prescription drug or legend drug" means a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements:

- (a) "Caution: Federal law prohibits dispensing without a prescription"; or
- (b) "Rx Only"; or
- (c) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian";

or a drug that is required by any applicable federal or state law or rule to be dispensed on prescription drug order only or is restricted to use by practitioners only.

~~(36)~~~~(57)~~ (54) "Prescription drug order" means a valid order of a prescriber for a drug or device for an ultimate user of the drug or device.

~~(58)~~ (55) "Primary state of residence" means the multistate licensee's declared primary state of residence as evidenced by a valid state or federal identification card with a home address or another form of identification accepted by the board.

~~(37)~~~~(59)~~ (56) "Prospective drug review" includes, but is not limited to, the following activities:

- (a) Evaluation of the prescription drug order for known allergies, rational therapy contraindications, reasonable dose and route of administration, and reasonable directions for use;
- (b) Evaluation of the prescription drug order for duplication of therapy;
- (c) Evaluation of the prescription drug order for drug, food, or disease interactions; and
- (d) Evaluation of the prescription drug order for proper utilization.

~~(60)~~ (57) "Qualified donor" means:

(a) Any entity that meets the definition of "donation repository" as provided in this section; or

(b) Any member of the public in accordance with section 54-1762, Idaho Code.

~~(38)-(61)~~ (58) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects that are used in any way in connection with the purchase, sale or handling of any drug or device.

~~(39)-(62)~~ (59) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding such actions when completed by the pharmacist responsible for dispensing product to the patient.

~~(40)-(63)~~ (60) "Reverse distributor" means a drug outlet that receives nonsalable prescription drugs from persons or their agents, who may lawfully possess prescription drugs without being issued a valid prescription drug order, and that processes for credit or disposes of such prescription drugs.

~~(41)-(64)~~ (61) "Sale" means every sale and includes:

(a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;

(b) Exposure, offer, or any other proffer;

(c) Holding, storing or any other possession;

(d) Dispensing, giving, delivering or any other supplying; and

(e) Applying, administering or any other usage.

~~(65)~~ (62) "Technician" means an individual authorized by registration with the board to perform pharmacy support services under the direction of a pharmacist.

~~(42)-(66)~~ (63) "Ultimate user" means a person who lawfully possesses a drug for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

~~(67)~~ (64) "USP" means United States pharmacopoeia.

~~(43)-(68)~~ (65) "Veterinary drug outlet" means a prescriber drug outlet that dispenses drugs or devices intended for animal patients.

~~(44)-(69)~~ (66) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with 21 CFR 203.23;

(b) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(c) The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when such common carrier does not store, warehouse, or take legal ownership of the prescription drug; or

(d) The sale or transfer from a community pharmacy or chain pharmacy warehouse of expired, damaged, mispicked, returned, or recalled prescription drugs to the original manufacturer, original wholesaler, or third-party returns processor, including a reverse distributor.

~~(45)-(70)~~ (67) "Wholesaler" means a person who, in the usual course of business, lawfully distributes drugs or devices in or into Idaho to persons other than the ultimate user.

SECTION 16. That Section 54-2918A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2918A. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT. The terms and conditions of the audiology and speech-language pathology interstate compact are hereby enacted as follows:

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

SECTION 1
PURPOSE

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

This compact is designed to achieve the following objectives:

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

SECTION 2
DEFINITIONS

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

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

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

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

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

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

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

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

licensing and regulation of audiologists and/or speech-language pathologists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3
STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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

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

E. An audiologist must:

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

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

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

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

2. Have completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;
3. Have successfully passed a national examination approved by the commission;
4. Hold an active, unencumbered license;
5. Have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and
6. Have a valid United States social security or national practitioner identification number.

F. A speech-language pathologist must:

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

- a. Have graduated with a master's degree from a speech-language pathology program accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board; or
- b. Have graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States: (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country; and (b) for which the degree program has been verified by an independent credentials review agency comparable to a licensing board-approved program;

2. Have completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission;
3. Have completed a supervised postgraduate professional experience as required by the commission;
4. Have successfully passed a national examination approved by the commission;
5. Hold an active, unencumbered license;
6. Have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and
7. Have a valid United States social security or national practitioner identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

- J. Member states may charge a fee for granting a compact privilege.
- K. Member states must comply with the bylaws and rules and regulations of the commission.

SECTION 4
COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5
COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

SECTION 6
ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

SECTION 7
ADVERSE ACTIONS

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

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

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

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

D. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of

investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

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

F. Joint investigations:

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

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

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

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

SECTION 8

ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

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

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings:

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist.

2. An additional five (5) delegates, who are either public members or board administrators from a licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the commission within ninety (90) days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

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

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Establish a code of ethics;

4. Maintain financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided, that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed; provided, that at all times the commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members and other interested persons, as may be designated in this compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an executive committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The executive committee:

1. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

2. The executive committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the commission from the current membership of the commission;

- b. Two (2) ex officio members, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association; and
- c. One (1) ex officio nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing board.

E. The ex officio members shall be selected by their respective organizations.

1. The commission may remove any member of the executive committee as provided in the bylaws.
2. The executive committee shall meet at least annually.
3. The executive committee shall have the following duties and responsibilities:
 - a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;
 - b. Ensure compact administration services are appropriately provided, contractual or otherwise;
 - c. Prepare and recommend the budget;
 - d. Maintain financial records on behalf of the commission;
 - e. Monitor compact compliance of member states and provide compliance reports to the commission;
 - f. Establish additional committees as necessary; and
 - g. Other duties as provided in rules or bylaws.
4. All meetings of the commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 10 of this compact.
5. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:
 - a. Noncompliance of a member state with its obligations under the compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
 - c. Current, threatened, or reasonably anticipated litigation;
 - d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - e. Accusing any person of a crime or formally censuring any person;
 - f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - h. Disclosure of investigative records compiled for law enforcement purposes;
 - i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
 - j. Matters specifically exempted from disclosure by federal or member state statute.
6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that

the meeting may be closed and shall reference each relevant exempting provision.

7. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

8. Financing of the commission:

a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

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

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

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

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

F. Qualified immunity, defense, and indemnification:

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

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

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

SECTION 9 DATA SYSTEM

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

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

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

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

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

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

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

SECTION 10 RULEMAKING

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

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

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

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which

the rule shall be considered and voted on, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and

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

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted on;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

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

1. At least twenty-five (25) persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

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

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

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

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

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

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

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of commission or member state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

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

SECTION 11

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Dispute resolution:

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

B. Enforcement:

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

SECTION 12

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

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

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

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

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

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

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

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

SECTION 13 CONSTRUCTION AND SEVERABILITY

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

SECTION 14 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

SECTION 17. That Section 54-5207, Idaho Code, be, and the same is hereby amended to read as follows:

54-5207. GENERAL POWERS AND DUTIES OF THE BOARD. The board shall enforce the minimum standards and requirements therefor as provided by this chapter and by rule adopted by the board. The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter and it may, among other things:

(1) Accept or reject applications for registration and establish the fees to be charged for application, registration and renewal, subject to the provisions of this chapter;

(2) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter and such other information as may be necessary, and furnish copies

thereof to those engaged in the business, trade, practice or work of contracting and to the public upon request;

(3) Furnish standards and procedures and prescribe reasonable rules for applications, qualifications and registration of contractors, including proration of registration fees and staggering initial annual registration; and

(4) Under such rules as it may adopt, investigate, classify and determine the qualifications of applicants for registration pursuant to this chapter; and

(5) Contract with the b division of occupational and professional licenses to provide administrative services.

SECTION 18. That Section 54-5802, Idaho Code, be, and the same is hereby amended to read as follows:

54-5802. DEFINITIONS. As used in this chapter:

(1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology, or electrology.

(2) "Barber" means a person licensed to practice barbering as defined in this section.

(3) "Barbering" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(4) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(5) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.

(6) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.

(7) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.

(8) "Cosmetology" means any one (1) or any combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring or performing similar work on the hair, except as provided for in subsection ~~(24)~~ (25) of this section;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

(d) Manicuring and pedicuring nails and applying artificial nails.

(9) "Division" means the division of occupational and professional licenses. Idaho

(10) "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(11) "Electrology" or "electrolysis" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system through the use of equipment and devices approved by and registered with the United States food and drug administration.

(12) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(13) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(14) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(15) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(16) "High school student" means a person who has completed the first two (2) years of high school and is enrolled in a high school or secondary school licensed under this chapter.

(17) "Instructor" means a person licensed under this chapter to practice and teach any practice defined in this section.

(18) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(19) "Licensed school" means a secondary or postsecondary barber, cosmetology, or electrology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of section 54-5810(1)(b), Idaho Code.

(20) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.

(21) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(22) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

(23) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(24) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

- (a) Manicuring and pedicuring nails;
- (b) Applying artificial nails; and
- (c) Massaging the hands and feet.

~~(24)~~ (25) "Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with a mechanical device.

(a) "Natural hair braiding" includes:

- (i) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, and decorative beads and other hair accessories;
- (ii) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
- (iii) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions; and
- (iv) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with performing services under subparagraphs (i) or (ii) of this paragraph.

(b) "Natural hair braiding" does not include:

- (i) The application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
- (ii) The use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds.

~~(25)~~ (26) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

~~(26)~~ (27) "Retail thermal styling equipment dealer" means a retail business that offers thermal styling equipment, such as curling irons, curling wands, flat irons, heated hair rollers, blow-dryers or other devices using heat to style hair, for sale at retail to members of the general public and whose employees engage in the limited use of thermal styling equipment on customers in connection with the sale or attempted sale of the equipment without compensation from the customer other than the regular price of the equipment.

~~(27)~~ (28) "Student" means a person learning barbering, barber-styling, cosmetology or electrology at a licensed school who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology or electrology.

SECTION 19. That Section 54-5805, Idaho Code, be, and the same is hereby amended to read as follows:

54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and registration provisions of this chapter shall not apply to the following:

(1) Persons authorized by the laws of this state to practice as a nurse or to practice any of the healing arts while in the proper discharge or delegation of their professional duties.

(2) Persons who provide on-site personal care or hygiene services, including shaving, trimming of hair, beard or mustache; washing, brushing, or combing hair; and basic skin care and nail care, to residents at facilities licensed under the department of health and welfare, division of licensing and certification.

(3) Persons practicing in their own home without compensation who are not practicing on the public in general.

(4) Persons practicing on a relative without compensation.

(5) Persons whose practice is limited to the facial application of cosmetic products to customers in connection with the sale or attempted sale of cosmetic products on the premises of a retail cosmetics dealer without compensation from the customer other than the price of the products.

(6) Persons whose practice is limited to the demonstration of thermal styling equipment on customers in connection with the sale or attempted sale of thermal styling equipment on the premises of a registered thermal styling equipment dealer without compensation from the customer other than the price of the equipment.

(7) Currently enrolled students or actively registered apprentices practicing or demonstrating outside of a licensed school or establishment when that practice or demonstration is under the direct supervision of a licensed instructor. Members of the public may not be charged for any services performed by a student or an apprentice practicing pursuant to this subsection.

(8) Persons who are licensed or qualified through proper documentation to practice or teach barbering, barber-styling or cosmetology in a state, territory or possession of the United States or in a foreign country and whose practice and activities are limited to education or demonstration of no more than fourteen (14) consecutive days, provided that such persons shall observe and comply with sanitation requirements established by rule. Members of the public may not be charged for any services performed as part of the demonstration or education.

(9) Persons who are employed, participating in, or contracted to perform barber-styling or cosmetology services in the course of and incidental to the production of a theatrical or other visual arts production including, but not limited to, stage productions, television and motion pictures.

(10) Persons whose practice is limited to natural hair braiding as defined in section 54-5802~~(24)~~ (25), Idaho Code.

SECTION 20. That Section 55-616, Idaho Code, as enacted by Section 1, Chapter 267, Laws of 2022, be, and the same is hereby amended to read as follows:

55-616 ~~55-617~~. APPURTENANT WATER RIGHTS AND WATER ENTITLEMENTS AND OBLIGATIONS PASS WITH PROPERTY. (1) A transfer of real property passes appurtenant water rights decreed by court order pursuant to chapter 14, title 42, Idaho Code, permitted or licensed by the department of water resources pursuant to chapter 2, title 42, Idaho Code, or established by the constitutional method of appropriation, and that are owned by the seller and are not reserved by the seller in the instrument of conveyance.

(2) A transfer of real property included in an irrigation district that operates pursuant to title 43, Idaho Code, to which the district has appor-

tioned the right to receive water from the district's water rights, passes the statutory rights and obligations of the property relative to the district's distribution of water and assessments.

(3) A transfer of real property included in a city irrigation system that operates pursuant to chapter 18, title 50, Idaho Code, to which the city has apportioned the right to receive water from the city's water rights, passes the statutory rights and obligations of the property relative to the distribution of water and assessments.

(4) A transfer of real property included in a ground water district that operates pursuant to chapter 52, title 42, Idaho Code, to which the district has levied assessments or apportioned mitigation plan obligations, passes the statutory rights and obligations of the property relative to such assessments and obligations.

(5) A transfer of real property that is entitled to receive water from the water rights of a canal company, ditch company, association, or other water delivery entity, passes the rights and obligations of the property relative to the entity's distribution of water and assessments as evidenced by stock ownership, or other evidence of an entitlement to receive water, subject to the bylaws of the water delivery entity.

(6) A transfer of real property does not pass water rights or water entitlements and obligations that are not appurtenant to the real property.

SECTION 21. That Chapter 17, Title 56, Idaho Code, as enacted by Section 2, Chapter 200, Laws of 2022, be, and the same is hereby amended to read as follows:

CHAPTER ~~17~~ 18

EXTENDED EMPLOYMENT SERVICES PROGRAM

~~56-1701~~ 56-1801. DEFINITIONS. As used in this chapter:

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

(2) "Extended employment services" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual community-based supported employment, group community-based supported employment, and work services.

(3) "Group community-based supported employment" means self-employment or paid employment that is:

(a) For a group of no more than eight (8) participants who are paid at least minimum wage and who because of their disabilities need ongoing support to maintain employment;

(b) Conducted in a variety of community and industry settings where participants have opportunities to interact with coworkers or others without known paid work supports, at least to the extent that those opportunities typically exist in that work setting;

(c) Supported by training and supervision needed to maintain that employment; and

(d) Not conducted in the work services area of a provider.

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

(a) For which a participant is paid a competitive wage;

(b) For which a participant because of the participant's disability needs ongoing support to maintain the employment;

(c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and

(d) That is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision and training.

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

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

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

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

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

~~56-1702~~ 56-1802. PROGRAM ESTABLISHED. (1) There is hereby established in the department an extended employment services program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the department. Extended employment services offered under this program are separate and apart from any federal program but may be collaborative with and supportive of federal programs.

(2) Program services shall be:

(a) Provided when eligible individuals do not have access to comparable services or when they have fully utilized comparable services for which they are eligible; and

(b) Separate and apart from any delivered vocational rehabilitation services as defined in 29 U.S.C. 705(40) provided by the Idaho division of vocational rehabilitation.

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

~~56-1703~~ 56-1803. PROGRAM ELIGIBILITY AND ADMINISTRATION. (1) A person is eligible to participate in the program if the person:

(a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;

(b) Is sixteen (16) years of age or older; and

(c) Is an Idaho resident.

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

(a) Case file reviews, interviews, and other methods may be used to determine an individual's service-level needs.

(b) Individuals may be referred to other programs that provide employment or other supports that the extended employment services program does not provide.

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

(3) Each participant has the right to select the provider used, as applicable to the type and level of services identified, and may choose to receive services from a different provider at any time, subject to provider

availability. A participant will contact the program manager to request services from a different approved provider.

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

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

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

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

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

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

56-1704 56-1804. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

- (a) Individual community-based supported employment;
 - (b) Group community-based supported employment;
 - (c) Work services; and
 - (d) Transportation.
- (2) The services provided to a participant shall be based on the participant's individual program plan.
- (3) Program services must:
- (a) Be individually planned by using person-centered principles and person-first or people-first language;
 - (b) Provide assistance to participants as unique individuals with varying interests, preferences, and aptitudes;
 - (c) Be appropriate to the needs of a participant and consistent with the choice of the participant regarding services, providers, and goals;
 - (d) Provide the participant compensation, where applicable, for work performed pursuant to federal and state wage and hour laws;
 - (e) Safeguard participants against conflicts of interest; and
 - (f) Allow a participant to pursue an alternate employment type and assist the participant with referral to the applicable state agency or program provider. Any changes to the employment type must be approved by the department.
- (4) Individual community-based supported employment services include:

- (a) Focused mentoring and extended or ongoing job coaching to sustain employment;
 - (b) Off-site job coaching, which may be included in an individual's program plan when determined by the individual, provider, and program staff to be the most appropriate strategy to meet the participant's needs;
 - (c) Provider-directed supervision of a participant, which will be approved when the general community employer requires it as part of the terms of the participant's employment; and
 - (d) Opportunity for the participant to increase independence in the participant's employment with the competitive employer.
- (5) Group community-based supported employment allowable activities are limited to:
- (a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;
 - (b) Supervising, observing, and job coaching of the participant to maintain employment; and
 - (c) Training for specific job duties and tasks.
- (6) Work services area allowable activities are:
- (a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;
 - (b) Supervising, observing, and job coaching of the participant to maintain employment;
 - (c) Training for specific job duties and tasks;
 - (d) Training in other skills that increase the participant's employability for group community-based supported employment or individual community-based supported employment;
 - (e) Providing on-site personal assistance;
 - (f) Providing simulated work training and work activities, including career counseling and information and referral to other support services by the department; and
 - (g) Increasing the participant's understanding of various career pathways and expectations of general community employers. These activities will include a component in the greater community, away from the provider-owned facility.
- (7) Preapproval is required for needed supports that exceed the individual program plan service level, including:
- (a) Short-term additional supports; and
 - (b) Transportation as approved in the individual plan. One (1) unit of transportation equals one (1) round trip.
- (8) Development of individual program plans shall be as follows:
- (a) The participant and provider will develop the participant's individual program plan using the program template. The individual program plan will include a brief summary of the participant's involvement.
 - (b) Individual program plans must be signed by the participant, or legal guardian if applicable, and the provider staff who assisted with the plan preparation.
 - (c) The provider will not receive payment for any services provided without an approved individual program plan.
 - (d) Providers are not required to provide services after an individual program plan expires.
 - (e) An individual program plan must use person-centered principles and people-first language and detail vocational goals, corresponding meaningful measurable objectives, and the participant's desired employment outcomes. A participant's individual program plan goals will be discussed, modified, revised, and updated yearly, based on data from the participant's progress reports to help the participant achieve employment goals.

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

56-1705 56-1805. PROGRAM PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) Extended employment services providers must be approved by the department prior to participation in the program. The department shall enter an agreement with each approved provider. The agreement shall specify:

(a) Minimum provider requirements:

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

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

(b) Services to be offered by the provider;

(c) Scope of work under the agreement;

(d) Service fees;

(e) Provider appeal process; and

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

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

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

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

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

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

SECTION 22. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(2) Immediately upon the passage of this act, the state controller shall transfer ninety-four million dollars (\$94,000,000) from the tax relief fund to the Idaho tax rebate fund.

(3) For fiscal year 2022, the state controller shall transfer one hundred ten million dollars (\$110,000,000) from the tax relief fund to the general fund.

(4) For fiscal year 2023 and each fiscal year thereafter, the state controller shall transfer up to two hundred four million dollars (\$204,000,000) from the tax relief fund to the general fund.

~~(4)~~ (5) In addition to any other transfers authorized under this section, for fiscal year 2024 and each fiscal year thereafter, the state con-

troller shall transfer up to thirty-two million dollars (\$32,000,000) from the tax relief fund to the general fund.

~~(4)~~ (6) In addition to any other transfers authorized under this section, for fiscal years 2023 and 2024 only, the state controller shall transfer up to thirty-four million dollars (\$34,000,000) from the tax relief fund to the general fund.

~~(5)~~ (7) On July 1, 2024, any remaining moneys in the tax relief fund shall be distributed pursuant to the provisions of section 63-3638, Idaho Code.

SECTION 23. That Section 59-1303, Idaho Code, be, and the same is hereby amended to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

(a) Idaho state police:

- (i) The director and deputy director of the Idaho state police;
- (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
- (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant;
- (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors; and
- (v) Emergency communications officers pursuant to section 19-5119, Idaho Code;

(b) County law enforcement:

- (i) County sheriffs;
- (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;
- (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;
- (iv) Juvenile detention officers;
- (v) Juvenile probation officers; and
- (vi) Adult misdemeanor probation officers; and
- ~~(iv)~~ (vii) Emergency communications officers pursuant to section 19-5119, Idaho Code;

(c) City law enforcement:

- (i) City police chiefs;
- (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code;
- (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code; and
- (iv) Emergency communications officers pursuant to section 19-5119, Idaho Code;

(d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;

(e) Department of correction:

- (i) The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;

- (ii) Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
 - (iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
 - (iv) Correctional peace officer training instructors;
- (f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;
- (g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;
- (h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;
- (i) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office; and
- (j) The director of security and the criminal investigators of the Idaho state lottery.

(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.

SECTION 24. That Section 67-2922, Idaho Code, be, and the same is hereby amended to read as follows:

67-2922. ENDANGERED MISSING PERSON ALERT. (1) There is hereby established a statewide alert system known as the "Endangered Missing Person Alert" that shall be developed and implemented by the Idaho state police missing person clearinghouse. The endangered missing person alert system shall be a program of voluntary cooperation between broadcasters, cable systems, and local and state agencies to enhance the public's ability to assist in recovering missing and endangered persons.

(2) As used in this section:

- (a) "Law enforcement agency" means a law enforcement agency with jurisdiction over the search for a suspect in a case involving an endangered missing person; and

(b) "Missing person" means a person whose whereabouts are unknown to a parent, guardian, caretaker, or others who have normal contact with the person.

(3) An endangered missing person alert plan shall be developed by a committee, whose membership shall be determined by the director of the Idaho state police, with members from city, county, state, and tribal law enforcement, broadcasters, emergency management officials, and vulnerable population commissions. Such plan shall provide for the use of the emergency alert system, the wireless emergency alert system, and the state police notification system. The endangered missing person alert advisory and review committee shall provide administrative oversight to develop, implement, review, and recommend revisions to the endangered missing person alert plan.

(4) An endangered missing person alert shall not be issued under the same criteria as an Amber alert and shall not be distributed automatically statewide. An endangered missing person alert ~~my~~ may be distributed based on the geographic area in which the missing person was last seen or is believed to be. An endangered missing person alert shall be issued with the information available to law enforcement, and lack of detailed information shall not preclude the issuance of an alert. For an incident to qualify for issuance of an endangered missing person alert, an individual, regardless of age:

- (a) Must be reported missing to a law enforcement agency;
- (b) Must be, or must be believed to be, a temporary or permanent resident of Idaho;
- (c) Must be at a location that cannot be determined by a person familiar with the missing individual; and
- (d) Must be someone:
 - (i) Who is incapable of returning to the missing individual's residence without assistance by reason of:
 - 1. Mental illness;
 - 2. Intellectual disability;
 - 3. Dementia;
 - 4. Weather conditions; or
 - 5. Another physical or mental incapacity that requires care of the individual or management of the individual's property;
 - (ii) Who is missing as the result of abduction by a stranger and does not meet the criteria for an Amber alert or blue alert;
 - (iii) Who is missing under unexplained, involuntary, or suspicious circumstances;
 - (iv) Whose disappearance may be the result of the commission of a crime;
 - (v) Whose disappearance occurred under circumstances that are inherently dangerous;
 - (vi) Who is in need of medical attention or prescription medication; or
 - (vii) Who has previously been the victim of a threat of violence or an act of violence.

(5) Before requesting activation of an endangered missing person alert, a law enforcement agency shall verify that the criteria described in subsection (4) of this section has have been satisfied. The law enforcement agency shall assess the appropriate boundaries of the alert based on the nature of the endangerment and the circumstances surrounding the last known location of the missing person or suspect.

(6) The state police shall terminate an endangered missing person alert with respect to a particular incident if:

(a) The missing person or suspect is located or the incident is otherwise resolved. Other law enforcement agencies shall notify the law enforcement agency that initiated the alert immediately when such agency locates the missing person, suspect, or vehicle; or

(b) The Idaho state police determines that the endangered missing person alert is no longer an effective tool for locating the missing person.

(7) There shall be no required waiting period for a law enforcement agency to report or investigate an endangered missing person case.

(8) Any entity or individual involved in the dissemination of a endangered missing person alert generated pursuant to the provisions of this section shall not be liable for any civil damages arising from such dissemination.

SECTION 25. That Section 67-4304, Idaho Code, be, and the same is hereby amended to read as follows:

67-4304. PRIEST, PEND D¹OREILLE, AND COEUR D'ALENE LAKES -- APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. (1) The governor is hereby authorized and directed to appropriate in trust for the people of the state of Idaho all the unappropriated water of Priest, Pend d¹Oreille and Coeur d'Alene Lakes or so much thereof as may be necessary to preserve said lakes in their present condition. The preservation of said water in said lakes for scenic beauty, health, recreation, transportation, and commercial purposes necessary and desirable for all the inhabitants of the state is hereby declared to be a beneficial use of such water.

(2) No fee shall be required in connection with said appropriation by the governor or the permit issued in connection therewith, and no proof of completion of any works of diversion shall be required, but license shall issue at any time upon proof of beneficial use to which said waters are now devoted.

(3) Each succeeding governor in office shall be deemed to be a holder of such permit, in trust for the people of the state.

SECTION 26. That Section 67-4305, Idaho Code, be, and the same is hereby amended to read as follows:

67-4305. PRIEST, PEND D¹OREILLE, AND COEUR D'ALENE LAKES -- LANDS DEVOTED TO HEALTH AND RECREATIONAL USE. The lands belonging to the state of Idaho between the ordinary high and low water mark at said lakes as well as all other lands of the state adjacent to said lakes which that are not held in trust for the beneficiaries of the endowed institutions, are hereby declared to be devoted to a public use in connection with the preservation of said lakes in their present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes.

SECTION 27. That Section 67-4306, Idaho Code, be, and the same is hereby amended to read as follows:

67-4306. PRIEST, PEND D¹OREILLE, AND COEUR D'ALENE LAKES -- SEPARABILITY OF ACT. If any part of this act shall be adjudged to be invalid, such judgment shall not affect, impair or invalidate any part of the remainder.

SECTION 28. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees who are subject to this chapter and to the system of personnel administration it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote and persons appointed to fill vacancies in elective offices and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code. ~~onetime~~

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in

chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(p) All employees of correctional industries within the department of correction.

(q) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(r) All public information positions, with the exception of secretarial positions, in any department.

(s) Any division administrator.

(t) Any regional administrator or division administrator in the department of environmental quality.

(u) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(v) All employees of the Idaho food quality assurance institute.

(w) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(x) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(y) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(z) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at a state hospital or other treatment facility managed and operated by the department of health and welfare.

SECTION 29. That Section 67-5308, Idaho Code, be, and the same is hereby amended to read as follows:

67-5308. AUTHORITY AND DUTIES OF THE DIVISION OF HUMAN RESOURCES -- SELECTION OF ADMINISTRATOR. (1) It shall be the duty of the division of human resources to administer this chapter. The administrator of the division of human resources shall have the duty, power and authority to employ such persons, make such expenditures, require such reports, make investigations of state classified and nonclassified employees, perform such travel pursuant to the provisions of this chapter, and to take such other actions as it deems necessary or suitable to that end.

(2) An administrator of the division of human resources in the office of the governor shall be appointed by the governor, shall be subject to confirmation by the senate and shall serve at the pleasure of the governor. The administrator shall be experienced in personnel administration. The administrator shall provide necessary support to the commission when it carries out its duties.

SECTION 30. 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 that would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged, and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained pursuant to chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

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

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

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

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

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

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

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

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this paragraph, "system" includes electrical, computer and telecommunications systems, electric power (including production, generating, transportation, transmission and distribution), and heating, ventilation, and air conditioning. For purposes of this

subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety, or any combination of those matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

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

~~(20)~~ (21) Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

SECTION 31. The provisions of Section 22 of this act shall be null, void, and of no force and effect on and after July 2, 2024.

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 July 1, 2023.

Approved March 30, 2023

CHAPTER 219
(S.B. No. 1127)

AN ACT

RELATING TO STATE SYMBOLS; AMENDING CHAPTER 45, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4516, IDAHO CODE, TO DESIGNATE AND DECLARE ORYCTODROMEUS AS THE STATE DINOSAUR OF IDAHO AND TO PROVIDE FOR STATUTORY CONSTRUCTION; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 45, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4516, Idaho Code, and to read as follows:

67-4516. STATE DINOSAUR DESIGNATED. The Oryctodromeus is hereby designated and declared to be the state dinosaur of the state of Idaho. Nothing in this section shall be construed to give the state authority to use its power of eminent domain to acquire an Oryctodromeus fossil or the land on which an Oryctodromeus fossil is found.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature in enacting this act to recognize Oryctodromeus as the state dinosaur of Idaho. First discovered in 2006, Oryctodromeus, which means "digging runner," was a small, swift herbivore that lived during the Cretaceous Period. In its maturity, Oryctodromeus was about seven feet long and weighed approximately seventy pounds. It is one of the only dinosaurs known to have cared for its young and to have lived in burrows, which provided nesting sites as well as protection from harsh weather and predators. Oryctodromeus fossils may be found in the Wayan Formation in the Caribou Mountains.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 30, 2023

CHAPTER 220
(H.B. No. 236)

AN ACT

RELATING TO PUBLIC DEFENSE; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 60, TITLE 19, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE STATE PUBLIC DEFENDER ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO CREATE THE OFFICE OF THE STATE PUBLIC DEFENDER, TO PROVIDE FOR THE APPOINTMENT OF THE STATE PUBLIC DEFENDER, TO PROVIDE FOR THE POWERS AND DUTIES OF THE STATE PUBLIC DEFENDER, TO PROVIDE FOR THE APPOINTMENT OF DISTRICT PUBLIC DEFENDERS, TO PROVIDE FOR THE POWERS AND DUTIES OF DISTRICT PUBLIC DEFENDERS, TO PROVIDE FOR THE HIRING OF A DISTRICT PUBLIC DEFENDER, AND TO PROVIDE FOR INDIGENT PUBLIC DEFENSE, THE ROLE OF COUNTIES, PUBLIC DEFENSE COMMISSION RULES, AND TRANSITION; AMENDING SECTION 1-2205, IDAHO CODE, TO AUTHORIZE THE DISTRICT MAGISTRATES COMMISSION TO RECRUIT AND NOMINATE CANDIDATES FOR THE POSITION OF DISTRICT PUBLIC DEFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-847, IDAHO CODE, TO REVISE PROVISIONS REGARDING INDIGENT PUBLIC DEFENSE, TO PROVIDE FOR THE ROLE OF COUNTIES, TO PROVIDE FOR PUBLIC DEFENSE COMMISSION RULES, AND TO PROVIDE FOR TRANSITION; REPEALING SECTION 19-847, IDAHO CODE, RELATING TO INDIGENT PUBLIC DEFENSE, THE ROLE OF COUNTIES, PUBLIC DEFENSE COMMISSION RULES, AND TRANSITION; AMENDING SECTION 19-852, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-853, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-854, IDAHO CODE, TO REVISE PROVISIONS REGARDING REIMBURSEMENT, TO PROVIDE CORRECT CODE REFERENCES, AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-855, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 19-857, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-861, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE OBSOLETE LANGUAGE REGARDING PUBLIC DEFENDER FACILITIES, AND TO REVISE A PROVISION REGARDING FACILITIES; AMENDING SECTION 19-858, IDAHO CODE, AS AMENDED BY SECTION 56, CHAPTER 318, LAWS OF 2022, TO PROVIDE FOR COUNTY PROSECUTORS, TO REVISE A PROVISION REGARDING REIMBURSEMENT, TO PROVIDE CORRECT CODE REFERENCES, AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-864, IDAHO CODE, TO REMOVE PROVISIONS REGARDING DEFENDING ATTORNEYS AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-865, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICATION OF THE CHAPTER AND TO REDESIGNATE THE SECTION; AMENDING SECTION 19-866, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 60, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-6019, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS WHEN THE OFFICE OF THE STATE PUBLIC DEFENDER CONTRACTS WITH DEFENDING ATTORNEYS; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-850A, IDAHO CODE, TO CREATE THE POSITION OF THE STATE PUBLIC DEFENDER IN THE PUBLIC DEFENSE COMMISSION AND TO ABOLISH THE PUBLIC DEFENSE COMMISSION; REPEALING SECTION 19-850A, IDAHO CODE, RELATING TO THE STATE PUBLIC DEFENDER AND THE ABOLISHMENT OF THE PUBLIC DEFENSE COMMISSION; AMENDING SECTION 19-5903, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER; REPEALING SECTION 19-5904, IDAHO CODE, RELATING TO THE APPOINTMENT OF THE STATE APPELLATE PUBLIC DEFENDER; AMENDING CHAPTER 59, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5904, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF THE STATE APPELLATE PUBLIC DEFENDER; AMENDING SECTION 19-5905, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE STATE APPELLATE PUBLIC DEFENDER; AMENDING

SECTION 19-863A, IDAHO CODE, TO REDESIGNATE THE SECTION; REPEALING SECTIONS 19-848, 19-849, 19-850, AND 19-851, IDAHO CODE, RELATING TO THE STATE PUBLIC DEFENSE COMMISSION; REPEALING SECTIONS 19-859 AND 19-860, IDAHO CODE, RELATING TO COUNTY PUBLIC DEFENDERS; REPEALING SECTION 19-862, IDAHO CODE, RELATING TO APPROPRIATIONS FOR PUBLIC DEFENDERS; REPEALING SECTION 19-862A, IDAHO CODE, RELATING TO INDIGENT DEFENSE FINANCIAL ASSISTANCE; REPEALING SECTION 19-863, IDAHO CODE, RELATING TO DEFENSE EXPENSES; AMENDING SECTION 67-1406, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 67-2601, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE STATE PUBLIC DEFENSE COMMISSION AND TO PROVIDE FOR THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER AND THE OFFICE OF THE STATE PUBLIC DEFENDER; AMENDING SECTION 67-5303, IDAHO CODE, TO REVISE A PROVISION REGARDING NONCLASSIFIED STATE EMPLOYEES AND TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 19-625, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 20-514, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 31-3201I, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 57-827, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 74-105, IDAHO CODE, TO REVISE A PROVISION REGARDING RECORDS EXEMPT FROM DISCLOSURE AND TO MAKE A CODIFIER'S CORRECTION; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 60, Title 19, Idaho Code, and to read as follows:

CHAPTER 60
STATE PUBLIC DEFENDER ACT

19-6001. SHORT TITLE. This chapter shall be known and may be cited as the "State Public Defender Act."

19-6002. DEFINITIONS. As used in this chapter:

(1) "Defending attorney" means any attorney employed by an indigent defense provider or otherwise under contract to represent adults or juveniles at public expense, consistent with the provisions of this chapter.

(2) "Detain" means to have in custody or otherwise deprive of freedom of action.

(3) "Expenses," when used with reference to representation pursuant to this chapter, includes the expenses of investigation, experts, testing, and other pretrial preparation, trials, post-verdict motions, and post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code.

(4) "Indigent defense provider" means the office of the state public defender or any agency, entity, organization, or person selected by the office for the direct provision of indigent defense services as a means to provide for the representation of indigent persons and other individuals who are entitled to be represented by an attorney at public expense.

(5) "Indigent person" means a person who, at the time his need is determined pursuant to section 19-6009, Idaho Code, is unable to provide for the full payment of an attorney and all other necessary expenses of representation.

(6) "Serious crime" means any offense for which the penalty includes the possibility of confinement, incarceration, imprisonment, or detention in a correctional facility, regardless of whether actually imposed.

19-6003. OFFICE OF THE STATE PUBLIC DEFENDER CREATED. The office of the state public defender is hereby created in the department of self-governing agencies.

19-6004. STATE PUBLIC DEFENDER -- APPOINTMENT -- TERM -- PROHIBITED CONDUCT -- REMOVAL -- VACANCIES -- REAPPOINTMENT -- COMPENSATION. (1) The state public defender shall reside in the office of the state public defender and shall be appointed by the governor, in a manner consistent with subsection (6) of this section, to serve a four (4) year term.

(2) The state public defender must meet the following qualifications on the effective date of appointment:

- (a) Be at least thirty (30) years of age;
- (b) Be a citizen of the United States;
- (c) Have held a license to practice law or a judicial office in one (1) or more jurisdictions of the United States for at least five (5) continuous years immediately preceding the appointment;
- (d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter; and
- (e) Have at least five (5) years of criminal defense experience.

(3) The state public defender shall not:

- (a) Engage in the practice of law outside his role in the office of the state public defender, except for the practice of law that is permitted for a judge by the Idaho code of judicial conduct;
- (b) Hold or be a candidate for any federal, state, county, municipal, judicial, district, or other elective office; provided, however, this paragraph does not prohibit the state public defender from seeking appointment to another office, including state or federal judicial office;
- (c) Serve as the agent, representative, officer, political treasurer, or employee, whether for profit or otherwise, of any political party, political committee, or candidate, as such terms are defined in chapter 1, title 34, Idaho Code, and chapter 66, title 67, Idaho Code; or
- (d) Hold any other public or private sector position, for profit or otherwise, except for volunteer positions that are not inconsistent with the duties of the state public defender.

(4) The state public defender may be removed from office by the governor for failing to retain the qualifications of his office provided in subsection (2) of this section, for engaging in prohibited conduct set forth in subsection (3) of this section, or for good cause shown. If the state public defender is removed from office, the governor shall provide the house of representatives and the senate written notice of the removal, the effective date of removal, and the reason or reasons therefor.

(5) If the state public defender resigns, dies, or is removed from office as provided by law, the governor shall appoint a person who meets the qualifications established in this section, in a manner consistent with subsection (6) of this section, to fill the unexpired term.

(6) The governor shall appoint a state public defender in the following manner:

- (a) Whenever a vacancy arises in the position of state public defender, the governor shall appoint a panel with seven (7) members, with one (1) panel member appointed from the membership of each of the seven (7) district magistrates commissions. Not less than two (2) but not more than (3) panel members shall be attorneys, not more than two (2) but not less than one (1) panel member shall be a county commissioner, and one (1) member shall be a mayor. The governor shall not appoint to the panel any member of a district magistrates commission who is a judge, who is employed as a criminal prosecutor, or who otherwise prosecutes or aids in the prosecution of criminal cases, or any person employed in a law

enforcement agency. The governor shall select a member of the panel to serve as chairman. The provisions of section 1-2203B(4), Idaho Code, regarding current or former law partners shall apply to any attorney serving on the panel. Members of the panel shall be compensated by the office of the state public defender as provided in section 59-509(b), Idaho Code.

(b) It shall be the duty of the panel to recruit applicants, review candidates, and submit to the governor a list of not less than three (3), but not more than five (5), attorneys who meet the qualifications established in this chapter, and the governor shall appoint the state public defender from the list, with the advice and consent of the senate. If three (3) qualified candidates or fewer apply, the panel shall submit all applicants to the governor and may communicate to the governor or the governor's representative, in executive session pursuant to section 74-206(1)(a), Idaho Code, a ranking of the applicants, and the governor shall appoint the state public defender from the list, with the advice and consent of the senate. The governor and the office of the state public defender may assist the panel in drawing the largest pool of qualified applicants.

(c) Once the governor appoints the state public defender, the panel shall disband until reconstituted by the governor consistent with this section.

(7) When the state public defender's term expires under the law, the governor may reappoint the state public defender to subsequent four (4) year terms, with the advice and consent of the senate, or the governor may constitute a panel consistent with subsection (6) of this section to nominate candidates and appoint a state public defender from the list produced by the panel, with the advice and consent of the senate.

(8) The state public defender shall be compensated in an amount determined by the governor.

19-6005. POWERS AND DUTIES OF THE STATE PUBLIC DEFENDER. Consistent with the state of Idaho's obligation to provide indigent public defense pursuant to the sixth amendment to the United States constitution; section 13, article I of the constitution of the state of Idaho; and this chapter, the state public defender shall have the power to:

(1) Ensure that qualified defending attorneys, experts, investigators, mitigation specialists, stenographers, paralegals, or other support staff and assistants are employed or contracted as necessary to carry out the purposes of this chapter, that the same deliver indigent defense services in compliance with applicable indigent defense standards, and that any persons hired or contracted to provided indigent individuals charged with an offense or offenses punishable by a sentence of death be qualified to provide team representation. Provided, however, the terms of any contract with a defending attorney shall not include any pricing structure that charges or pays a single fixed fee for the services of the defending attorney and client-related expenses;

(2) Provide appropriate facilities, including office space, furniture, equipment, books and other legal research tools, postage, supplies, and secure information and communication technology equipment that is reasonably necessary for the proper performance of the state public defender;

(3) Implement procedures for the oversight, implementation, enforcement, and improvement of indigent defense standards so that the right to counsel of indigent persons is constitutionally delivered to all indigent persons in this state;

(4) Implement the most current American bar association standards for defending attorneys delivering indigent defense pursuant to this chapter, including caseload standards;

(5) Provide training and continuing legal education approved by the Idaho state bar for defending attorneys and employees that promotes competency and consistency in case types defended by the state public defender;

(6) Require defending attorneys, contractors, and employees to keep appropriate records, consistent with uniform data reporting requirements, respecting each person to whom the state public defender is responsible for providing defense, including but not limited to caseload, workload, and expenditures;

(7) Establish uniform contracts both for contract defending attorneys, where utilized throughout the state or when caseload volumes require their use, and for conflict defending attorneys, when carrying out the purposes of this chapter. Contract pay rates shall be informed by the prevailing statewide market rate;

(8) Establish a uniform system for contracting with qualified attorneys to carry out the purposes of this chapter, including a system for application, payment for services, and reimbursement; and

(9) Collaborate with district public defenders on the policies of the office and in the formation of a budget request sufficient to meet the state's constitutional obligation to provide indigent services, which the state public defender shall submit to the division of financial management as required by law.

19-6006. DISTRICT PUBLIC DEFENDER. (1) In each judicial district described in chapter 8, title 1, Idaho Code, the state public defender shall employ a district public defender. The district public defender must be an employee of the office of the state public defender, meet and maintain the qualifications set forth in section 19-6004(2), Idaho Code, and not engage in any conduct prohibited by section 19-6004(3), Idaho Code, while employed as district public defender. The district public defender may be removed by the state public defender for failing to maintain the qualifications of the position established in this section, for engaging in conduct prohibited by this section, or for good cause shown. The duty station of each district public defender must be within the judicial district that the district public defender oversees.

(2) Under the direction and supervision of the state public defender, each district public defender shall carry out the purposes of this chapter in the judicial district, including supervising the defending attorneys hired or contracted to work in that judicial district, assuring compliance with the provisions of section 19-6005, Idaho Code, as well as other duties assigned by the state public defender.

(3) The district public defender shall be the principal liaison with the administrative district judge, the trial court administrator, the boards of county commissioners, county clerks, and county prosecutors on administrative matters concerning the provision of public defense in the judicial district. Upon invitation, but not less than annually, the district public defender shall report to each board of county commissioners within the judicial district concerning public defense in the respective county.

19-6007. HIRING THE DISTRICT PUBLIC DEFENDER. (1) Whenever a vacancy arises in the position of district public defender, it shall be the duty of the district magistrates commission to recruit applicants, review candidates, and hire a district public defender who meets the qualifications established in this chapter. The office of the state public defender may assist the district magistrates commission in drawing the largest pool of qualified applicants.

(2) In addition to the provisions of sections 1-2203, 1-2203A, 1-2203B, 1-2204, and 1-2205, Idaho Code, when a district magistrates commission is carrying out the purposes of this section:

(a) The administrative district judge or district judge designated by the administrative district judge shall not participate in any proceedings of the district magistrates commission pursuant to the provisions of this section. The county commissioner on the district magistrates commission from the county that operated an office of public defender by January 1, 2023, shall chair the district magistrates commission. If there is more than one (1) county in the judicial district that operated an office of public defender or that was part of a joint office of public defender by January 1, 2023, the county commissioner on the district magistrates commission from such a county with the longest continuous service as county commissioner shall chair the district magistrates commission. If no county in the judicial district operated an office of public defender or was part of a joint office of public defender by January 1, 2023, the county commissioner on the district magistrates commission with the longest continuous service as county commissioner shall chair the district magistrates commission.

(b) The state public defender shall appoint two (2) attorneys who practice in the judicial district and whose practice as certified by each attorney at the time of his appointment is predominantly criminal defense, one (1) of whom must be a defending attorney employed or contracted by an indigent defense provider, to temporarily serve on the district magistrates commission; provided, however, the provision of section 1-2203B(4), Idaho Code, regarding current or former law partners shall apply to any attorney appointed by the state public defender.

(c) No person employed as a criminal prosecutor or who otherwise prosecutes or aids in the prosecution of criminal cases may participate on the district magistrates commission, nor shall any person employed in a law enforcement agency participate on the district magistrates commission. A temporary vacancy, pursuant to section 1-2203B, Idaho Code, shall occur for any commission member prohibited from participating by this paragraph.

19-6008. INDIGENT PUBLIC DEFENSE -- ROLE OF COUNTIES -- PUBLIC DEFENSE COMMISSION RULES -- TRANSITION. (1) Notwithstanding any provision of law to the contrary, on and after October 1, 2024:

(a) All counties are released from any further financial or legal obligation to provide indigent public defense. On and after such date, the state assumes the full financial and legal obligation to provide indigent public defense pursuant to the sixth amendment to the United States constitution and section 13, article I of the constitution of the state of Idaho.

(b) This release of financial and legal obligation to provide indigent public defense includes the release of any requirement for counties: to employ or contract with defending attorneys, investigators, social workers, legal assistants, or other personnel necessary to provide indigent public defense; to provide office furnishings, equipment, office materials, or office supplies; to provide information technology equipment, information technology software, communication equipment, communication software, equipment, or software licenses or subscriptions; to provide general office technology or equipment; or to assume any other expense necessary for indigent defense services on and after October 1, 2024.

(c) Notwithstanding the provisions of this section, any county providing office space to a county office of public defense or a joint county office of public defense as of January 1, 2023, shall continue to make available the same or substantially similar office space for the use of the office of the state public defender until July 1, 2029, provided that:

(i) Not later than January 1, 2027, the state public defender must provide to the board of county commissioners of any county providing office space to the office of the state public defender a facility transition plan outlining the state public defender's intent to either procure other office space to house defending attorneys or enter into a contract with the board of county commissioners to lease office space from the board of county commissioners necessary to house defending attorneys;

(ii) Nothing in this section shall be construed to obligate a board of county commissioners to provide office space to the office of the state public defender on and after July 1, 2029;

(iii) Nothing in this section shall prohibit the state public defender from notifying a board of county commissioners that provides office space to the office of the state public defender that the state public defender no longer needs part or all of the space obligated by this section prior to July 1, 2029. Such notice shall relieve the county board of commissioners of the obligation to provide office space to the office of the state public defender; and

(iv) Notwithstanding the provisions of this section, each county must continue providing interviewing facilities in the county jail necessary for carrying out the state public defender's responsibilities in law.

(d) The state public defender shall reimburse a board of county commissioners for any expenses incurred in providing such office space, including but not limited to office furnishings, equipment, office materials, or office supplies; information technology equipment, information technology software, communication equipment, communication software, equipment, or software licenses or subscriptions; or general office technology or equipment or related expenses.

(e) All administrative rules promulgated by the state public defense commission shall be repealed in accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) To effectuate an orderly transition to the office of the state public defender without unnecessary disruption of indigent defense services, counties and defending attorneys shall not prohibit access by the state public defender, or his designee, to information and data, including case files, that are necessary to establish a statewide case management system or for other administrative purposes in establishing the office of the state public defender. The state public defender and any designee shall have the ethical duty and legal obligation to maintain confidentiality and privacy of any information learned or obtained during the course of transition to the office of the state public defender while counties continue to provide indigent defense services. The state public defender at his discretion may require defending attorneys to use a case management system procured by the state public defender at no expense to counties or defending attorneys.

(3) Upon termination of the public defense commission on July 1, 2024, all property and full-time positions at the commission shall transfer to the office of the state public defender.

(4) All administrative rules promulgated by the public defense commission shall remain in effect while counties continue to provide indigent defense until October 1, 2024, when that obligation ends pursuant to this section.

(5) To the greatest extent possible, the state public defender and district public defenders shall provide the option to defending attorneys employed by a county office of public defender or joint office of public defender on September 30, 2024, who meet the requirements and standards for defending attorneys, as well as support staff, the opportunity to continue employment with the office of the state public defender working in the county that previously employed them.

(6) District magistrates commissions shall coordinate with the state public defender and begin the process of recruiting applicants, reviewing candidates, and selecting each district public defender as soon as practicable after July 1, 2024.

(7) In order to advise the state public defender and provide input from counties and defending attorneys during the transition, the state public defender shall appoint a volunteer transition advisory board to advise on matters related to the transition of public defense through October 1, 2024. Board members shall be compensated as provided in section 59-509(a), Idaho Code. The board shall be composed of:

- (a) Two (2) representatives from the Idaho association of counties; and
- (b) Seven (7) attorneys, with one (1) attorney from each judicial district, whose practice, as certified by them at the time of their appointment, is predominately criminal defense, among whom not less than three (3) must be defending attorneys who are employed by a county or joint office of public defense, and not less than two (2) must be defending attorneys who contract with counties to provide public defense services.

SECTION 2. That Section 1-2205, Idaho Code, be, and the same is hereby amended to read as follows:

1-2205. DISTRICT MAGISTRATES COMMISSION -- POWERS AND DUTIES. (1) The district magistrates commission shall have the following powers and duties:

- (a) To determine the number and location of magistrate judges to be appointed within the judicial district, subject to appropriations by the legislature, pursuant to section 1-2215, Idaho Code; provided, that there shall be at least one (1) resident magistrate judge appointed in each county, except for those counties in which the board of county commissioners, at any time, has adopted by majority vote, without subsequent rescission, a resolution waiving the right to a resident magistrate judge, pursuant to section 31-879, Idaho Code;
- (b) To appoint the magistrate judges within the district on a nonpartisan merit basis, except as provided in section 1-2220, Idaho Code;
- (c) To conduct studies for the improvement of the administration of justice within the district and to make recommendations for improvements therein to the legislature, the supreme court, the district court and such other governmental agencies as may be interested in or affected by such recommendations; and
- (d) To carry out the provisions of chapter 60, title 19, Idaho Code, assigned to the district magistrates commission.

(2) The actions of the commission pursuant to subsections (1) (a) and (b) of this section shall be subject to disapproval by a majority of the district judges in the district within thirty (30) days after written notice to the district judges of the commission's actions, unless such time be extended for good cause by order of the supreme court.

SECTION 3. That Section 19-847, Idaho Code, be, and the same is hereby amended to read as follows:

19-847. INDIGENT PUBLIC DEFENSE -- FINANCIAL OBLIGATIONS ROLE OF COUNTIES -- PUBLIC DEFENSE COMMISSION RULES -- TRANSITION. (1) Notwithstanding any provision of law to the contrary, on and after October 1, 2024:

(1) (a) All counties are released from any further financial or legal obligation to provide indigent public defense. On and after such date, the state assumes the full financial and legal obligation to provide indigent public defense pursuant to the sixth amendment of the United States constitution and section 13, article I of the constitution of the state of Idaho; and.

(b) Such release of financial and legal obligation to provide indigent public defense includes the release of any requirement for counties: to employ or contract with defending attorneys, investigators, social workers, legal assistants, or other personnel necessary to provide indigent public defense; to provide office furnishings, equipment, office materials, or office supplies; to provide information technology equipment, information technology software, communication equipment, communication software, equipment, or software licenses or subscriptions; to provide general office technology or equipment; or to assume any other expense necessary for indigent defense services on and after October 1, 2024.

(c) Notwithstanding the provisions of this section, any county providing office space to a county office of public defense or a joint county office of public defense as of January 1, 2023, shall continue to make available the same or substantially similar office space for the use of the office of the state public defender until July 1, 2029, provided that:

(i) Not later than January 1, 2027, the state public defender must provide to the board of county commissioners of any county providing office space to the office of the state public defender a facility transition plan outlining the state public defender's intent to either procure other office space to house defending attorneys or enter into a contract with the board of county commissioners to lease office space from the board of county commissioners necessary to house defending attorneys;

(ii) Nothing in this section shall be construed to obligate a board of county commissioners to provide office space to the office of the state public defender on and after July 1, 2029;

(iii) Nothing in this section shall prohibit the state public defender from notifying a board of county commissioners that provides office space to the office of the state public defender that the state public defender no longer needs part or all of the space obligated by this section prior to July 1, 2029. Such notice shall relieve the county board of commissioners of the obligation to provide office space to the office of the state public defender; and

(iv) Notwithstanding the provisions of this section, each county must continue providing interviewing facilities in the county jail necessary for carrying out the state public defender's responsibilities in law.

(d) The state public defender shall reimburse a board of county commissioners for any expenses incurred in providing such office space, including but not limited to office furnishings, equipment, office materials, or office supplies; information technology equipment, information technology software, communication equipment, communication software, equipment, or software licenses or subscriptions; or general office technology or equipment or related expenses.

(2) (e) All administrative rules promulgated by the state public defense commission shall be repealed in accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) To effectuate an orderly transition to the office of the state public defender without unnecessary disruption of indigent defense services, counties and defending attorneys shall not prohibit access by the state public defender, or his designee, to information and data, including case files, that are necessary to establish a statewide case management system or for other administrative purposes in establishing the office of the state public defender. The state public defender and any designee shall have the ethical duty and legal obligation to maintain confidentiality and privacy of any information learned or obtained during the course of transition to the office of the state public defender while counties continue to provide indigent defense services. The state public defender at his discretion may require defending attorneys to use a case management system procured by the state public defender at no expense to counties or defending attorneys.

(3) Upon termination of the public defense commission on July 1, 2024, all employees and property of the commission shall transfer to the office of the state public defender. The state public defender position created in the public defense commission shall assume the position of state public defender created in chapter 60, title 19, Idaho Code, and shall thereafter be governed by the provisions of that chapter.

(4) All administrative rules promulgated by the public defense commission shall remain in effect while counties continue to provide indigent defense until October 1, 2024, when that obligation ends pursuant to this section.

(5) To the greatest extent possible, the state public defender and district public defenders shall provide the option to defending attorneys employed by a county office of public defender or joint office of public defender on September 30, 2024, who meet the requirements and standards for defending attorneys, as well as support staff, the opportunity to continue employment with the office of the state public defender working in the county that previously employed them.

(6) District magistrates commissions shall coordinate with the state public defender and begin the process of recruiting applicants, reviewing candidates, and selecting the district public defender as soon as practicable after July 1, 2024.

(7) To advise the state public defender and provide input from counties and defending attorneys during the transition, the state public defender shall appoint a volunteer transition advisory board to advise on matters related to the transition of public defense through October 1, 2024. Board members shall be compensated as provided in section 59-509(a), Idaho Code. The board shall be composed of:

- (a) Two (2) representatives from the Idaho association of counties; and
- (b) Seven (7) attorneys, with one (1) attorney from each judicial district, whose practice, as certified by them at the time of their appointment, is predominately criminal defense, among whom not less than three (3) must be defending attorneys who are employed by a county or joint office of public defense, and not less than two (2) must be defending attorneys who contract with counties to provide public defense services.

SECTION 4. That Section 19-847, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 19-852, Idaho Code, be, and the same is hereby amended to read as follows:

19-8526009. RIGHT TO COUNSEL OF INDIGENT PERSON -- REPRESENTATION AT ALL STAGES OF CRIMINAL AND COMMITMENT PROCEEDINGS -- PAYMENT. (1) An indigent person who is being detained by a law enforcement officer, who is confined or is the subject of hospitalization proceedings pursuant to section 18-212, 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is entitled:

(a) To be represented by an attorney to the same extent as a person having his own counsel is so entitled; and

(b) To be provided with the necessary services and facilities of representation including investigation and other preparation. The attorney, services and facilities and the court costs shall be provided at public expense to the extent that the person is, at the time the court determines indigency pursuant to section 19-8546011, Idaho Code, unable to provide for their payment.

(2) An indigent person who is entitled to be represented by an attorney under subsection (1) of this section is entitled:

(a) To be counseled and defended at all stages of the matter beginning with the earliest time when a person providing his own counsel would be entitled to be represented by an attorney and including revocation of probation;

(b) To be represented in any appeal;

(c) To be represented in any other post-conviction or post-commitment proceeding that the attorney or the indigent person considers appropriate, unless the court in which the proceeding is brought determines that it is not a proceeding that a reasonable person with adequate means would be willing to bring at his own expense and is therefore a frivolous proceeding.

(3) An indigent person's right to a benefit under subsection (1) or (2) of this section is unaffected by his having provided a similar benefit at his own expense, or by his having waived it, at an earlier stage.

SECTION 6. That Section 19-853, Idaho Code, be, and the same is hereby amended to read as follows:

19-8536010. DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL. (1) If a person who is being detained by a law enforcement officer, or who is confined or who is the subject of hospitalization proceedings pursuant to section 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is not represented by an attorney under conditions in which a person having his own counsel would be entitled to be so represented, the law enforcement officers concerned, upon commencement of detention, or the court, upon formal charge or hearing, as the case may be, shall:

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

(b) If the person detained or charged does not have an attorney, notify the indigent defense provider or trial court concerned, as the case may be, that he is not so represented. As used in this subsection, the term "commencement of detention" includes the taking into custody of a probationer.

(2) Upon commencement of any later judicial proceeding relating to the same matter including, but not limited to, preliminary hearing, arraignment, trial, any post-conviction proceeding or post-commitment proceeding, the presiding officer shall clearly inform the person so detained or charged of his right to counsel and of the right of an indigent person to be represented by an attorney at public expense. Provided, the appointment of

an attorney at public expense in uniform post-conviction procedure act proceedings shall be in accordance with section 19-4904, Idaho Code.

(3) If a court determines that the person is entitled to be represented by an attorney at public expense, it shall promptly notify the ~~indigent defense provider~~ state public defender.

(4) Upon notification by the court, the ~~indigent defense provider~~ state public defender shall represent the person with respect to whom the notification is made.

SECTION 7. That Section 19-854, Idaho Code, be, and the same is hereby amended to read as follows:

19-8546011. DETERMINATION OF INDIGENCY -- FACTORS CONSIDERED -- PARTIAL PAYMENT BY ACCUSED -- REIMBURSEMENT. (1) The determination of whether a person covered under section 19-8526009, Idaho Code, is an indigent person shall be deferred until his first appearance in court or in a suit for payment or reimbursement under section 19-8586015, Idaho Code, whichever occurs earlier. Thereafter, the court concerned shall determine, with respect to each proceeding, whether he is an indigent person.

(2) The court concerned shall presume that the following persons are indigent persons unless such a determination is contrary to the interests of justice:

(a) Persons whose current monthly income does not exceed one hundred eighty-seven percent (187%) of the federal poverty guidelines issued annually by the federal department of health and human services;

(b) Persons who receive, or whose dependents receive, public assistance pursuant to title 56, Idaho Code, in the form of food assistance, health coverage, cash assistance or child care assistance; or

(c) Persons who are currently serving a sentence in a correctional facility or are being housed in a mental health facility.

(3) The court concerned may determine that persons other than those described in subsection (2) of this section are indigent persons. In determining whether a person is an indigent person and in determining the extent of his inability to pay, the court concerned may consider such factors as income, property owned, outstanding obligations, the number and ages of his dependents and the cost of bail. Participation in the Idaho health insurance exchange shall not result in the presumption of indigency.

(4) Release on bail does not necessarily prevent a person from being an indigent person.

(5) In each case, the person shall, subject to the penalties for perjury, certify in writing or by other record such material factors relating to his ability to pay as the court prescribes by rule. No information provided by a person pursuant to this subsection may be used as substantive evidence in any criminal or civil proceeding against the person except:

(a) For impeachment purposes;

(b) In a prosecution for perjury or contempt committed in providing the information; or

(c) In an attempt to enforce an obligation to reimburse the state for the cost of counsel.

(6) To the extent that a person covered under section 19-8526009, Idaho Code, is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court may order him to provide for their payment.

(7) Upon conviction, notwithstanding the form of judgment or withheld judgment, plea of guilty or finding of guilt for any crime regardless of the original crime or number of counts, an indigent person who receives the services of an a defending attorney provided by the county may be required by the court to reimburse the county state public defense fund for all or a portion of the cost of those services related to the conviction, plea of guilty

or finding of guilt, unless the requirement would impose a manifest hardship on the indigent person. Any funds received due to an existing or future order for reimbursement for the services of a defending attorney shall be deposited into the state public defense fund. The current inability of the indigent person to pay the reimbursement shall not, in and of itself, restrict the court from ordering reimbursement.

SECTION 8. That Section 19-855, Idaho Code, be, and the same is hereby amended to read as follows:

19-8556012. QUALIFICATIONS OF COUNSEL. No person may be given the primary responsibility of representing an indigent person unless he is licensed to practice law in this state and is otherwise competent to counsel and defend a person charged with a crime.

SECTION 9. That Section 19-857, Idaho Code, be, and the same is hereby amended to read as follows:

19-8576013. WAIVER OF COUNSEL -- CONSIDERATION BY COURT. A person who has been appropriately informed of his right to counsel may waive any right provided by this act, chapter if the court concerned, at the time of or after waiver, finds of record that he has acted with full awareness of his rights and of the consequences of a waiver and if the waiver is otherwise according to law. The court shall consider such factors as the person's age, education and familiarity with the English language and the complexity of the crime involved.

SECTION 10. That Section 19-861, Idaho Code, be, and the same is hereby amended to read as follows:

19-8616014. ~~PUBLIC DEFENDER'S OFFICE -- EMPLOYEES -- COMPENSATION -- FACILITIES.~~ (1) ~~If an office of public defender or a joint office of public defender has been established, the public defender may employ, in the manner and at the compensation prescribed by the board of county commissioners, as many assistant public defenders, clerks, investigators, stenographers, and other persons as the board considers necessary for carrying out his responsibilities under this act. A person employed under this section serves at the pleasure of the public defender.~~

~~(2) If an office of public defender or a joint office of public defender has been established, the board of county commissioners shall:~~

~~(a) Provide appropriate facilities including office space, furniture, equipment, books, postage, supplies and interviewing facilities in the jail, necessary for carrying out the public defender's responsibilities under this act; or~~

~~(b) Grant the public defender an allowance in place of those facilities.~~

~~(3) A defending attorney is entitled to use the same state facilities for the evaluation of evidence as are available to the county prosecutor. If he considers their use impractical, the court concerned may authorize the use of private facilities to be paid for on court order by the county board of commissioners. If the defending attorney considers the use of the state facilities impractical, the court concerned may authorize the use of private facilities, to be paid for by the state public defender.~~

SECTION 11. That Section 19-858, Idaho Code, as amended by Section 56, Chapter 318, Laws of 2022, be, and the same is hereby amended to read as follows:

19-8586015. REIMBURSEMENT -- WHEN AUTHORIZED. (1) The attorney general or the appropriate county prosecutor may, on behalf of the state, recover payment or reimbursement, as the case may be, from each person who has received legal assistance or another benefit under this chapter:

- (a) To which he was not entitled;
- (b) With respect to which he was not an indigent person when he received it; or
- (c) With respect to which he has failed to make the certification required under section 19-8546011, Idaho Code, and for which he refuses to pay or reimburse. Suit must be brought within five (5) years after the date on which the aid was received.

(2) The attorney general or the appropriate county prosecutor may, on behalf of the state, recover payment or reimbursement, as the case may be, from each person other than a person covered under subsection (1) of this section who has received legal assistance under this chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the county for it for legal assistance without manifest hardship according to the standards of ability to pay applicable under sections 19-851, 19-8526009 and 19-8546011, Idaho Code, but refuses to do so. Suit must be brought within three (3) years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into the state public defense fund pursuant to section 57-827, Idaho Code.

SECTION 12. That Section 19-864, Idaho Code, be, and the same is hereby amended to read as follows:

19-8646016. RECORDS OF DEFENDING ATTORNEYS -- ~~ANNUAL REPORT OF DEFENDING ATTORNEYS~~. ~~(1)~~ Indigent defense providers and defending attorneys shall keep appropriate records respecting each person whom they represent under this act chapter.

~~(2) On or before November 1 of each year, indigent defense providers and any defending attorney whose information is not otherwise included in a report from an indigent defense provider shall submit an annual report to the board of county commissioners, the appropriate administrative district judge and the commission in conformance with the rules promulgated pursuant to section 19-850(1)(a)(ii), Idaho Code.~~

SECTION 13. That Section 19-865, Idaho Code, be, and the same is hereby amended to read as follows:

19-8656017. APPLICATION OF ACT CHAPTER -- STATE COURTS -- FEDERAL COURTS. This act chapter applies only to representation in the courts of this state, except that it does not prohibit a defending attorney from representing an indigent person in a federal court of the United States, if:

- (1) The matter arises out of or is related to an action pending or recently pending in a court of criminal jurisdiction of the state; or
- (2) Representation is under a plan of the United States district court as required by the criminal justice act of 1964, 18 U.S.C. 3006A, and is approved by the board of county commissioners state public defender.

SECTION 14. That Section 19-866, Idaho Code, be, and the same is hereby amended to read as follows:

19-8666018. PROVISIONS NOT EXCLUSIVE. The protections provided by this act chapter do not exclude any protection or sanction that the law otherwise provides.

SECTION 15. That Chapter 60, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-6019, Idaho Code, and to read as follows:

19-6019. CONTRACTING WITH DEFENDING ATTORNEYS. (1) When contracting with defending attorneys to provide primary or conflict indigent defense services, to the greatest extent that is practicable, the office of the state public defender shall contract with local defending attorneys who practice in the county. If no qualified attorneys who practice in the county are available, the office of the state public defender shall contract with local defending attorneys who practice within the judicial district.

(2) In counties that did not operate an office of public defender or joint office of public defender by January 1, 2023, the office of the state public defender shall continue to provide primary indigent defense services by contract through July 1, 2029, unless the board of county commissioners, at the request of the office of the state public defender, votes to allow the office to transition from primary contract indigent defense providers. Notice of no less than six (6) months is required in advance of any change in delivery of public defense from primary contract indigent defense providers in a county pursuant to this subsection.

(3) Nothing in this section:

(a) Prohibits the office of the state public defender from continuing to contract with defending attorneys to provide indigent defense services in any county after July 1, 2029;

(b) Requires the office of the state public defender to contract with defending attorneys who do not meet the requirements and standards for defending attorneys; or

(c) Restricts the office of the state public defender from using defending attorneys employed by the office of the state public defender to represent indigent defendants in any capital case.

SECTION 16. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-850A, Idaho Code, and to read as follows:

19-850A. STATE PUBLIC DEFENDER -- PUBLIC DEFENSE COMMISSION ABOLISHED. (1) The position of state public defender is hereby created within the public defense commission. The state public defender shall be appointed by the governor, following the process established in the state public defender act, with the advice and consent of the senate. The position of state public defender is a separate position from the executive director of the public defense commission.

(2) The state public defender must meet the following qualifications on the effective date of appointment:

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

(b) Be a citizen of the United States;

(c) Have held a license to practice law or a judicial office in one (1) or more jurisdictions of the United States for at least five (5) years continuously immediately preceding the appointment;

(d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter; and

(e) Have at least five (5) years of criminal defense experience.

(3) The state public defender shall prepare for the creation of the office of the state public defender. The state public defender shall have the authority to:

(a) Develop uniform contracts for defending attorneys, experts, investigators, stenographers, paralegals, assistants, and other support staff;

(b) Procure office facilities;

(c) Identify and procure a statewide case management system;

(d) As resources are available to the state public defender, aid counties in providing indigent defense services in capital cases or other complex cases;

(e) Take steps to hire personnel for the office of the state public defender; and

(f) Establish policies and procedures for the operation of the office of the state public defender.

(4) The public defense commission shall be abolished on July 1, 2024. The administrative rules of the public defense commission shall not expire through the transition until October 1, 2024.

SECTION 17. That Section 19-850A, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Section 19-5903, Idaho Code, be, and the same is hereby amended to read as follows:

19-5903. CREATION OF OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER. The office of the state appellate public defender is hereby created in the department of self-governing agencies.

SECTION 19. That Section 19-5904, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Chapter 59, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-5904, Idaho Code, and to read as follows:

19-5904. STATE APPELLATE PUBLIC DEFENDER -- APPOINTMENT -- TERM -- QUALIFICATIONS -- PROHIBITED CONDUCT -- REMOVAL -- VACANCIES -- COMPENSATION. (1) The state appellate public defender shall be appointed by the governor, with the advice and consent of the senate, to serve a four (4) year term and may be reappointed to subsequent terms in the same manner.

(2) The state appellate public defender must meet the following qualifications on the effective date of his appointment:

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

(b) Be a citizen of the United States;

(c) Have held a license to practice law or a judicial office in one (1) or more jurisdictions of the United States for at least five (5) continuous years immediately preceding such appointment;

(d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter; and

(e) Have at least five (5) years of criminal defense or appellate experience, or a combination thereof.

(3) The state appellate public defender shall not:

(a) Engage in the practice of law outside his role in the office of the state appellate public defender, except for the practice of law that is permitted for a judge by the Idaho code of judicial conduct;

(b) Hold or be a candidate for any federal, state, county, municipal, judicial, district, or other elective office; provided, however, this section shall not be interpreted to prohibit the state appellate public defender from seeking appointment to another office, including state or federal judicial office;

(c) Serve as the agent, representative, officer, political treasurer, or employee, for profit or otherwise, of any political party, political committee, or candidate, as such terms are defined in chapter 66, title 67, Idaho Code; or

(d) Hold any other public or private sector position, for profit or otherwise, except for volunteer positions that are not inconsistent with the duties of the state appellate public defender.

(4) The state appellate public defender may be removed from office by the governor for failing to retain the qualifications of his office established in subsection (2) of this section, for engaging in prohibited conduct set forth in subsection (3) of this section, or for good cause shown. If the state appellate public defender is removed from office, the governor shall provide the house of representatives and the senate written notice of the removal, the effective date of removal, and the reason or reasons therefor.

(5) If the state appellate public defender resigns, dies, or is removed from office as provided by law, the governor shall appoint a person who meets the qualifications established in this section, subject to the advice and consent of the senate, to fill the remainder of the unexpired term.

(6) The state appellate public defender shall be compensated in an amount determined by the governor.

SECTION 21. That Section 19-5905, Idaho Code, be, and the same is hereby amended to read as follows:

19-5905. POWERS AND DUTIES. (1) Subject to the provisions of subsection (2) of this section, the state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases:

(a) Appeals from convictions or post-judgment orders in district court;

(b) Interlocutory criminal appeals from district court;

(c) Appeals from the district court of misdemeanor cases ~~where the notice of appeal was filed on or after October 1, 2020;~~

(d) Appeals from the district court of orders or final judgments affecting a juvenile offender under the juvenile corrections act, chapter 5, title 20, Idaho Code, ~~where the order or final judgment was entered on or after October 1, 2020;~~

(e) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code;

(f) Appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code; and

(g) Post-conviction relief proceedings in district court in capital cases.

(2) The services of the state appellate public defender shall be available only to those counties participating in the capital crimes defense fund established pursuant to section 19-863A5908, Idaho Code.

(3) The state appellate public defender may employ deputy state appellate public defenders and other employees necessary to carry out the responsibilities of the office. A deputy state appellate public defender must be licensed to practice law in the state of Idaho and possess any other qualifications required by the state appellate public defender. The state appellate public defender shall fix the compensation of all employees of the office and they shall serve at his pleasure.

(4) The state appellate public defender, deputy state appellate public defenders, and all employees of the office of the state appellate public defender shall be nonclassified employees pursuant to section 67-5303, Idaho Code.

(5) The state appellate public defender, in his discretion, may contract with private attorneys to provide representation on a case-by-case basis when such contracts would conserve budgetary resources.

(6) The state appellate public defender shall have any and all other powers and duties necessary to carry out the purposes of this chapter, ~~including the authority to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code.~~

SECTION 22. That Section 19-863A, Idaho Code, be, and the same is hereby amended to read as follows:

~~19-863A~~5908. CAPITAL CRIMES DEFENSE FUND AUTHORIZED. (1) The establishment of a capital crimes defense fund by the counties of the state for purposes of funding the costs of criminal defense in cases where the penalty of death is a legal possibility is hereby authorized. The fund shall be organized and operated in accordance with a joint powers agreement, as authorized by chapter 23, title 67, Idaho Code, executed by the participating counties. Membership in the fund shall be voluntary, as determined by resolution of the board of county commissioners of the respective counties of the state.

(2) The fund may be comprised of contributions from participating counties and any court fees or other funds designated or appropriated for deposit in the fund by the legislature.

(3) The fund shall be operated and administered by a board of representatives to be selected as provided in the joint powers agreement. If moneys are appropriated to the fund by the legislature, the governor shall appoint a representative of the executive branch of state government to serve as a voting member of the governing board, and if court fees are designated for deposit in the fund, the Idaho supreme court shall appoint a representative of the judicial branch of state government to serve as a voting member of the board.

(4) The governing board of the fund shall have full authority to employ personnel and contract for personal and professional services as necessary and may take all other steps necessary or proper to determine the manner in which the fund shall be utilized to assist participating counties in meeting defense costs associated with representation of indigent defendants charged with crimes for which the penalty of death is a legal possibility.

(5) Beginning October 1, 2022, the state appellate public defender assumes all responsibility for providing representation for indigent defendants in the cases described in section 19-5905, Idaho Code; provided, however, that all counties participating in the capital crimes defense fund on January 1, 2022, shall be required to continue participation until October 1, 2024. At an appropriate time after October 1, 2024, participating counties are authorized to dissolve the fund.

SECTION 23. That Section 19-848, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 19-849, Idaho Code, be, and the same is hereby repealed.

SECTION 25. That Section 19-850, Idaho Code, be, and the same is hereby repealed.

SECTION 26. That Section 19-851, Idaho Code, be, and the same is hereby repealed.

SECTION 27. That Section 19-859, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Section 19-860, Idaho Code, be, and the same is hereby repealed.

SECTION 29. That Section 19-862, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 19-862A, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Section 19-863, Idaho Code, be, and the same is hereby repealed.

SECTION 32. That Section 67-1406, Idaho Code, be, and the same is hereby amended to read as follows:

67-1406. EMPLOYMENT OF ATTORNEYS RESTRICTED -- EXEMPTIONS. Notwithstanding any other provision of law to the contrary, no department, agency, office, officers, board, commission, institution or other state entity shall be represented by or obtain its legal advice from an attorney at law other than the attorney general except as follows:

(1) The legislative and judicial branches of government and the governor may employ attorneys other than those under the supervision of the attorney general, and such attorneys may appear in any court. However, such entities may, upon request, utilize the attorney general's legal services.

(2) Those state entities within the department of self-governing agencies which are enumerated in section 67-2601(2)(a), (b), (g), and (h), Idaho Code, and colleges and universities may employ private counsel to advise them and represent them before courts of the state of Idaho. Such entities may also obtain legal services from the attorney general on such terms as the parties may agree.

(3) Whenever the attorney general determines that it is necessary or appropriate in the public interest, the attorney general may authorize contracts for legal services pursuant to the provisions of section 67-1409, Idaho Code.

(4) The provisions of section 67-1401, Idaho Code, shall govern the normal relationship between the attorney general and the state entities in the executive branch of state government. However, if after consultation with the attorney general, the governor determines in his sole judgment, which shall not be subject to judicial review, that counsel assigned to represent or give legal advice to any state entity, other than the lieutenant governor, state controller, state treasurer, secretary of state, attorney general, and the superintendent of public instruction, cannot effectively advocate or pursue the policies of the governor, the governor shall request that other counsel be provided by the attorney general, and the attorney general shall provide from within the office of the attorney general or obtain from outside the office of the attorney general, depending upon the request of the governor, qualified counsel acceptable to the governor to represent such state entity.

(5) Any separate counsel employed pursuant to the foregoing exceptions shall be compensated with funds appropriated to such state entity, unless such separate counsel shall have been employed at the request or convenience of the attorney general or because of a conflict in representation by the attorney general.

SECTION 33. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

(b) The board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(e) The board of library commissioners, pursuant to section 33-2502, Idaho Code.

(f) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

~~(g) The state public defense commission, pursuant to section 19-849, Idaho Code. The office of the state appellate public defender, pursuant to chapter 59, title 19, Idaho Code, and the office of the state public defender, pursuant to chapter 60, title 19, Idaho Code.~~

(h) The division of occupational and professional licenses, which is hereby created.

(3) Notwithstanding any other provision of law to the contrary, the governor shall have the authority to assign entities listed in subsection (2) of this section to divisions, sections, or units in such a manner as will tend to provide an orderly arrangement in the administrative organization of state government.

SECTION 34. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees who are subject to this chapter and to the system of personnel administration it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote and persons appointed to fill vacancies in elective offices and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code. ~~{onetime}~~

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(p) All employees of correctional industries within the department of correction.

(q) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(r) All public information positions, with the exception of secretarial positions, in any department.

(s) Any division administrator.

(t) Any regional administrator or division administrator in the department of environmental quality.

(u) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(v) All employees of the Idaho food quality assurance institute.

(w) ~~The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.~~ All employees of state agencies that provide or fund indigent public defense, including the office of the state appellate public defender, pursuant to chapter 59, title 19, Idaho Code, the office of the state public defender, pursuant to chapter 60, title 19, Idaho Code, when such chapter takes effect, and the state public defense commission, pursuant to section 19-849, Idaho Code.

(x) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(y) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(z) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at a state hospital or other treatment facility managed and operated by the department of health and welfare.

SECTION 35. That Section 19-625, Idaho Code, be, and the same is hereby amended to read as follows:

19-625. DETENTION FOR OBTAINING EVIDENCE OF IDENTIFYING PHYSICAL CHARACTERISTICS. (1) A peace officer who is engaged, within the scope of his authority, in the investigation of an alleged criminal offense which is a felony may make written application upon oath or affirmation to a judge of any district court, or magistrates division thereof, for an order authorizing the temporary detention, for the purpose of obtaining evidence of identifying physical characteristics, of an identified or particularly described individual residing in or found in the jurisdiction over which the judicial officer presides. The order shall require the presence of the identified or particularly described individual at such time and place as the court shall direct for obtaining the identifying physical characteristic evidence. Such order may be issued by the judicial officer upon a showing under oath of all the following:

(A) Probable cause for belief that a specifically described criminal offense which is a felony has been committed.

(B) Reasonable grounds exist, which may or may not amount to probable cause, to believe that the identified or particularly described individual committed the criminal offense.

(C) Procurement of evidence of identifying physical characteristics from the identified or particularly described individual may contribute to the identification of the individual who committed such offense.

(D) Such evidence cannot otherwise be obtained by the investigating officer.

(2) Any order issued pursuant to the provisions of this section shall specify the following:

(A) The alleged criminal offense which is the subject of the application.

(B) The specific type of identifying physical characteristic evidence which is sought.

(C) The relevance of such evidence to the particular investigation.

(D) The identity or description of the individual who may be detained for obtaining such evidence.

(E) The name and official status of the investigative officer authorized to effectuate such detention and obtain such evidence.

(F) The place at which the obtaining of such evidence shall be effectuated.

(G) The time that such evidence shall be taken except that no person may be detained for a period of more than three (3) hours for the purpose of taking such evidence.

(H) That the individual so identified or described shall have the right to legal counsel during the detention when such evidence is obtained and if he is unable to afford private counsel an attorney shall be provided at public expense as provided by section 19-8526009, Idaho Code.

(I) That the individual will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance unless sound of voice identification is required.

(J) The period of time, not exceeding ten (10) days, during which the order shall continue in force and effect. If the order is not executed within ten (10) days, a new order may be issued, pursuant to the provisions of this section.

(3) The order issued pursuant to this section shall be returned to the court not later than fifteen (15) days after its date of issuance and shall be accompanied by a sworn statement indicating how and when the evidence was taken and the type of evidence taken. The court shall give to the person from whom such evidence was taken a copy of the order and a copy of the sworn statement indicating what type of evidence was taken, if any.

(4) For the purposes of this section, "identifying physical characteristics" shall mean the fingerprints, palm prints, footprints, measurements, handwriting, handprinting, sound of voice, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance, or photographs of an individual.

SECTION 36. That Section 20-514, Idaho Code, be, and the same is hereby amended to read as follows:

20-514. REPRESENTATION AT ALL STAGES OF PROCEEDINGS -- APPOINTMENT OF COUNSEL -- WAIVER -- PAYMENT OF COST OF LEGAL SERVICES. (1) A juvenile who is being detained by a law enforcement officer or who is under formal charge of having committed, or who has been adjudicated for commission of, an act, omission or status that brings him under the purview of this act, is entitled:

(a) To be represented by an attorney to the same extent as an adult having his own counsel is so entitled pursuant to section 19-8526009, Idaho Code; and

(b) To be provided with the necessary services and facilities of representation, including investigation and other preparation.

(2) A juvenile who is entitled to be represented by an attorney under subsection (1) of this section is entitled:

(a) To be counseled and defended at all stages of the matter beginning with the earliest time and including revocation of probation or recommitment;

(b) To be represented in any appeal; and

(c) To be represented in any other post-adjudication or review proceeding that the attorney or the juvenile considers appropriate, unless the court in which the proceeding is brought determines that it is not a proceeding that a reasonable person with adequate means would be willing to bring at his own expense and is therefore a frivolous proceeding.

(3) A juvenile's right to a benefit under subsection (1) or (2) of this section is unaffected by his having provided a similar benefit at his own expense, or by his having waived it, at an earlier stage.

(4) As early as possible in the proceedings, and in any event before the hearing of the petition on the merits, the juvenile and his parents, or guardian, shall be notified of their right to have counsel represent them. When it appears to the court that the juvenile or his parents or guardian desire counsel but are financially unable to pay for such legal services, the court shall appoint counsel to represent the juvenile and his parents or guardian; provided that in the event the court shall find that there is a conflict of interest between the interests of the juvenile and his parents or guardian, then the court shall appoint separate counsel for the juvenile, whether or not he or his parents or guardian are able to afford counsel, unless there is an intelligent waiver of the right of counsel by the juvenile, except as provided in subsection (6) of this section, and the court further determines that the best interest of the juvenile does not require the appointment of counsel. Counsel appointed under this section shall initially receive reasonable compensation from the county and the county shall have the right to be reimbursed for the cost thereof by the parents or guardian as hereafter provided in this section.

(5) Any waiver of the right to counsel by a juvenile under this act shall be made in writing, on the record and upon a finding by the court that:

(a) The juvenile has been informed of the right to counsel and the dangers and disadvantages of self-representation; and

(b) The waiver is intelligently made after consideration of the totality of the circumstances including, but not limited to:

(i) The age, maturity, intelligence, education, competency and comprehension of the juvenile;

(ii) The presence of the juvenile's parents or guardian;

(iii) The seriousness of the offense;

(iv) The collateral consequences of adjudication of the offense; and

(v) Whether the interests of the juvenile and his parents or guardian conflict.

(6) A juvenile shall not be permitted to waive the assistance to counsel in any of the following circumstances:

(a) If the juvenile is under the age of fourteen (14) years;

(b) In sentencing proceedings in which it has been recommended that the juvenile be committed to the legal custody of the department of juvenile corrections;

(c) In proceedings in which the juvenile is being adjudicated for commission of a crime of a sexual nature;

(d) In proceedings in which the juvenile is being adjudicated for commission of a felony;

(e) In hearings upon a motion to waive jurisdiction under the juvenile corrections act pursuant to section 20-508, Idaho Code;

(f) In hearings upon a motion to examine the juvenile to determine if he is competent to proceed pursuant to section 20-519A, Idaho Code; or

(g) In recommitment proceedings.

(7) Upon the entry of an order finding the juvenile is within the purview of this act, the parents, spouse or other person liable for the support of the juvenile, or the estates of such persons, and the estate of such juvenile, may be required by the court to reimburse the county for all or a portion of the cost of those legal services rendered to the juvenile by counsel appointed pursuant to this section that are related to the finding that the juvenile is within the purview of this act, unless the court finds such persons or estate to be indigent as defined described in section ~~19-851(e)~~ 19-6011, Idaho Code, and the requirement would impose a manifest hardship on those persons responsible for the juvenile or the estates. The current inability of those persons or entities to pay the reimbursement shall not, in and of itself, restrict the court from ordering reimbursement.

(8) The prosecuting attorney of each county may, on behalf of the county, recover payment or reimbursement, as the case may be, from each person or estate who is liable for the payment or reimbursement of the cost of court appointed counsel for the juvenile, as provided in subsection (7) of this section. In the event such payment or reimbursement is not made upon demand by the prosecuting attorney, suit may be brought against such persons by the prosecuting attorney within five (5) years after the date on which such counsel was appointed by the court.

SECTION 37. That Section 31-3201I, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL AND INFRACTION CASES. When ordered by the court to make one (1) of the following payments in a criminal or infraction case, a defendant shall make the payment to the clerk of the court in which the judgment was entered. The judgment shall be satisfied accordingly by entry in the electronic docket of the court, and the clerk of the court shall remit daily all such payments to the county auditor who shall, at least monthly, distribute the payments received as required by statute. The distributions shall first completely satisfy the amounts due in the following order before distribution of payments for any other amounts owed to the court, and any payment applied to a category below in which more than one (1) payment was ordered shall be distributed in proportion to the relative amounts of such ordered payments:

- (1) Fees for each felony, misdemeanor, and infraction paid pursuant to section 31-3201A(2) and (3), Idaho Code;
- (2) Fines or reimbursements paid for the crime victims compensation account pursuant to section 72-1025, Idaho Code;
- (3) Misdemeanor probation supervision fees, including court-ordered costs and fees, paid pursuant to section 31-3201D, Idaho Code;
- (4) Pretrial release supervision fees paid pursuant to section 31-3201J, Idaho Code;
- (5) County drug and mental health fund fees paid pursuant to section 31-3201E, Idaho Code;
- (6) Fines paid for the peace officer and detention officer temporary disability fund pursuant to section 72-1105, Idaho Code;
- (7) Restitution to victims of crime paid and distributed pursuant to section 19-5304, Idaho Code, if paid through the clerk of the court;
- (8) Fines entered on behalf of victims in cases of crimes of violence paid pursuant to section 19-5307, Idaho Code;
- (9) Community service fees paid pursuant to section 31-3201C, Idaho Code;
- (10) Victim notification fund fees paid pursuant to section 31-3204, Idaho Code;
- (11) Court technology fees paid pursuant to section 31-3201(5), Idaho Code;
- (12) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;

- (13) Peace officers standards and training fees paid pursuant to section 31-3201B, Idaho Code;
- (14) Domestic violence court fees paid pursuant to section 32-1410, Idaho Code;
- (15) Criminal and infraction fines;
- (16) Reimbursement for public defender costs paid pursuant to section 19-8546011(7), Idaho Code;
- (17) Costs of prosecution ordered as a condition of probation and paid pursuant to section 19-2601, Idaho Code, and Idaho criminal rule 33(d)(2);
- (18) Domestic violence fines for the domestic violence project account paid pursuant to section 39-6312, Idaho Code;
- (19) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;
- (20) Additional fish and game fines for the search and rescue fund paid pursuant to section 36-1405, Idaho Code;
- (21) County administrative surcharge fees paid pursuant to section 31-3201(3), Idaho Code;
- (22) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections 18-8008 and 18-8010, Idaho Code;
- (23) Costs for toxicology testing paid pursuant to section 37-2732C(g), Idaho Code;
- (24) Costs incurred by law enforcement agencies in investigating controlled substance violations pursuant to chapter 27, title 37, Idaho Code, violations of the racketeering act pursuant to section 18-7804, Idaho Code, or money laundering and illegal investment provisions of section 18-8201, Idaho Code, paid pursuant to section 37-2732(k), Idaho Code;
- (25) Restitution for the repair or replacement of simulated wildlife paid pursuant to section 36-1101(b)(8), Idaho Code;
- (26) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho Code; and
- (27) Any other amounts paid pursuant to any statutory section not referenced in this section.

SECTION 38. That Section 57-827, Idaho Code, be, and the same is hereby amended to read as follows:

57-827. STATE PUBLIC DEFENSE FUND. (1) There is hereby established in the state treasury the state public defense fund to be managed by the state treasurer. Moneys in the fund shall consist of:

- (a) Moneys transferred to the fund pursuant to section 63-3638(10), Idaho Code;
 - (b) Legislative appropriations to the fund;
 - (c) On and after October 1, 2024, any fees or reimbursement ordered pursuant to sections 19-8546011(7) and 19-8586015, Idaho Code, or distributed pursuant to section 31-3201I(16), Idaho Code;
 - (d) Any bequests or donations to the fund; and
 - (e) Interest earned on idle moneys in the fund.
- (2) Moneys in the fund shall be used as determined by legislative appropriation to fulfill the state's obligation to provide indigent public defense pursuant to the sixth amendment of the United States constitution and section 13, article I of the constitution of the state of Idaho.

SECTION 39. 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 that would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged, and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained pursuant to chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted

pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

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

~~(20)~~ (21) Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

SECTION 40. LEGISLATIVE INTENT. The purpose of this act is to create the new model of indigent defense contemplated in House Bill No. 735, as amended in the Senate, during the Second Regular Session of the Sixty-sixth Idaho Legislature. The Legislature is creating a new model of indigent defense because the Idaho Supreme Court declared in *Tucker v. State of Idaho*, 162 Idaho 11 (2017), that the state can be liable for the inadequate provision of public defense, even though since 1967 the Legislature has delegated the responsibility to provide indigent defense services to counties pursuant to Section 19-859, Idaho Code. The Legislature finds that the new model of indigent defense contemplated by the aforementioned bill and this act constitute a significant policy change that affects defending attorneys and their support staff across the state, both contractors and those employed by institutional offices, as well as thousands of indigent clients receiving their services. Therefore, it is the intent of the Legislature that the provisions of this act, and any subsequent revisions thereto, be reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee before the adjournment sine die of the First Regular Session of the Seventieth Idaho Legislature. In particular, it is the intent of the Legislature that said committees review the continued role of counties in providing indigent defense services, if any, the selection and hiring process for the position of District Public Defender in each judicial district, the appointment process for the State Public Defender, policies developed by the Office of the State Public Defender, and the standards for defending attorneys to determine if further legislative action is needed. Nothing in this bill section precludes earlier review of or amendment to any provision of the aforementioned bill or this act.

SECTION 41. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 16, 18 through 22, 32, 34, and 40 shall be in full force and effect on and after July 1, 2023. Sections 1, 2, 4, 5 through 10, 12, 13, 14, 15, 23 through 31, 33, and 35 through 39 shall be in full force and effect on and after July 1, 2024. Section 11 shall be in full force and effect on and after October 1, 2024. Section 17 shall be in full force and effect on and after July 1, 2025.

Approved March 30, 2023

CHAPTER 221
(H.B. No. 362)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING REVENUE REPORTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Liquor Division the following amounts to be expended according to the designated expense classes from the Liquor Control Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$19,595,900
Operating Expenditures	4,868,900
Capital Outlay	<u>5,026,700</u>
TOTAL	\$29,491,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred sixty-one (261.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LIQUOR REVENUES TRACKING REPORT. The State Liquor Division shall deliver a report that compares forecast revenues, distributed by month for the year, to the actual revenues and remaining forecasted revenues for the year on a monthly basis to the Legislative Services Office. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated revenues. The format of the report and the information included therein shall be determined by the Legislative Services Office.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 222
(H.B. No. 363)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION ;
APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR
FISCAL YEAR 2024 ; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIM-
ITATIONS FOR POSTSECONDARY PROGRAMS ; PROVIDING FOR ACCOUNTABILITY RE-
PORTS ; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE .

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

SECTION 1. There is hereby appropriated to the 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, 2023, through June 30, 2024 :

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CTE ADMINISTRATION:					
FROM:					
General					
Fund	\$1,936,600	\$387,000	\$11,400		\$2,335,000
Federal Grant					
Fund	<u>0</u>	<u>20,000</u>	<u>0</u>		<u>20,000</u>
TOTAL	\$1,936,600	\$407,000	\$11,400		\$2,355,000
II. SECONDARY AND GENERAL PROGRAMS :					
FROM:					
General					
Fund	\$1,192,800	\$239,200		\$15,033,000	\$16,465,000
In Demand Career					
Fund				10,000,000	10,000,000
Miscellaneous Revenue					
Fund		25,000			25,000
Federal Grant					
Fund	<u>758,500</u>	<u>277,800</u>		<u>2,985,400</u>	<u>4,021,700</u>
TOTAL	\$1,951,300	\$542,000		\$28,018,400	\$30,511,700
III. POSTSECONDARY PROGRAMS :					
FROM:					
General					
Fund	\$47,919,800	\$5,200,300	\$42,300		\$53,162,400
In Demand Career					
Fund				\$5,000,000	5,000,000
Federal Grant					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,685,500</u>	<u>2,685,500</u>
TOTAL	\$47,919,800	\$5,200,300	\$42,300	\$7,685,500	\$60,847,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. EDUCATOR SERVICES PROGRAM:					
FROM:					
General					
Fund	\$595,400	\$234,100	\$3,800	\$702,500	\$1,535,800
Miscellaneous Revenue					
Fund	<u>0</u>	<u>275,000</u>	<u>0</u>	<u>0</u>	<u>275,000</u>
TOTAL	\$595,400	\$509,100	\$3,800	\$702,500	\$1,810,800
V. RELATED PROGRAMS:					
FROM:					
General					
Fund	\$770,200	\$143,300	\$7,600	\$2,090,000	\$3,011,100
Displaced Homemaker					
Fund				170,000	170,000
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Miscellaneous Revenue					
Fund		15,000			15,000
Federal Grant					
Fund	<u>303,000</u>	<u>85,300</u>	<u>434,800</u>	<u>3,684,400</u>	<u>4,507,500</u>
TOTAL	\$1,073,200	\$243,600	\$442,400	\$6,012,200	\$7,771,400
GRAND TOTAL	\$53,476,300	\$6,902,000	\$499,900	\$42,418,600	\$103,296,800

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. Postsecondary Programs within the Division of Career Technical Education are hereby exempted from the provisions of Section 67-3511 (1) and (3), Idaho Code, allowing unlimited transfers between expense classes for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 223
(S.B. No. 1201)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; APPROPRIATING MONEYS TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS; REQUIRING A REPORT ON FUND BALANCES; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Division of Occupational and Professional Licenses the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
State Regulatory					
Fund	\$3,705,000	\$159,500			\$3,864,500
II. BUILDING CONSTRUCTION AND REAL ESTATE:					
FROM:					
State Regulatory					
Fund	\$12,169,500	\$4,574,900	\$757,000	\$26,000	\$17,527,400
Miscellaneous Revenue/ Industrial Safety					
Fund	781,300	100,600			881,900
Miscellaneous Revenue/ Logging					
Fund	465,800	126,000			591,800
Federal Grant					
Fund	<u>128,400</u>	<u>75,900</u>	<u>0</u>	<u>0</u>	<u>204,300</u>
TOTAL	\$13,545,000	\$4,877,400	\$757,000	\$26,000	\$19,205,400
III. OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$2,672,700	\$1,270,800	\$25,000	\$28,600	\$3,997,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. HEALTH PROFESSIONS:					
FROM:					
State Regulatory					
Fund	\$3,828,300	\$3,710,200	\$60,000	\$500	\$7,599,000
GRAND TOTAL	\$23,751,000	\$10,017,900	\$842,000	\$55,100	\$34,666,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Occupational and Professional Licenses is authorized no more than two hundred sixty-seven and two-tenths (267.20) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Division of Occupational and Professional Licenses is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REPORTING ON FUND BALANCES. The Division of Occupational and Professional Licenses shall provide a report by December 1, 2023, to the Joint Finance-Appropriations Committee, to the germane legislative committee responsible for such board or commission, and to the Legislative Services Office Division of Budget and Policy Analysis detailing the year-end cash balances for all fund details of the Occupational Licenses Fund. If the year-end cash balance of any fund detail exceeds one hundred twenty-five percent (125%) of the five-year rolling average of expenditures, the Division of Occupational and Professional Licenses shall present a plan to the Legislature for reducing fund balances, including but not limited to fee reductions and holidays. If the year-end cash balance of any fund detail drops below thirty percent (30%) of the five-year rolling average of expenditures, the Division of Occupational and Professional Licenses shall present a plan to the Legislature for rectifying the low fund balance, including but not limited to fee increases.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Occupational and Professional Licenses any unexpended and unencumbered balances appropriated to the Division of Occupational and Professional Licenses from the State Regulatory Fund for the cost of procuring a licensing information system for fiscal year 2024, in an amount not to exceed \$6,054,000 from the State Regulatory Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 224
(S.B. No. 1204)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2024; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators \$123,916,000 to be expended from the Public School Income Fund for the period July 1, 2023, through June 30, 2024.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$123,916,000 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

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

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

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

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

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

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

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. On and after July 1, 2022 2023, the district administrative staff index shall be multiplied by the base salary of ~~forty-one thousand four hundred ninety-one dollars (\$41,491)~~ forty-three thousand one hundred fifty-one dollars (\$43,151). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) On and after July 1, 2022, to determine the apportionment for classified staff, multiply twenty-four thousand eight hundred forty-one dollars (\$24,841) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 4. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Administrators, \$123,916,000 shall be considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 225
(S.B. No. 1208)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2024; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; TRANSFERRING MONEYS TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

General Fund	\$14,479,200
Bond Levy Equalization Fund	23,781,400
School District Building Account	<u>29,625,000</u>
TOTAL	\$67,885,600

SECTION 2. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program's Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropriated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provision of law to the contrary.

SECTION 3. TRANSFER FOR PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM. Of the moneys appropriated in Section 1 of this act, there is hereby appropriated and the Office of the State Controller shall transfer \$14,479,200 from the General Fund to the Public School Income Fund to be expended for the Public Schools Educational Support Program's Division of Facilities for the period July 1, 2023, through June 30, 2024.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 226
(S.B. No. 1210)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

Public School Income Fund	\$15,035,800
School for the Deaf and the Blind Endowment Fund	<u>233,600</u>
TOTAL	\$15,269,400

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$15,035,800 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 3. Of the amounts appropriated in Section 1 for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$15,035,800 shall be considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July, 1, 2023.

Approved March 31, 2023

CHAPTER 227
(H.B. No. 161)

AN ACT

RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; AMENDING SECTION 56-205, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING WORK REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-205, Idaho Code, be, and the same is hereby amended to read as follows:

56-205. ISSUANCE OF SNAP BENEFITS. (1) In each month that the state department or its authorized agent issues benefits under the supplemental nutrition assistance program (SNAP) to eligible persons, such benefits shall be issued over the course of not less than ten (10) consecutive days within the month.

(2) To reduce the burden on state general funds, any implementation costs incurred by the department under subsection (1) of this section shall be paid using SNAP performance bonus money if such money is received from the United States department of agriculture. If the department does not receive sufficient SNAP performance bonus money, state general funds shall be requested to implement the provisions of this act. This act is dependent upon ongoing operating and personnel appropriations.

(3) Unless expressly required by federal law, the department of health and welfare shall obtain specific authorization from the legislature before seeking, applying for, accepting, or renewing any waiver of work requirements established by the supplemental nutrition assistance program under 7 U.S.C. 2015(o).

(4) The department of health and welfare may not exercise the state's option to provide any exemptions from the work requirement under 7 U.S.C. 2015(o) (6) (E).

(5) (a) Under the authority given to a state agency to operate the general work requirement pursuant to 7 U.S.C. 2015(d), the department of health and welfare shall assign all individuals who are over the age of seventeen (17) years and under the age of sixty (60) years to an employment and training program as defined in 7 U.S.C. 2015(d) (4), unless the individual is:

(i) Currently subject to and complying with a work registration requirement under title IV of the social security act, as amended, or the federal-state unemployment insurance system, in which case, failure by such person to comply with any work requirement to which such person is subject shall be the same as failure to comply with the general work requirement;

(ii) A parent or other member of a household with responsibility for the care of a dependent child under the age of six (6) years or of an incapacitated person;

(iii) A bona fide student enrolled at least half-time in any recognized school, training program, or institution of higher education, except any such person enrolled in an institution of higher education who is ineligible to participate under 7 U.S.C. 2015(d);

(iv) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(v) Employed a minimum of thirty (30) hours per week or receiving weekly earnings that equal the minimum hourly rate under the fair labor standards act of 1938, as amended, multiplied by thirty (30) hours; or

(vi) A person between the ages of sixteen (16) and eighteen (18) years who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.

(b) The department of health and welfare may develop a list of additional state-specific exemptions from participation, such as but not necessarily including exemptions for lack of transportation or pregnancy, but may not, in any fiscal year, provide exemptions to a number of individuals equal to or greater than twenty percent (20%) of the total number of work registrants enrolled the previous fiscal year without first obtaining specific authorization from the legislature to do so.

(c) In the event that the director of the department of health and welfare finds that employment and training assignments cannot be funded or provided to all individuals subject to such assignment under this section, the director shall:

(i) Submit a report within fourteen (14) days of first failing to make a required assignment to all members of the legislature and the governor containing:

1. An attestation that the department has expended the state's biennial employment and training grant from the federal government;

2. An attestation that the department has received and expended its able-bodied adults without dependents pledge funding from the federal government;

3. A detailed explanation of the cost-saving measures considered and taken to increase the number of assignments, including online training, work experience components, or work partnerships, and why additional assignments cannot be made within existing funding streams despite those measures;

4. Recommendations for additional funding sources related to workforce training that would be more effectively used to increase workforce participation by directing funds toward employment and training assignments or an explanation for why such redirection from other funding sources would not be more effective to that end;

5. The percentage of work registrants assigned to an employment and training program in the previous month, to be updated and resubmitted monthly to all members of the legislature and the governor; and

6. A plan for how the department plans to restart assignments for all individuals subject to assignment within six (6) months without additional funding using more scalable and affordable employment and training assignments, such as participation in online training, work experience components, or work partnerships;

(ii) Provide updates to all members of the legislature and the governor every thirty (30) days as to the metrics and plans submitted in the first report for as long as the department is failing to make all such required assignments; and

(iii) Continue to assign as many individuals subject to the requirement as possible, prioritizing adults without dependents who have been enrolled for more than one (1) year.

(d) The department may not stop making assignments or decline to assign any individual to an employment and training program because the work requirement for able-bodied adults without dependents under 7 U.S.C. 2015(o) has been suspended or waived partially or wholly by the department, state, or federal government.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2024.

Approved March 30, 2023

CHAPTER 228
(H.B. No. 264)

AN ACT

RELATING TO GESTATIONAL AGREEMENTS; AMENDING TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 7, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE STATUTORY PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR GESTATIONAL AGREEMENTS, TO PROVIDE FOR VALIDATION OF GESTATIONAL AGREEMENTS, TO PROVIDE FOR TERMINATION OF GESTATIONAL AGREEMENTS, TO PROVIDE FOR RECOGNITION OF PARENTAGE UNDER THE TERMS OF A VALIDATED GESTATIONAL AGREEMENT, TO PROVIDE FOR THE DETERMINATION OF PARENTAGE WHEN PARENTAGE IS DISPUTED, TO PROVIDE FOR A SEALED RECORD OF CERTAIN PROCEEDINGS, TO PROVIDE JURISDICTION, TO PROVIDE FOR FULL FAITH AND CREDIT, AND TO PROVIDE FOR THE DISCLOSURE OF DONOR MEDICAL INFORMATION UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 7-601, IDAHO CODE, TO ESTABLISH THAT FAILURE TO PROVIDE CERTAIN NOTICE SHALL CONSTITUTE CONTEMPT OF COURT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 10-1301, IDAHO CODE, TO REVISE A DEFINITION; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-255A, IDAHO CODE, TO ESTABLISH REQUIREMENTS FOR CERTAIN BIRTH RECORDS; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-260A, IDAHO CODE, TO PROVIDE FOR RECORDS OF CERTAIN STILLBIRTHS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 16, Title 7, Idaho Code, and to read as follows:

CHAPTER 16
GESTATIONAL AGREEMENTS ACT

7-1601. SHORT TITLE. This chapter shall be known and may be cited as the "Gestational Agreements Act."

7-1602. PURPOSE. The purpose of this chapter is to:

- (1) Facilitate the use of gestational agreements in accordance with the public policy of the state of Idaho;
- (2) Establish consistent standards and procedural safeguards for the protection of all parties to gestational agreements;
- (3) Protect the welfare of children born as a result of gestational agreements; and
- (4) Clarify the parentage of children born under the terms of gestational agreements.

7-1603. DEFINITIONS. As used in this chapter:

(1) "Assisted reproduction" means the laboratory and medical procedures used by a medical professional in which human gametes are used outside the body for reproductive purposes.

(2) "Gamete" means a mature male or female germ cell usually possessing a haploid chromosome set and capable of initiating formation of a new diploid individual by fusion with a gamete of the opposite sex.

(3) "Genetic testing" means an analysis of genetic markers to exclude or identify a person as the parent of a child, including an analysis of one (1) or a combination of the following:

(a) Deoxyribonucleic acid; and

(b) Blood group antigens, red cell antigens, human leukocyte antigens, serum enzymes, serum proteins, or red cell enzymes.

(4) "Gestational agreement" means a contract under which a gestational carrier agrees to become pregnant by means of assisted reproduction in order to give birth to a child who will be parented by an intended parent.

(5) "Gestational carrier" means an adult woman who:

(a) Becomes pregnant or intends to become pregnant under the terms of a gestational agreement; or

(b) Gives birth or intends to give birth to a child under the terms of a gestational agreement.

(6) "Intended parent" means an individual who intends to be the parent of a child born under the terms of a gestational agreement.

(a) There may be one (1) intended parent or two (2) intended parents under a gestational agreement.

(b) Except where context otherwise requires, any provision of this chapter relating to an intended parent shall relate to both intended parents if there are two (2).

(7) "Order of parentage" means an order issued by a court or administrative body with authority to issue the order, which order identifies the legal parent or parents of a child born under the terms of a gestational agreement.

7-1604. GESTATIONAL AGREEMENT. (1) Prior to assisted reproduction, a gestational carrier and an intended parent shall enter into a written gestational agreement. If the gestational carrier is married, her spouse shall also be a party to the agreement. Neither the gestational carrier nor her spouse may contribute gametes for use in assisted reproduction under the gestational agreement.

(2) The gestational agreement shall provide that the intended parent will be the parent of any child conceived through assisted reproduction and born under the terms of the agreement.

(3) The gestational agreement shall include the following:

(a) Acceptance by the intended parent of all rights and duties of a parent for any child conceived through assisted reproduction and born under the terms of the gestational agreement;

(b) Verification that:

(i) All parties to the agreement are at least twenty-one (21) years of age;

(ii) The gestational carrier has given birth to a live child at least once before; and

(iii) The gestational carrier agrees to become pregnant by means of assisted reproduction; and

(c) Relinquishment by the prospective gestational carrier, the prospective gestational carrier's spouse if she is married, and the prospective donor of a gamete for use in assisted reproduction if such prospective donor is not an intended parent of all rights and duties of a parent for any child conceived through assisted reproduction and born under the terms of the agreement.

(4) A prospective gestational carrier may not be receiving public assistance as defined by section 56-201, Idaho Code.

(5) A gestational agreement may provide for payment of consideration.

(6) A gestational agreement shall not limit the right of the gestational carrier to make decisions to safeguard her health or that of an embryo or a fetus that she is carrying.

(7) In matters relating to the gestational agreement, the gestational carrier and the intended parent shall have independent legal representation.

7-1605. VALIDATION OF AGREEMENT. (1) A gestational agreement entered under this chapter is enforceable only if it is validated pursuant to this section.

(2) For a gestational agreement to be validated pursuant to this section, at least one (1) party to the agreement must reside in Idaho and have so resided for at least six (6) months prior to entering into the gestational agreement or have contacts with the state of Idaho sufficient to justify jurisdiction in the opinion of an Idaho district court.

(3) The parties seeking validation of a gestational agreement shall file a petition in an Idaho district court.

(a) The petition shall be filed after entry of the agreement but no later than seven (7) days after the birth of a child under the terms of the agreement.

(b) The gestational agreement shall be attached to the petition.

(4) The district court may hold a hearing to determine the validity of the agreement. The district court shall issue an order validating the agreement and declaring that the intended parent is or will be the parent of any child born under the terms of the agreement upon finding that:

(a) The gestational agreement satisfies the provisions of this chapter;

(b) The parties have voluntarily entered into the agreement and understand its terms;

(c) Adequate provision has been made for all reasonable health care expenses associated with the gestational agreement, including responsibility for those expenses if the agreement is terminated; and

(d) The consideration provided for in the agreement, if any, is reasonable.

7-1606. TERMINATION OF AGREEMENT. (1) A party to a gestational agreement may terminate the agreement at any time prior to the gestational carrier becoming pregnant by means of assisted reproduction under the terms of the agreement. The terminating party must give written notice of termination to the other parties.

(a) If the agreement has been validated pursuant to section 7-1605, Idaho Code, the terminating party shall file notice of termination with the district court, and the court shall vacate the order of validation.

(b) Failure to provide the notice required by paragraph (a) of this subsection shall be considered contempt of the authority of the court pursuant to chapter 6, title 7, Idaho Code.

(2) The district court for good cause shown may terminate a gestational agreement.

(3) Neither a gestational carrier nor a gestational carrier's spouse shall be liable to any intended parent for terminating a gestational agreement.

7-1607. PARENTAGE UNDER A VALIDATED GESTATIONAL AGREEMENT. (1) This section shall apply in determining the parentage of a child born under the terms of a gestational agreement that has been validated pursuant to section 7-1605, Idaho Code.

(2) No later than fourteen (14) days after the birth of the child, the intended parent shall file notice of the birth with the district court that issued the validation order. The court shall then issue an order of parentage confirming that the intended parent is the parent of the child and directing the state registrar of vital statistics to file a birth certificate naming the intended parent as the parent of the child. If necessary, the court shall further order that the child be surrendered to the intended parent. The order of parentage shall contain the following information:

- (a) The child's full name;
- (b) The child's date of birth;
- (c) The child's place of birth;
- (d) The gestational carrier's full name;
- (e) The full name of the gestational carrier's spouse, if the gestational carrier is married; and
- (f) The full name of each intended parent.

(3) If the intended parent fails to file notice as required under subsection (2) of this section, the gestational carrier or the department of health and welfare may file such notice, and the court shall order that the intended parent is the parent of the child and financially responsible for the child.

(4) Failure to file notice required by this section shall be considered contempt of the authority of the court pursuant to chapter 6, title 7, Idaho Code.

7-1608. **DISPUTED PARENTAGE.** (1) If a party to a gestational agreement validated pursuant to section 7-1605, Idaho Code, disputes the parentage of a child allegedly born under the terms of the agreement, the court that issued the validation order shall order genetic testing to determine the parentage of the child.

(a) If the results of genetic testing are consistent with assisted reproduction as provided for in the agreement, then parentage shall be determined according to the agreement.

(b) If the results of genetic testing are inconsistent with assisted reproduction as provided for in the agreement, then parentage shall be determined according to other applicable law.

(2) If a child is born under the terms of an agreement found to be invalid and parentage of the child is disputed, then parentage shall be determined according to other applicable law.

7-1609. **SEALED RECORD OF PROCEEDING.** On the motion of any party to a proceeding under this chapter, the district court shall order that the record of its proceedings under this chapter be sealed. When such order has been made and entered, the court shall seal the record, and thereafter the seal shall not be broken except on the motion of a party to the proceeding or of a person whose parentage was determined under this chapter. If the seal is broken, the record may again be sealed as provided in this section.

7-1610. **JURISDICTION.** Subject to the jurisdictional standards of chapter 11, title 32, Idaho Code, the court that conducts a proceeding under this chapter shall have exclusive, continuing jurisdiction of all matters arising out of the gestational agreement until a child born under the terms of the agreement attains the age of one hundred eighty (180) days.

7-1611. **FULL FAITH AND CREDIT.** (1) An order of parentage issued by a court or administrative body of another state with jurisdiction to make the order shall be entitled to full faith and credit and shall be accepted by the courts of this state.

(2) To certify an order of parentage issued in another state, a person seeking to register the order shall:

- (a) Provide, to the court or administrative body that issued the order, notice of intent to register the order in this state; and
- (b) File as a foreign judgment certified copies of the order in a court of any appropriate county of this state.

7-1612. MEDICAL INFORMATION OF DONOR. A gestational agreement may provide for the disclosure of a gamete donor's medical information to a child born according to the terms of the gestational agreement and may describe the circumstances warranting such disclosure. However, if a gamete donor wishes to remain anonymous, only non-identifying medical information may be disclosed pursuant to the gestational agreement.

SECTION 2. That Section 7-601, Idaho Code, be, and the same is hereby amended to read as follows:

7-601. CONTEMPTS DEFINED. The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

1. Disorderly, contemptuous or insolent behavior toward the judge while holding the court, tending to interrupt the due course of a trial or other judicial proceedings.

2. A breach of the peace, boisterous conduct, or violent disturbance tending to interrupt the due course of a trial or other judicial proceedings.

3. Misbehavior in office or other ~~wilful~~ willful neglect or violation of duty by an attorney, counsel, clerk, sheriff, coroner or other person appointed or elected to perform a judicial or ministerial service.

4. Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding.

5. Disobedience of any lawful judgment, order or process of the court.

6. Assuming to be an officer, attorney, counsel of a court, and acting as such without authority.

7. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court.

8. Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from, the court where the action is on the calendar for trial.

9. Any other unlawful interference with the process or proceedings of a court.

10. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

11. When summoned as a juror in a court, neglecting to attend or serve as such, or improperly conversing with a party to an action to be tried at such court, or with any other person in relation to the merits of such action, or receiving a communication from a party or other person in respect to it, without immediately disclosing the same to the court.

12. Disobedience, by an inferior tribunal, magistrate or officer of the lawful judgment, order or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate or officer. Disobedience of the lawful orders or process of a judicial officer is also a contempt of the authority of such officer.

13. Failure to provide notice required under chapter 16, title 7, Idaho Code.

SECTION 3. That Section 10-1301, Idaho Code, be, and the same is hereby amended to read as follows:

10-1301. "FOREIGN JUDGMENT" DEFINED. In this act, "foreign judgment" means any judgment, decree, or order of a court of the United States or of any other court or an order of an administrative body of any state regarding the support of a child, spouse, or former spouse or the establishment of parentage or paternity which that is entitled to full faith and credit in this state.

SECTION 4. That Chapter 2, 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 39-255A, Idaho Code, and to read as follows:

39-255A. REGISTRATION OF BIRTHS TO GESTATIONAL CARRIERS. (1) Subject to the requirements set forth in section 39-255, Idaho Code, a certificate of live birth shall be filed with the bureau of vital records and health statistics by the certifier with parentage as determined by the final court order of parentage issued pursuant to the provisions of chapter 16, title 7, Idaho Code. The birth record shall include all the facts of birth, including the gestational carrier's demographic, medical, and health information. No certificate shall be deemed complete until every item of information required has been provided or its omission satisfactorily accounted for.

(2) Upon receipt by the bureau of the complete certificate of live birth from the certifier and the certified copy of the order of parentage, the bureau of vital records and health statistics shall accept the record for permanent filing. The birth certificate shall make no reference to the gestational carrier. The facts of birth as relating to the gestational carrier shall be filed with and remain part of the records of the bureau of vital records and health statistics in a sealed file with a certified copy of the order of parentage.

(3) In the absence of an order of parentage, the birth certificate shall be filed listing the gestational carrier as the mother of the child. The gestational carrier's information may not be removed, and an intended parent's information may not be listed on the birth certificate except:

(a) According to the provisions of section 39-255(e), Idaho Code, to add a biological father; or

(b) Upon receipt of a certified copy of an order of parentage and a certified report of gestational birth. The report form will be prescribed and furnished by the state registrar. Copies of birth certificates showing the gestational carrier as the mother of the child shall not be issued except upon order of an Idaho court.

(4) Information necessary to prepare the report of gestational birth shall be furnished by the intended parent or parents or the attorney for the intended parent or parents. The order of parentage and the report of gestational birth shall contain all known facts of birth and the identity of the intended parent or parents.

(5) Upon receipt by the bureau of the certified report of gestational birth and the certified order of parentage, a new certificate of birth shall be established bearing the full name of the child born and the identity of the intended parent or parents. The new birth certificate shall make no reference to the gestational carrier and shall not be marked as amended. The new birth certificate shall supplant and constitute replacement of any birth certificate for the child previously filed with the bureau of vital records and health statistics and shall be the only birth certificate subject to issuance. The certified report of gestational birth and certified order of parentage shall be filed with and remain part of the records of the bureau of vital records and health statistics in a sealed file with the original certificate.

(6) In respect to form and nature of contents, the new birth certificate shall be identical to the birth certificate originally filed with the bureau of vital records and health statistics, except that the intended parent or parents shall be entered on the certificate as shown in the report of gestational birth. The child's name shall remain as shown on the original birth certificate unless the order of parentage specifically states how the bureau of vital records and health statistics should list the child's name on the birth certificate.

(7) An order of parentage may be amended only to correct a clerical error.

(8) All records and information specified in this section, other than a birth certificate issued pursuant to this section, and all records, files, and information of any court in this state relating to gestational birth and parentage proceedings shall not be open to inspection except on order of a court of record of this state; provided, however, that any Idaho magistrate judge may furnish a certified copy of an order of parentage to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order.

SECTION 5. That Chapter 2, 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 39-260A, Idaho Code, and to read as follows:

39-260A. REGISTRATION OF STILLBIRTHS TO A GESTATIONAL CARRIER. If a stillbirth occurs and the stillborn child was delivered under the terms of a gestational agreement entered and validated pursuant to chapter 16, title 7, Idaho Code, then a certificate of stillbirth shall be filed with the bureau of vital records and health statistics according to the provisions of section 39-260(4) and (5), Idaho Code. The certificate shall show the name of the gestational carrier and shall note her status as a gestational carrier. No certificate shall be deemed completed until every item of information required has been provided or its omission satisfactorily accounted for.

SECTION 6. 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 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 229
(H.B. No. 360)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE AND THE JUDICIAL BRANCH; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE JUDICIAL BRANCH FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Support Services Program \$107,500 from the Miscellaneous Revenue Fund to be expended for operating expenditures for the period July 1, 2023, through June 30, 2024, for the purpose of developing a system for annotating records.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Judicial Branch for the Senior Judges Program \$100,000 from the General Fund to be expended for personnel costs for the period July 1, 2023, through June 30, 2024.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 230
(H.B. No. 359)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY FOR THE RMS/CAD REPLACEMENT SYSTEM; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR REPLACEMENT VEHICLES AND EQUIPMENT; PROVIDING REAPPROPRIATION AUTHORITY FOR ITEMS RELATED TO FENTANYL; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$3,265,200	\$546,400	\$214,200		\$4,025,800
II. DIVISION OF IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$2,272,100	\$190,800			\$2,462,900
State-Directed Opioid Settlement					
Fund		500,000			500,000
Alcohol Beverage Control					
Fund		2,800	\$16,000		18,800
Idaho Law Enforcement (Project Choice)					
Fund	150,800	1,300			152,100
Miscellaneous Revenue					
Fund		75,200			75,200
Federal Grant					
Fund	<u>78,800</u>	<u>18,100</u>	<u>0</u>		<u>96,900</u>
TOTAL	\$2,501,700	\$788,200	\$16,000		\$3,305,900
B. CAPITOL PROTECTIVE SERVICES:					
FROM:					
General					
Fund	\$1,912,400	\$98,100			\$2,010,500
Idaho Law Enforcement					
Fund		213,500			213,500
Idaho Law Enforcement (Project Choice)					
Fund	173,300	900			174,200
Miscellaneous Revenue					
Fund	<u>112,500</u>	<u>6,800</u>			<u>119,300</u>
TOTAL	\$2,198,200	\$319,300			\$2,517,500
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$8,738,400	\$946,800			\$9,685,200
Alcohol Beverage Control					
Fund		6,700	\$70,600		77,300
Idaho Law Enforcement (Project Choice)					
Fund	1,164,700	13,200			1,177,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Drug & DWUI Enforcement Donation					
Fund	208,600	505,300			713,900
Federal Grant					
Fund	<u>329,000</u>	<u>658,300</u>	<u>0</u>	<u>\$210,000</u>	<u>1,197,300</u>
TOTAL	\$10,440,700	\$2,130,300	\$70,600	\$210,000	\$12,851,600
D. PATROL:					
FROM:					
General					
Fund	\$22,265,900	\$4,184,200	\$816,300		\$27,266,400
Alcohol Beverage Control					
Fund		190,500	215,200		405,700
Idaho Law Enforcement					
Fund	8,328,200	1,101,500			9,429,700
Idaho Law Enforcement (Project Choice)					
Fund	3,785,600	47,600			3,833,200
Hazardous Materials/Waste Enforcement					
Fund	570,000	75,200		\$67,800	713,000
Miscellaneous Revenue					
Fund	741,200	79,000			820,200
Federal Grant					
Fund	<u>3,917,100</u>	<u>1,128,600</u>	<u>462,800</u>	<u>2,497,600</u>	<u>8,006,100</u>
TOTAL	\$39,608,000	\$6,806,600	\$1,494,300	\$2,565,400	\$50,474,300
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$144,700	\$187,000			\$331,700
Alcohol Beverage Control					
Fund	1,774,200	514,100	\$70,400		2,358,700
Idaho Law Enforcement (Project Choice)					
Fund	212,300	2,700			215,000
Miscellaneous Revenue					
Fund		12,500			12,500
Federal Grant					
Fund	<u>81,400</u>	<u>10,000</u>	<u>0</u>		<u>91,400</u>
TOTAL	\$2,212,600	\$726,300	\$70,400		\$3,009,300
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$2,546,900	\$1,251,200			\$3,798,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Alcohol Beverage Control					
Fund	74,200	24,200	\$16,800		115,200
Idaho Law Enforcement (Project Choice)					
Fund	33,000	2,000			35,000
Idaho Law Enforcement Telecommunications					
Fund	813,500	1,287,200			2,100,700
Miscellaneous Revenue					
Fund	1,950,400	1,936,700	340,400		4,227,500
Federal Grant					
Fund	<u>0</u>	<u>35,800</u>	<u>0</u>		<u>35,800</u>
TOTAL	\$5,418,000	\$4,537,100	\$357,200		\$10,312,300

G. FORENSIC SERVICES:**FROM:****General**

Fund	\$5,424,800	\$870,100			\$6,294,900
------	-------------	-----------	--	--	-------------

Alcohol Beverage Control

Fund			\$167,500		167,500
------	--	--	-----------	--	---------

Idaho Law Enforcement (Project Choice)

Fund	472,800	8,600			481,400
------	---------	-------	--	--	---------

Drug & DWUI Enforcement Donation

Fund		504,000	62,400		566,400
------	--	---------	--------	--	---------

Miscellaneous Revenue

Fund	108,200	131,000			239,200
------	---------	---------	--	--	---------

Federal Grant

Fund	<u>861,500</u>	<u>1,766,900</u>	<u>0</u>		<u>2,628,400</u>
------	----------------	------------------	----------	--	------------------

TOTAL	\$6,867,300	\$3,280,600	\$229,900		\$10,377,800
--------------	--------------------	--------------------	------------------	--	---------------------

DIVISION TOTAL	\$69,246,500	\$18,588,400	\$2,238,400	\$2,775,400	\$92,848,700
-----------------------	---------------------	---------------------	--------------------	--------------------	---------------------

III. POST ACADEMY:**A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:****FROM:****Idaho Law Enforcement (Project Choice)**

Fund	\$40,400	\$1,600			\$42,000
------	----------	---------	--	--	----------

Peace Officers Training

Fund	2,874,700	2,173,300	\$2,000	\$155,900	5,205,900
------	-----------	-----------	---------	-----------	-----------

Misdemeanor Probation Training

Fund	20,200	30,400		30,000	80,600
------	--------	--------	--	--------	--------

Miscellaneous Revenue

Fund		29,000			29,000
------	--	--------	--	--	--------

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>37,500</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>258,700</u>
TOTAL	\$2,972,800	\$2,455,500	\$2,000	\$185,900	\$5,616,200
IV. RACING COMMISSION:					
FROM:					
State Regulatory					
Fund	\$282,500	\$159,900			\$442,400
Pari-Mutuel Distribution					
Fund	<u>0</u>	<u>0</u>		<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$282,500	\$159,900		\$30,000	\$472,400
GRAND TOTAL	\$75,767,000	\$21,750,200	\$2,454,600	\$2,991,300	\$102,963,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than six hundred fifty-eight and seventy-six tenths (658.76) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 135, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Police the following amounts to be expended for the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIVISION OF IDAHO STATE POLICE:			
A. DIRECTOR'S OFFICE:			
FROM:			
General			
Fund	\$278,000	\$2,400	\$280,400
B. CAPITOL PROTECTIVE SERVICES:			
FROM:			
General			
Fund	\$7,900	\$29,000	\$36,900
C. INVESTIGATIONS:			
FROM:			
General			
Fund	\$136,000	\$274,700	\$410,700

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Drug & DWUI Enforcement Donation			
Fund	<u>30,900</u>	<u>345,600</u>	<u>376,500</u>
TOTAL	\$166,900	\$620,300	\$787,200
D. PATROL:			
FROM:			
General			
Fund	\$816,700	\$5,025,600	\$5,842,300
Alcohol Beverage Control			
Fund		1,709,400	1,709,400
Idaho Law Enforcement			
Fund	142,400	50,000	192,400
Miscellaneous Revenue			
Fund	<u>0</u>	<u>1,709,300</u>	<u>1,709,300</u>
TOTAL	\$959,100	\$8,494,300	\$9,453,400
E. FORENSIC SERVICES:			
FROM:			
General			
Fund	\$36,400	\$239,800	\$276,200
DIVISION TOTAL	\$1,448,300	\$9,385,800	\$10,834,100
II. POST ACADEMY:			
A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:			
FROM:			
General			
Fund	\$550,000		\$550,000
Peace Officers Training			
Fund	<u>98,200</u>	<u>0</u>	<u>98,200</u>
DIVISION TOTAL	\$648,200	\$0	\$648,200
GRAND TOTAL	\$2,096,500	\$9,385,800	\$11,482,300

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE RMS/CAD REPLACEMENT SYSTEM. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the Idaho Law Enforcement Fund for the RMS/CAD Replacement System for fiscal year 2023, in an amount not to exceed \$7,947,200 from the Idaho Law Enforcement Fund to be used for nonrecurring expenditures related to the RMS/CAD Replacement System for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the Federal COVID-19 Relief Fund for the Coronavirus Emergency Supplemental Funding Program for fiscal year 2023, in an amount not to exceed \$550,000 from the Federal COVID-19 Relief Fund to be used for nonrecurring expenditures related to the Coronavirus Emergency Supplemental Funding Program for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR REPLACEMENT EQUIPMENT AND VEHICLES. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the Miscellaneous Revenue Fund, Alcohol Beverage Control Fund, Law Enforcement Fund, and the Drug and DWUI Enforcement Fund for replacement equipment and vehicles for fiscal year 2023, in an amount not to exceed \$3,987,600 from the Miscellaneous Revenue Fund, Alcohol Beverage Control Fund, Law Enforcement Fund, and the Drug and DWUI Enforcement Fund to be used for nonrecurring expenditures related to replacement equipment and vehicles for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. REAPPROPRIATION AUTHORITY FOR ITEMS RELATED TO FENTANYL. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the General Fund for the items relating to fentanyl for fiscal year 2023, in an amount not to exceed \$5,919,300 from the General Fund to be used for nonrecurring expenditures related to fentanyl for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 8. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 4, 5, 6, 7, and 8 of this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 231
(H.B. No. 267)

AN ACT

RELATING TO CAREER TECHNICAL EDUCATION; AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2214, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE IDAHO CAREER READY STUDENTS PROGRAM; AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2215, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE ADDED COST FUNDING SUPPORT PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 22, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2214, Idaho Code, and to read as follows:

33-2214. IDAHO CAREER READY STUDENTS PROGRAM. (1) There is hereby established the Idaho career ready students program to create additional opportunities for career technical education programs across Idaho that are responsive to community and statewide workforce needs while preparing Idaho secondary students in grades 7 through 12 for careers after graduation. For the purpose of this section, "program" means the Idaho career ready students program.

(2) There is hereby established in the state treasury the Idaho career ready students program fund to be administered by the state department of education. Moneys in the fund shall consist of:

- (a) Legislative appropriations;
- (b) Interest earned on idle moneys in the fund; and
- (c) Contributions from other sources, such as donations or gifts.

(3) There is hereby established in the state department of education, with the superintendent of public instruction as the department's executive officer and a member of the state board for career technical education, the Idaho career ready students program council.

(a) The council shall be comprised of eleven (11) members as follows:

- (i) The state superintendent of public instruction or the superintendent's designee, who shall serve as the chair of the council;
- (ii) The administrator for the division of career technical education;
- (iii) Two (2) persons teaching secondary-level career technical education courses, as appointed by the career technical educators of Idaho (CTEI) in its capacity as the professional association for career technical educators in Idaho;
- (iv) One (1) person teaching a postsecondary career technical education course, as appointed by CTEI in its capacity as the professional association for career technical educators in Idaho;
- (v) Three (3) persons representing various industries as appointed by the governor;
- (vi) One (1) person representing the Idaho workforce development council as appointed by such council;
- (vii) One (1) member of the house of representatives as appointed by the speaker of the house of representatives; and
- (viii) One (1) member of the senate as appointed by the president pro tempore of the senate.

(b) Each member of the council shall be appointed for a term of three (3) years. If a vacancy occurs, a new council member shall be appointed in accordance with the provisions of the original appointment for the unexpired portion of the vacated term. Council members may be replaced by the applicable appointing authority, in consultation with the council chair, because of poor attendance, lack of participation in the council's work, or malfeasance in office.

(4) The council shall establish a process for accepting Idaho career ready students program proposals from local education agencies on an individual or regional basis. The council shall determine eligible expenses for the program, including but not limited to capital costs associated with building programming and initial investments for partnerships between local education agencies, local industry, and, as practicable, community colleges to create apprenticeships or local pathways. The council shall further establish a process for prioritizing program grants and awarding grants to local education agencies on either an annual or multi-year basis.

(5) Preference in grant awards shall be given to local education agencies with proposals that are responsive to community and statewide workforce needs, including local education agencies that create partnerships with local industry and other stakeholders, propose a plan that is sustainable and meets local needs, and have challenges accessing resources to sustain high quality career technical programming for secondary students in grades 7 through 12, especially in rural communities.

(6) The superintendent of public instruction shall report annually to the governor, the legislature, and the state board for career technical education on the administration and outcomes of the program. The council shall determine the outcome measures for the program.

SECTION 2. That Chapter 22, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2215, Idaho Code, and to read as follows:

33-2215. ADDED COST FUNDING SUPPORT PROGRAM. (1) The state board of education, in its capacity as the state board for career technical education, shall administer an added cost funding support program for career technical education programs through the division of career technical education. For purposes of this section, "added cost funds" means funds distributed to local education agencies for operating and instructor expenses beyond those normally encountered for secondary-level career technical education programs.

(2) The funding for the added cost funding support program shall consist of moneys appropriated by the legislature to the division of career technical education in the secondary and general programs budget or an equivalent budget within the state department of education.

(3) Added cost funds shall be used only for expenses directly related to an approved career technical education program or a program that has received an Idaho career ready students program grant. The state board for career technical education shall develop the categories of eligibility for added cost funds.

(4) The superintendent of public instruction, in consultation with the division of career technical education, shall develop an updated funding formula for added cost funding to account for programs receiving Idaho career ready students program grants and newly approved programs statewide. The updated formula must be approved by the state board for career technical education.

(5) The division of career technical education shall provide an annual report on added cost funding to the joint finance-appropriations committee and the senate and house of representatives education committees. Additionally, the division shall:

- (a) Provide the state board for career technical education a review every three (3) years of programs receiving added cost funding;
- (b) Determine the effectiveness of these programs; and
- (c) Develop a prioritization of added cost funding.

(6) The state board for career technical education shall monitor the added cost funding support program and determine a method to measure the program's effectiveness.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 232
(H.B. No. 215)

AN ACT

RELATING TO PHARMACY BENEFIT MANAGERS; AMENDING SECTION 41-349, IDAHO CODE, TO PROVIDE FOR ENFORCEMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-349, Idaho Code, be, and the same is hereby amended to read as follows:

41-349. PHARMACY BENEFIT MANAGERS. (1) As used in this section:

(a) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a generic drug.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state that contracts with pharmacies on behalf of an insurer, third-party administrator, or managed care organization to administer prescription drug benefits to residents of this state.

(2) A person may not perform, offer to perform, or advertise any pharmacy benefit management service in this state unless the person is registered as a pharmacy benefit manager with the department of insurance. A person may not utilize the services of another person as a pharmacy benefit manager if the person knows or has reason to know that the other person does not have a registration with the department. Such registration must occur annually no later than April 1 of each year and shall be on a form prescribed by the director. The department may utilize applicable sections of this title to administer registration as provided in this subsection.

(3) A pharmacy benefit manager shall not prohibit a pharmacist or retail pharmacy from providing a covered person information on the amount of the cost share for a prescription drug and the clinical efficacy of a more affordable alternative drug if one is available, and a pharmacy benefit manager may not penalize a pharmacist or retail pharmacy for disclosing such information to a covered person or for selling to a covered person a more affordable alternative if one is available.

(4) A pharmacy benefit manager using maximum allowable cost pricing may place a drug on a maximum allowable cost list if the pharmacy benefit manager does the following:

(a) Ensures that the drug:

(i) 1. Is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, also known as the "orange book"; or

2. Has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(ii) Is available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(b) Provides to a network pharmacy, at the time a contract is entered into or renewed with the network pharmacy, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(c) Reviews and updates maximum allowable cost price information at least once every seven (7) business days to reflect any modification of maximum allowable cost pricing;

(d) Establishes a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(e) Establishes a process by which a network pharmacy, or a network pharmacy's contracting agent, may appeal the reimbursement for a generic drug no later than thirty (30) days after such reimbursement is made; and

(f) Provides a process for each of its network pharmacies to readily access the maximum allowable cost list specific to that provider.

(5) No pharmacy benefit manager may retroactively deny or reduce a claim for reimbursement of the cost of services after the claim has been adjudicated by the pharmacy benefit manager unless:

(a) The adjudicated claim was submitted fraudulently or improperly; or

(b) The pharmacy benefit manager's payment on the adjudicated claim was incorrect because the pharmacy or pharmacist had already been paid for the services.

(6) If the director finds a pharmacy benefit manager has violated this section or any provision of title 41, Idaho Code, then the director may subject the pharmacy benefit manager to any or all of the actions, penalties, and remedies referenced in sections 41-117, 41-1016, and 41-1026, Idaho Code.

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

Approved March 31, 2023

CHAPTER 233
(H.B. No. 291)

AN ACT

RELATING TO THE FAIR PHARMACY AUDITS ACT; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 66, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE PURPOSE AND APPLICABILITY, TO PROVIDE REQUIREMENTS AND PROHIBITIONS FOR PHARMACY AUDITS, TO PROVIDE FOR AN APPEALS PROCESS, AND TO PROHIBIT EXTRAPOLATION AUDITS EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 66, Title 41, Idaho Code, and to read as follows:

CHAPTER 66
FAIR PHARMACY AUDITS ACT

41-6601. SHORT TITLE. This chapter shall be known and may be cited as the "Fair Pharmacy Audits Act."

41-6602. PURPOSE AND APPLICABILITY. (1) The purpose of this chapter is to establish minimum and uniform standards and criteria for the audit of pharmacies.

(2) The provisions of this chapter shall apply to any audit of a pharmacy conducted on or after July 1, 2023, unless:

- (a) Contrary provisions for a specific type of audit are provided in federal or state law, rule, or procedure;
- (b) The audit relates to medicaid payments;
- (c) The audit is an investigative audit based on reasonable suspicion of willful misrepresentation, abuse, waste, or fraud; or
- (d) The audit is a financial examination conducted by a certified public accountant according to generally accepted auditing standards.

41-6603. REQUIREMENTS AND PROHIBITIONS FOR PHARMACY AUDITS. (1) Any person or entity conducting an audit of a pharmacy shall:

- (a) If performing the audit pursuant to a contract, identify and specifically describe the contract provisions authorizing the audit, including provisions relating to audit appeals. No contract may require prescription claim documentation or recordkeeping requirements that exceed requirements set forth in applicable federal or state law, regulation, or rule;
- (b) Give written notice to the pharmacy and the pharmacy's contracting agent at least fourteen (14) days prior to conducting the on-site audit. For purposes of this subsection, the term "audit" means an audit conducted on behalf of an auditing entity of any records of a pharmacy for drugs dispensed by a pharmacy to a covered individual. The pharmacy shall have the opportunity to reschedule any on-site audit no more than seven (7) days from the date designated on the original audit notification;
- (c) Not interfere with the delivery of pharmacist services to a patient and use every reasonable effort to minimize inconvenience and disruption to pharmacy operations during the on-site audit process;
- (d) Conduct any audit involving clinical or professional judgment by means of or in consultation with a licensed pharmacist;

- (e) Prior to leaving the pharmacy after the on-site portion of the pharmacy audit, provide to the pharmacy a complete list of pharmacy records reviewed;
- (f) Not subject a pharmacy to a charge-back or recoupment for a clerical or recordkeeping error, such as a typographical error, scrivener's error, or computer error, including but not limited to a miscalculated day supply, an incorrectly billed prescription written date, or an incorrect prescription origin code, unless the error resulted in overpayment to the pharmacy. Prior to payment of the claim, the pharmacy shall have the right to submit amended claims electronically to correct clerical or recordkeeping errors in lieu of recoupment. A person shall not be subject to criminal penalties for errors described in this paragraph without proof of the intent required for conviction of the applicable crime;
- (g) Limit any fee, charge-back, recoupment, or other adjustment to the actual overpayment associated with the dispensed product or portion of the dispensed product or the actual underpayment or overpayment as set forth in this subsection;
- (h) Permit a pharmacy to use any valid prescription, including computerized patterned medical records or the records of a hospital, physician, or other authorized health care practitioner for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or other prescribed drug. Documentation of an oral prescription order that has been verified by the prescribing health care provider shall meet the provisions of this paragraph for the initial audit review;
- (i) Permit a pharmacy to use authentic and verifiable statements or records, including but not limited to medication administration records of a nursing home, assisted living facility, hospital, or health care provider with prescriptive authority, to validate the pharmacy record and delivery;
- (j) Not include the dispensing fee in the calculation of overpayment of the prescription dispensed in a finding of an audit recoupment unless a prescription was not actually dispensed or a physician denied authorization of a dispensing order;
- (k) Audit each pharmacy under standards, regularity, and parameters as other similarly situated pharmacies in a pharmacy network contract in this state. If the person or entity conducting the audit owns or manages pharmacies, all audits of such pharmacies shall be conducted under standards, regularity, and parameters as other similarly situated pharmacies in a pharmacy network contract in this state;
- (l) Not exceed fifteen (15) months from the date the claim was submitted to or adjudicated by the person or entity conducting the audit;
- (m) Not schedule or initiate an audit during the first seven (7) calendar days of any month unless otherwise consented to by the pharmacy;
- (n) Disclose to any plan sponsor whose claims were included in the audit any money recouped in the audit;
- (o) Provide network pharmacies information on the adjudication process for unit of use prescription products where the smallest unit either exceeds or does not maximize the benefit day's supply; and
- (p) Permit a pharmacy to use a paper or electronic signature log that documents the delivery of a prescription to the possession of the patient or the patient's agent.
- (2) Except as otherwise provided by federal or state law, an auditing entity that audits wholesale invoices during an audit of a pharmacy may not audit the pharmacy claims of another health benefit plan or pharmacy benefit manager.

(3) Any person or entity conducting a wholesale invoice audit shall not identify or label a prescription claim as an audit discrepancy when:

(a) The national drug code for the dispensed drug is in a quantity that is a subunit or multiple of the drug purchased by the pharmacist or pharmacy as supported by a wholesale invoice;

(b) The pharmacist or pharmacy dispensed the correct quantity of the drug according to the prescription; and

(c) The drug dispensed by the pharmacist or pharmacy shares all but the last two (2) digits of the national drug code of the drug reflected on the supplier invoice.

(4) Any person or entity conducting a wholesale invoice audit shall accept as evidence, subject to validation, to support the validity of a pharmacy claim related to a dispensed drug:

(a) Supplier invoices issued before the date the drug was dispensed in the pharmacist's or pharmacy's possession; or

(b) Invoices and any supporting documents from any supplier as authorized by federal or state law to transfer ownership of the drug acquired by the pharmacist or pharmacy.

(5) Any person or entity conducting a wholesale invoice audit shall provide, no later than five (5) business days after the date of a request by the pharmacist or pharmacy, all supporting documents the pharmacist's or pharmacy's purchase suppliers provided to the person or entity on whose behalf the audit is being conducted.

(6) Any person or entity conducting an audit shall not audit more than two hundred fifty (250) prescriptions, based on date of service, per calendar year. The annual limit to the number of prescription claims audited shall be inclusive of all audits, including any prescription-related documentation requests from the person or entity conducting the audit or the person or entity on whose behalf the audit is being conducted during a calendar year.

(7) If paper copies of records are requested by the person or entity conducting an audit, the person or entity shall pay twenty-five cents (25¢) per page to cover the costs incurred by the pharmacy. The person or entity conducting the audit shall provide the pharmacy with accurate instructions, including any required form for obtaining reimbursement for the copied records.

(8) The person or entity conducting an audit shall:

(a) Deliver a preliminary audit findings report to the pharmacy and the pharmacy's contracting agent within sixty (60) calendar days of conducting the audit. The preliminary report shall include contact information for the auditing entity that conducted the pharmacy audit and an appropriate and accessible point of contact, including telephone number, facsimile number, electronic mail address, and auditing firm name and address so that audit results, procedures, and discrepancies may be reviewed. The preliminary audit report shall include but is not limited to claim level information for any discrepancy found and total dollar amounts of claims subject to recoupment;

(b) Allow the pharmacy at least sixty (60) calendar days following receipt of the preliminary audit findings report in which to produce documentation to address any discrepancy found during the audit. A pharmacy may request an extension, not to exceed an additional thirty (30) calendar days;

(c) Deliver a final audit findings report to the pharmacy and the pharmacy's contracting agent signed by the auditor within thirty (30) calendar days after receipt of documentation or evidence provided by the pharmacy, as provided for in section 41-6604, Idaho Code;

(d) Allow the pharmacy to reverse and resubmit claims electronically within thirty (30) days of receipt of the final audit report in lieu of the auditing entity recouping discrepant claim amounts from the pharmacy;

(e) Not recoup any disputed funds until after final disposition of the audit findings, including the appeals process as provided for in section 41-6604, Idaho Code; and

(f) Not accrue interest during the audit and appeal period.

(9) Each person or entity conducting an audit shall provide a copy of the final audit results, and a final audit report upon request, after completion of any review process to any plan sponsor whose claims were included in the audit.

(10) The full amount of any recoupment on an audit shall be refunded to the plan sponsor whose claims were included in the audit and to whom the recoupment is owing. Except as otherwise provided for in this subsection, a charge or assessment for an audit shall not be based, directly or indirectly, on amounts recouped. This subsection shall not prevent the person or entity conducting the audit from charging or assessing the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

(a) The plan sponsor and the person or entity conducting the audit have a contract that explicitly states the percentage charge or assessment to the plan sponsor; and

(b) A commission to an agent or employee of the person or entity conducting the audit is not based, directly or indirectly, on amounts recouped.

(11) Unless the provisions of this subsection are superseded by state or federal law, auditors shall have access to previous audit reports on a particular pharmacy only when the previous audits were conducted by the auditing person or entity for the same person or entity on whose behalf the audit is being conducted. An auditing vendor contracting with multiple persons or entities shall not use audit reports or other information gained from an audit on a pharmacy to conduct another audit for another person or entity.

41-6604. APPEALS PROCESS. (1) Each person or entity conducting an audit shall establish a written appeals process under which a pharmacy may appeal an unfavorable preliminary audit report or final audit report to the person or entity. The pharmacy must submit documentation or other evidence to support its appeal.

(2) Following an appeal, if the person or entity finds that an unfavorable audit report is unsubstantiated, the person or entity shall dismiss the unsubstantiated portion of the audit report.

(3) Any final audit report, following the final audit appeal period, with a finding of potential criminal conduct shall be referred to the prosecuting attorney having proper jurisdiction upon completion of the appeals process.

41-6605. EXTRAPOLATION AUDIT PROHIBITED. (1) As used in this section, "extrapolation audit" means an audit of a sample of prescription drug benefit claims submitted by a pharmacy to the person or entity conducting an audit that is then used to estimate audit results for a larger batch or group of claims not reviewed by the auditor.

(2) No person or entity may conduct an extrapolation audit unless otherwise required by federal law or federal plans. A person or entity conducting an audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits.

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

Approved March 31, 2023

CHAPTER 234
(H.B. No. 376)

AN ACT

RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 63-3638, IDAHO CODE, AS AMENDED IN SECTION 15 OF HOUSE BILL NO. 292, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN SALES TAX REVENUES TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND AND TO LOCAL UNITS OF GOVERNMENT FOR HIGHWAY PROJECTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3638, Idaho Code, as amended in Section 15 of House Bill No. 292, if enacted by the First Regular Session of the Sixty-seventh Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

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

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

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

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

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

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

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

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsection (1) of this section, is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that

city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

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

3. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

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

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

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

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

(v) If a special purpose taxing district is dissolved or 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 paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute such amounts to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the

sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

(13) Amounts calculated in accordance with section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2022, are not entitled to a payment under the provisions of this subsection.

(14) For fiscal years 2023 and ~~2024~~ only, a sum of thirty-four million dollars (\$34,000,000) shall be distributed each year by the state tax commission to the forty-four (44) counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants. No later than July 1, 2022, the state public defense commission shall certify to the state tax commission each county's proportionate share of all counties' indigent defense expenses in county fiscal year 2021, excluding any state funding or grants.

(15) For fiscal year 2024 and each fiscal year thereafter, two and twenty-five hundredths percent (2.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and ~~(10)~~ (16) of this section, is continuously appropriated and shall be distributed annually to the homeowner property tax relief account established in section 63-724, Idaho Code.

(16) Four and five-tenths percent (4.5%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1) and (10) of this section, ~~or but no less than eighty million dollars (\$80,000,000) and no more than one hundred forty million dollars (\$140,000,000), whichever is less,~~ shall be distributed as follows:

(a) Eighty million dollars (\$80,000,000) is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code; and

(b) The remaining moneys in excess of eighty million dollars (\$80,000,000) provided for in this subsection is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool funds allocated to them pursuant to this paragraph for local highway projects.

(17) Beginning in fiscal year 2024 and each fiscal year thereafter, three hundred thirty million dollars (\$330,000,000) shall be distributed annually to the public school income fund created in section 33-903, Idaho Code, and eighty million dollars (\$80,000,000) shall be distributed annually to the in-demand careers fund established in section 33-4305, Idaho Code. The state tax commission shall make such transfers in quarterly installments.

(18) For fiscal year 2024 and each fiscal year thereafter, two and twenty-five hundredths percent (2.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and ~~(16)~~ of this section, is continuously appropriated and shall be distributed annually to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(19) 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.

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

Approved March 31, 2023

CHAPTER 235
(H.B. No. 190)

AN ACT

RELATING TO CREDIT UNIONS AND BANKS; AMENDING SECTION 26-2155, IDAHO CODE, TO REQUIRE THAT CREDIT UNIONS HOLDING STATE FUNDS NOT BOYCOTT CERTAIN INDUSTRIES; AMENDING SECTION 67-2739, IDAHO CODE, TO REQUIRE THAT BANKS HOLDING STATE FUNDS NOT BOYCOTT CERTAIN INDUSTRIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 26-2155, Idaho Code, be, and the same is hereby amended to read as follows:

26-2155. DESIGNATION OF DEPOSITORY -- REPORTING OF RESERVES AND UNDIVIDED EARNINGS. (1) The state treasurer shall designate credit unions qualified under this chapter as a state depository or depositories. Such designation shall be determined by competitive bidding or by other means generally accepted as standard business practice. In no case shall the deposit or deposits of state funds in the account of any public entity in any credit union exceed at any one time, the total of the reserves and undivided earnings of such credit union or the total sum covered by share and deposit insurance provided by either the national credit union share insurance fund or by a deposit guarantee corporation authorized to issue share and deposit insurance contracts in this state, whichever sum shall be less. In the event that any credit union has been designated as a depository under this chapter, such designation shall continue in force until revoked by the treasurer.

(2) Every credit union designated as a state depository and holding any deposit of the funds of the state of Idaho under the provisions of this section shall, on or before beginning to hold such deposits, file with the state treasurer the affidavit of one (1) of its officers showing the amount of the reserves and undivided earnings of such credit union. Such affidavits shall be effective for the purposes of this section, to and including January 31 next following the date of their filing but no longer, and, on or before that date, if such credit union is to continue as a designated state depository under this section, a like affidavit shall be filed in like manner for the succeeding year. No such credit union shall receive deposits from nor act as depository for the funds of the state of Idaho unless and until an affidavit as is herein required and which still continues in effect is on file with the state treasurer in accordance with this section. containing the following:

(a) The amount of the reserves and undivided earnings of such credit union; and

(b) A certification that such credit union is not currently engaged in and will not for the duration of its designation as a state depository engage in a boycott of any individual or company because the individual or company:

(i) Engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or

(ii) Engages in or supports the manufacture, distribution, sale, or use of firearms, as defined in section 18-3302(2)(d), Idaho Code.

(3) Upon receipt of the affidavit pursuant to subsection (2) of this section, the state treasurer shall determine, subject to the uniform prudent investor act, chapter 5, title 68, Idaho Code, whether to maintain deposits with such credit union. Such affidavits shall be effective for the purposes of this section, to and including January 31 next following the date of their filing but no longer, and, on or before that date, if such credit union is to continue as a designated state depository under this section, a like affidavit shall be filed in like manner for the succeeding year. No such credit union shall receive deposits from or act as depository for the funds of the state of Idaho unless and until the affidavit required pursuant to this section is on file with the state treasurer in accordance with this section. The state treasurer shall revoke the state depository designation of any credit union determined by the state treasurer to be currently engaged in any activities prohibited by this section.

(4) Subsection (2)(b) of this section shall not apply to a state depository designation issued by the state treasurer if the state treasurer determines the requirements of subsection (2)(b) of this section would be inconsistent with the constitutional or statutory duties of the state treasurer or would be contrary to the business needs of the state of Idaho and prevent the state of Idaho from fulfilling its legal duties or obligations.

(5) The state treasurer shall revoke the state depository designation of any credit union determined by the state treasurer to be currently engaged in any activities prohibited by this section. In determining if a credit union has engaged in activities prohibited by this section, the state treasurer shall rely only upon publicly available statements or information made by any person authorized to speak on behalf of the credit union or in the credit union's official external communications. Prior to any such revocation of a state depository designation, the state treasurer shall provide the credit union with sixty (60) days' prior written notice identifying the specific prohibited activities at issue and providing the credit union the opportunity to refute in writing having engaged in the specified prohibited activities. A decision by the treasurer revoking a depository designation may be appealed by the credit union to district court within twenty-eight (28) days of the treasurer's decision, and the reviewing court shall review the appeal under the standard for appeals set forth in section 67-5279, Idaho Code.

~~(3)~~ (6) The state treasurer is authorized in his or her discretion and from time to time to negotiate for the payment to designated state depositories of reasonable compensation for services rendered in acting as such depositories depositories. The method and/or rate of such compensation and the terms and conditions thereof shall be fixed by the state treasurer after such negotiation, which may include the calling of bids for specific services. All bids received, whether by a formal bidding process or by negotiation, and the compensation fixed by the treasurer, which shall be in the form of a written agreement, shall be a matter of public record.

(7) For the purposes of this section, a boycott means that the credit union, without a reasonable business purpose, refuses to offer financial services to an individual or organization, terminates business with an individual or organization, or takes another action that is intended to penalize, inflict economic harm on, or limit commercial relations with an individual or organization because the individual or organization:

- (a) Engages in a particular business sector;
- (b) Engages in a particular business sector and does not commit or pledge to meet standards beyond applicable federal and state law; or
- (c) Does business with an individual or organization that engages in a particular business sector.

(8) For purposes of this section, reasonable business purpose means any purpose directly related to:

- (a) Promoting the financial success or stability of a financial institution;
- (b) Mitigating risk to a financial institution;
- (c) Complying with legal or regulatory requirements; or
- (d) Limiting liability of a financial institution.

SECTION 2. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

67-2739. DESIGNATION OF DEPOSITORY -- REPORTING OF CAPITAL AND SURPLUS. (1) The state treasurer shall designate institutions qualified under this chapter as a state depository or depositories. Such designation shall be determined by competitive bidding or by other means generally accepted as standard business practice. In no case shall the deposit or deposits of state funds in any state depository above the total covered by federal insurance exceed at any one time, in the aggregate, the total of the capital and surplus of such state depository. In the event that any bank has been designated as a depository under this chapter, such designation shall continue in force until revoked by the treasurer.

~~(2) Every banking corporation or national banking association designated as a state depository and holding any deposit of the funds of the state of Idaho under the provisions of this section shall, on or before beginning to hold such deposits or the effective date of this act, whichever shall be sooner, file with the state treasurer, the affidavit of one of its officers showing the amount of the capital stock and surplus of such association or corporation. In the event that such corporation or association has such an affidavit on file with the state treasurer on the effective date of this act, such affidavit or affidavits shall satisfy the requirement of this section until January 31 of the year next following the effective date of this act. Affidavits shall be effective for the purposes of this section for a period of one (1) year following the date of their filing. If such corporation or association is to continue as a designated state depository under this section, a like affidavit shall be filed in like manner for the succeeding year, on or before the date specified by the state treasurer. No such corporation or national banking association shall receive deposits from nor act as depository for the funds of the state of Idaho unless and until an affidavit as is herein required and which still continues in effect is on file with the state treasurer in accordance with this section. containing the following:~~

~~(a) The amount of the capital stock and surplus of such association or corporation; and~~

~~(b) A certification that such association or corporation is not currently engaged in, and will not for the duration of its designation as a state depository engage in, a boycott of any individual or company because the individual or company:~~

~~(i) Engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or~~

~~(ii) Engages in or supports the manufacture, distribution, sale, or use of firearms, as defined in section 18-3302(2)(d), Idaho Code.~~

~~(3) Upon receipt of the affidavit pursuant to subsection(2) of this section, the state treasurer shall determine, subject to the uniform prudent investor act, chapter 5, title 68, Idaho Code, whether to maintain deposits with such banking corporation or national banking association. In the event that such corporation or association has such an affidavit on file with the state treasurer on the effective date of this section, such affidavit or affidavits shall satisfy the requirement of this section until January 31 of the year next following the effective date of this section. Affidavits shall be effective for the purposes of this section for a period of one (1) year following the date of their filing. If such corporation or association is to continue as a designated state depository under this section, a like affidavit shall be filed in like manner for the succeeding year, on or before the date specified by the state treasurer. No such corporation or national banking association shall receive deposits from or act as depository for the funds of the state of Idaho unless and until the affidavit required pursuant to this section is on file with the state treasurer in accordance with this section.~~

~~(4) Subsection (2) (b) of this section shall not apply to a state depository designation issued by the state treasurer if the state treasurer determines the requirements of subsection (2) (b) of this section would be inconsistent with the constitutional or statutory duties of the state treasurer or would be contrary to the business needs of the state of Idaho and prevent the state of Idaho from fulfilling its legal duties or obligations.~~

(5) The state treasurer shall revoke the state depository designation of any banking corporation or national banking association determined by the state treasurer to be currently engaged in any activities prohibited by this section. In determining if a banking corporation or national banking association has engaged in activities prohibited by this section, the state treasurer shall rely only upon publicly available statements or information made by any person authorized to speak on behalf of such corporation or association or in the corporation or association's official external communications. Prior to any such revocation of a state depository designation, the state treasurer shall provide the banking corporation or national banking association with sixty (60) days' prior written notice identifying the specific prohibited activities at issue and providing the banking corporation or national banking association the opportunity to refute in writing having engaged in the specified prohibited activities. A decision by the treasurer revoking a depository designation may be appealed by the banking corporation or national banking association to district court within twenty-eight (28) days of the treasurer's decision, and the reviewing court shall review the appeal under the standard for appeals set forth in section 67-5279, Idaho Code.

~~(3)~~ (6) The state treasurer is authorized in his or her discretion and from time to time to negotiate for the payment to designated state depositories of reasonable compensation for services rendered in acting as such depositories. The method and/or rate of such compensation and the terms and conditions thereof shall be fixed by the state treasurer after such negotiation, which may include the calling for bids for specific services. All bids received, whether by a formal bidding process or by negotiation, and the compensation fixed by the treasurer, which shall be in the form of a written agreement, shall be a matter of public record.

(7) For the purposes of this section, a boycott means that the banking corporation or national banking association, without a reasonable business purpose, refuses to offer financial services to an individual or organization, terminates business with an individual or organization, or takes another action that is intended to penalize, inflict economic harm on, or limit commercial relations with an individual or organization because the individual or organization:

(a) Engages in a particular business sector;

(b) Engages in a particular business sector and does not commit or pledge to meet standards beyond applicable federal and state law; or

(c) Does business with an individual or organization that engages in a particular business sector.

(8) For purposes of this section, reasonable business purpose means any purpose directly related to:

(a) Promoting the financial success or stability of a financial institution;

(b) Mitigating risk to a financial institution;

(c) Complying with legal or regulatory requirements; or

(d) Limiting liability of a financial institution.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 236
(H.B. No. 287)

AN ACT

RELATING TO THE IDAHO ENERGY CONSERVATION CODE; AMENDING SECTION 39-9701, IDAHO CODE, TO PROVIDE FOR PREEMPTION, TO REVISE A PROVISION REGARDING APPLICABILITY, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-9701, Idaho Code, be, and the same is hereby amended to read as follows:

39-9701. IDAHO ENERGY CONSERVATION CODE. (1) On and after July 1, 2022, the Idaho state energy code shall be the 2018 international energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature. The international energy conservation code, together with such amendments, revisions, or modifications as approved by the Idaho building code board through rulemaking conducted pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and approved by the legislature, shall collectively constitute and be named the Idaho energy conservation code and shall be deemed approved by the Idaho building code board and the legislature.

(2) The provisions of this chapter preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting energy code or energy-related requirements through any code, ordinance, process, policy, or guidance that differ from or are more extensive than the requirements of the Idaho energy conservation code as provided for in this chapter. The provisions of this chapter shall not apply to chapter 1 of the 2018 international energy conservation code with respect to the administrative processes of any city, county, incorporated or unincorporated area, special use district, or any other local governmental entity.

(3) This chapter shall ~~not be applied retroactively~~ apply to codes or amendments adopted by local jurisdictions prior to, on, or after July 1, 2018 2022.

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

Approved March 31, 2023

CHAPTER 237
(H.B. No. 262)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-525A, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXPUNGEMENT OF JUVENILE RECORDS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-525A, Idaho Code, be, and the same is hereby amended to read as follows:

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of ~~five (5)~~ three (3) years from the date of termination of the continuing jurisdiction of the court, or, in case the juvenile offender was committed to the juvenile correctional center, ~~five (5)~~ three (3) years from the date of his release from the juvenile correctional center, or after reaching age eighteen (18) years, whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed misdemeanor or status offenses only and not having been committed to the department of juvenile corrections may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(4) The court may not expunge a conviction for any of the following crimes from a juvenile offender's record:

- (a) Administering poison with intent to kill (18-4014, Idaho Code);
- (b) Aggravated battery (18-907, Idaho Code);
- (c) Armed robbery (chapter 65, title 18, Idaho Code);
- (d) Arson (chapter 8, title 18, Idaho Code);
- (e) Assault with intent to commit a serious felony (18-909, Idaho Code);

- (f) Assault with intent to murder (18-4015, Idaho Code);
- (g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);
- (h) Forcible sexual penetration by use of a foreign object (18-6604, Idaho Code);
- (i) Injury to child, felony (18-1501, Idaho Code);
- (j) Kidnapping (18-4501, Idaho Code);
- (k) Murder of any degree (18-4001 and 18-4003, Idaho Code);
- (l) Rape, excluding statutory rape (18-6101, Idaho Code);
- (m) Ritualized abuse of a child (18-1506A, Idaho Code);
- (n) Sexual exploitation of a child (18-1507, Idaho Code);
- (o) Unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (p) Voluntary manslaughter (18-4006 1., Idaho Code);
- (q) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which that were, at the time of the violation, being used for an activity sponsored by or through such a school; or
- (r) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

(5) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile offender for any of the crimes identified in subsection (4) of this section₇ and has not been convicted of a felony₇ or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or his release from the juvenile correctional center₇ and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official sealed; and the court shall further order all references to said adjudication, diversion or informal adjustment removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public and shall be revealed only upon order of a court of competent jurisdiction. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order, the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the subject of the records, or by any other court of competent jurisdiction, and only to persons named in the petition.

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

Approved March 31, 2023

CHAPTER 238
(H.B. No. 142, As Amended)

AN ACT

RELATING TO SCRAP DEALERS; AMENDING SECTION 54-2701, IDAHO CODE, TO PROVIDE FOR CATALYTIC CONVERTERS AND CERTAIN VALUABLE METALS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-2701, Idaho Code, be, and the same is hereby amended to read as follows:

54-2701. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under this chapter.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means property sold by a commercial enterprise consisting of: access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a municipality, governmental entity or a commercial enterprise, including, but not limited to, a telephone, cable, electric, water, natural gas, or other utility, or railroad materials; copper or aluminum wiring with associated clamps and connectors; aluminum or stainless steel fence panels; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; ~~or~~ agricultural irrigation equipment not limited to wheels, sprinkler heads, or pivots or pipes; or catalytic converters.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum, rhodium, palladium, and their alloys, but shall not include aluminum beverage containers, used beverage containers or similar beverage containers; however, the term includes stainless steel beer kegs and catalytic converters.

(5) "Record" means a paper, electronic, or other method of storing information.

(6) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, or scrap metal processor that is a commercial enterprise that purchases, receives and processes nonferrous metal property, stainless steel or commercial metal property.

(7) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, crusher or shredding device for recycling.

(8) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(9) "Scrap metal supplier" means a person that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(10) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

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

Approved March 31, 2023

CHAPTER 239

(H.B. No. 182, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 66, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR LEGISLATIVE FINDINGS, AND TO ESTABLISH PROVISIONS REGARDING PRAYER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 66, Title 33, Idaho Code, and to read as follows:

CHAPTER 66

ESTABLISHMENT CLAUSE AND FREE EXERCISE COMPLIANCE

33-6601. SHORT TITLE. This chapter shall be known and may be cited as "Coach Kennedy's Law."

33-6602. LEGISLATIVE FINDINGS. The legislature finds and declares that:

(1) Prior to becoming a high school football coach, Joseph Kennedy trained marines, and in response to his decision to engage in a public prayer at the end of sporting events that was open to others in a manner that was consistent with his religious beliefs and the belief of many student athletes and their parents, he was suspended and later fired by the school district, and similar conflicts have or could arise in the state of Idaho between athletic directors and school districts or public college administrators;

(2) The United States is a constitutional republic that Idaho is a part of, and the free exercise and establishment clauses of the first amendment to the United States constitution state that the government "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," and the first amendment applies to the state of Idaho through the fourteenth amendment;

(3) Similarly, section 4, article I of the constitution of the state of Idaho parallels the spirit of the free exercise clause of the first amendment to the United States constitution and states in part, "The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations . . ."; and

(4) The United States supreme court, in *Kennedy v. Bremerton School District*, recognized that *Lemon v. Kurtzman*, 403 U.S. 602 (1971), was overturned and is no longer good law and that, therefore, the *Lemon* test is inapplicable and government must instead look to history and tradition to determine what is permissible under the establishment clause. This history and tradition prohibits coercion to participate in religious practices.

33-6603. PUBLIC PRAYER. (1) This section applies to public college administrators, public school districts, and charter schools.

(2) Pursuant to the free exercise clause of the first amendment to the United States constitution and section 4, article I of the constitution of the state of Idaho, an employee of a public college, school district, or charter school may pray at any time he is otherwise free to engage in personal conversations or other personal conduct.

(3) No public college, public school district, or charter school may punish or otherwise take adverse action or discriminate against any other person for refusing to participate in a prayer described in subsection (2) of this section. A student or the parent of a student who can demonstrate under the preponderance of the evidence standard that the student was punished or discriminated against by an employee for refusing to participate in a prayer as described in subsection (2) of this section has standing under this section to pursue a civil action in a court of competent jurisdiction and the student may seek attorney's fees, costs, injunctive relief, declaratory relief, and other forms of relief deemed appropriate by the court.

(4) If a school district or public college administrator prohibits or takes adverse action against an employee for engaging in the activity described in subsection (2) of this section, the employee may pursue a civil cause of action in a court of competent jurisdiction under this section and may seek attorney's fees, costs, injunctive relief, declaratory relief, and other forms of relief deemed appropriate by the court.

(5) If a court finds that a cause of action brought by an employee under subsection (4) of this section or by a student or his parent under subsection (3) of this section was maliciously filed or initiated for ulterior purposes against a defendant, then the court may award costs and attorney's fees to a defendant under this section for abuse of process.

(6) A civil action brought in federal district court for a similar violation described in this section under 42 U.S.C. 1983 may find that it has supplemental jurisdiction over a cause of action contemporaneously brought under this section.

(7) Nothing in this section shall be construed to in any way limit the free exercise of religion.

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

CHAPTER 240
(H.B. No. 203)

AN ACT

RELATING TO HEALTH INSURANCE; AMENDING SECTION 67-5771A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5771A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5771A. PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND. (1) There is hereby created in the state treasury the public school health insurance participation fund. The fund is continuously appropriated to the state department of education for the purpose of funding the actuarially established onetime amount required for a public school to buy in to the state's medical and dental group insurance plan, ~~not to exceed four thousand five hundred dollars (\$4,500) per support unit.~~ The fund shall consist of moneys made available through legislative transfers, appropriations, or as otherwise provided by law and shall be available for use only to publicly funded K-12 educational institutions. Interest earnings from the investment of moneys in the fund shall be returned to the fund.

(2) All moneys in the fund shall be used only for onetime expenses associated with accommodating participation into the state's health plan as set forth in this section. The state department of education shall make payment or payments to the office of group insurance for this purpose within a reasonable time of participants being identified. If demand exceeds available funds, the state department of education shall administer the fund on a first-come, first-served basis. No funds may be expended prior to July 1, 2022, and any unexpended moneys remaining in the fund after June 30, 2024 2025, shall be transferred by the state controller to the public education stabilization fund. If the public education stabilization fund is fully funded, then remaining funds shall be transferred to the general fund.

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

Approved March 31, 2023

CHAPTER 241
(H.B. No. 240)

AN ACT

RELATING TO BOARD OF TRUSTEES; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRUSTEE ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 33-501, Idaho Code, be, and the same is hereby amended to read as follows:

33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district ~~which~~ that has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. Commencing in 2018, a school district trustee shall be elected for a term of four (4) years beginning at ~~twelve o'clock~~ noon on January 1 next succeeding his election.

(2) Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated or appointed. In the event that a vacancy shall be declared as provided in section 33-504, Idaho Code, and the board of trustees is unable to appoint a trustee from the zone vacated after ninety (90) days, the board of trustees may appoint a person at-large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. When a person is duly elected to a trustee zone and the person is found to no longer reside in the trustee zone due to a change in the trustee zone boundaries, that person shall be allowed to continue serving as a trustee for the remainder of that person's term as long as the person resides at the address used at the time of the election.

(3) Each trustee shall qualify for and assume office on January 1 next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. At the first meeting after a trustee assumes office, an oath of office shall be administered to the trustee, whether elected, reelected or appointed. Said oath may be administered by the clerk, or by another trustee, of the district, and the records ~~of the district~~ shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.

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

CHAPTER 242
(H.B. No. 238)

AN ACT

RELATING TO UNFAIR SERVICE AGREEMENTS; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CHARACTERISTICS OF UNFAIR SERVICE AGREEMENTS, TO PROVIDE EXCEPTIONS, TO PROHIBIT RECORDING, TO PROVIDE FOR COUNTY RECORDER IMMUNITY, TO PROVIDE THAT UNFAIR SERVICE AGREEMENTS ARE UNENFORCEABLE, TO PROVIDE THAT SOLICITATION OF UNFAIR SERVICE AGREEMENTS CONSTITUTES AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR OR DECEPTIVE ACT OR PRACTICE, TO PROVIDE FOR THE AUTHORITY OF THE ATTORNEY GENERAL AND THE DISTRICT COURTS, AND TO PROVIDE FOR REMEDIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 20, Title 48, Idaho Code, and to read as follows:

CHAPTER 20
PROHIBITION OF UNFAIR SERVICE AGREEMENTS ACT

48-2001. SHORT TITLE. This chapter shall be known and may be cited as the "Prohibition of Unfair Service Agreements Act."

48-2002. DEFINITIONS. As used in this chapter:

(1) "County recorder" means a county's clerk of the district court, elected or appointed pursuant to article V of the constitution of the state of Idaho, who serves as ex officio recorder under article XVIII of the constitution of the state of Idaho or any other individual officially designated to serve in said capacity.

(2) "Person" means natural persons, corporations both foreign and domestic, trusts, partnerships both limited and general, incorporated or unincorporated associations, companies, business entities, and any other legal entity or any other group associated in fact although not a legal entity or any agent, assignee, heir, employee, representative, or servant thereof.

(3) "Record" or "recording" means placement of a document or instrument in the official county public land records.

(4) "Residential real property" means real property located in this state that is used primarily for personal, family, or household purposes and is improved by one (1) to four (4) dwelling units.

(5) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance of or purchase or sale of residential real property.

(6) "Service provider" means an individual or entity that provides services to a person.

48-2003. CHARACTERISTICS OF UNFAIR SERVICE AGREEMENTS. (1) A service agreement is unfair pursuant to this chapter if any part of the agreement provides an exclusive right to a service provider for a term in excess of one (1) year after the time it is entered into and has any of the following characteristics:

- (a) The service agreement purports to run with the land or to be binding on future owners of interests in the real property;
- (b) The service agreement allows for assignment of the right to provide service without notice to and consent of the owner of residential real property; or
- (c) The service agreement is recorded or purports to create a lien, encumbrance, or other real property security interest.

(2) The following are not unfair service agreements pursuant to this chapter:

- (a) A home warranty or similar product that covers the cost of maintenance of a major home system or appliance for a fixed period;
- (b) An insurance contract;
- (c) A mortgage loan or a commitment to make or receive a mortgage loan;
- (d) An option or right of refusal to purchase the residential real property;
- (e) A declaration of any covenants, conditions, or restrictions created in the formation of a homeowners association, a group of condominium owners, or other common interest community or an amendment thereto;
- (f) A maintenance or service agreement entered by a homeowners association in a common interest community;
- (g) A security agreement governed by Idaho's uniform commercial code relating to the sale or rental of personal property or fixtures;
- (h) A contract with a gas, water, sewer, electrical, telephone, cable, or other utility service provider; or
- (i) A contract for the provision of water to real property for domestic, irrigation, or other purposes.

(3) This chapter does not impair any lien right granted pursuant to Idaho Code or judicially imposed.

48-2004. RECORDING PROHIBITED -- COUNTY RECORDER IMMUNITY. (1) No person shall present or send to any county recorder for recording or cause to be recorded by said recorder an unfair service agreement or notice or memorandum thereof.

(2) In the event that a county recorder does record an unfair service agreement, the county recorder shall incur no liability for doing so.

(3) If an unfair service agreement is recorded, it shall not create a lien or provide constructive notice to any third party, bona fide purchaser, or creditor.

48-2005. UNFAIR SERVICE AGREEMENTS UNENFORCEABLE. If a service agreement is unfair pursuant to this chapter, it is unenforceable, shall not create a contractual obligation or relationship, and attempting to enforce the same is a violation of the Idaho consumer protection act, chapter 6, title 48, Idaho Code. Any waiver of a consumer right, including a right to trial by jury, in an unfair service agreement is void.

48-2006. SOLICITATION OF UNFAIR SERVICE AGREEMENTS. Encouraging any consumer to enter into an unfair service agreement by any service provider constitutes an unfair method of competition and an unfair or deceptive act or practice under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

48-2007. AUTHORITY OF THE ATTORNEY GENERAL AND THE DISTRICT COURTS. The attorney general and the district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district courts under the Idaho consumer protection act, chapter 6, title 48, Idaho Code. Said authority shall be non-exclusive.

48-2008. REMEDIES. (1) Any consumer that is party to an unfair service agreement related to residential real property or any person with an interest in the property that is the subject of that agreement may bring an action in district court in the county where the property is located to obtain a declaratory judgment that the agreement is unenforceable and to recover any other damages, costs, and attorney's fees as may be proven.

(2) In the event that an unfair service agreement or a notice or memorandum thereof is recorded against any residential real property, any judgment obtained pursuant to this section, once certified by the clerk having custody thereof, may be recorded and indexed against the real property encumbered or clouded by the unfair service agreement.

(3) The remedies provided for in this chapter are not exclusive and shall not reduce any other rights or remedies a party may have in equity or in law.

(4) No private action may be brought pursuant to this chapter more than two (2) years after the expiration of the term printed in the unfair service agreement.

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

Approved March 31, 2023

CHAPTER 243

(H.B. No. 269, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1614, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CAREER EXPLORATION COURSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1614, Idaho Code, and to read as follows:

33-1614. CAREER EXPLORATION. (1) Starting in fiscal year 2024, every student in grade 7 or grade 8 enrolled in an Idaho public school district, a specially chartered district, or a public charter school shall complete one (1) or more career exploration courses. A student may opt out by submitting a form to the school showing the student's parent or legal guardian has consented to the student not participating in the career exploration courses pursuant to this section. Such courses should align to the "first step" standards set by the state board of education for career technical education. Such courses may be offered face-to-face, through virtual education programs, as online courses, or as hybrid courses consisting of a combination of online and in-person instruction.

(2) All staff teaching a career exploration course must have participated in a career exploration professional development course approved by the state board of education.

(3) The state board of education will maintain resources that can be utilized or modified for the implementation of this section.

(4) A career pathway plan shall be developed by students with the approval of parents or guardians, with advice and recommendation from school personnel, which shall include career exploration courses or workforce discovery activities. The purpose of a parent-approved student career pathway plan is to outline a course of study and learning activities to help students become successful in life. Every student's career pathway plan shall be reviewed annually and can be revised at any time. The student's school shall provide a personalized career pathway plan progress report to the student's parent or guardian. The progress report may be sent via electronic communication.

(5) Funding provided in section 33-1002(2)(r), Idaho Code, in accordance with section 33-1212A, Idaho Code, may be used to support career exploration courses.

(6) Professional development funding provided pursuant to section 33-1002, Idaho Code, may be used to provide professional development to career exploration course instructors.

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

Approved March 31, 2023

CHAPTER 244
(H.B. No. 337)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; REPEALING SECTION 54-1001, IDAHO CODE, RELATING TO A DECLARATION OF POLICY; AMENDING CHAPTER 10, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1001, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY AND TO PROVIDE FOR THE 2023 NATIONAL ELECTRICAL CODE; AMENDING SECTION 54-1001B, IDAHO CODE, TO PROVIDE FOR THE IDAHO ELECTRICAL CODE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1002, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO PROVIDE FOR RESIDENTIAL ELECTRICIANS; AMENDING SECTION 54-1003, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO PROVIDE FOR RESIDENTIAL ELECTRICIANS; AMENDING SECTION 54-1003A, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO PROVIDE FOR RESIDENTIAL ELECTRICIANS; AMENDING SECTION 54-1006, IDAHO CODE, TO REVISE A PROVISION REGARDING LICENSURE AND TO PROVIDE FOR RESIDENTIAL ELECTRICIANS; AMENDING SECTION 54-1007, IDAHO CODE, TO ESTABLISH REQUIREMENTS REGARDING RESIDENTIAL ELECTRICIANS, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, TO REMOVE A CERTAIN FILING REQUIREMENT, AND TO REMOVE CERTAIN CONTINUATION TRAINING REQUIREMENTS; AMENDING SECTION 54-1008, IDAHO CODE, TO PROVIDE FOR RESIDENTIAL ELECTRICIANS AND TO ESTABLISH A LIMITATION REGARDING APPRENTICE LICENSURE; AMENDING SECTION 54-1010, IDAHO CODE, TO PROVIDE FOR RESIDENTIAL ELECTRICIANS, TO PROVIDE A CERTAIN EMPLOYMENT REQUIREMENT, TO PROVIDE FOR CERTAIN SUPERVISION RATIOS, TO PROVIDE FOR CERTAIN PREEMPTION, AND TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1013, IDAHO CODE, TO REVISE A CONTINUING EDUCATION REQUIREMENT; AMENDING SECTION 54-1014, IDAHO CODE, TO PROVIDE FOR RESIDENTIAL ELECTRICIANS AND TO PROVIDE FOR THE

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE FOR LICENSED RESIDENTIAL ELECTRICIANS; AMENDING SECTION 54-1017, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, TO PROVIDE FOR RESIDENTIAL ELECTRICIANS, AND TO REVISE A PENALTY PROVISION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1001, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 10, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1001, Idaho Code, and to read as follows:

54-1001. DECLARATION OF POLICY. The 2023 National Electrical Code, NFPA 70, is hereby adopted by the Idaho legislature. The 2023 National Electrical Code, NFPA 70, together with any amendments, revisions, or modifications by the Idaho electrical board through negotiated rulemaking shall collectively constitute and be named the Idaho electrical code. All installations in the state of Idaho of wires and equipment to convey electric current and installations of apparatus to be operated by such current, except as provided in this chapter, shall be made substantially in accord with the Idaho electrical code.

SECTION 3. That Section 54-1001B, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001B. INSPECTION PROVISIONS INAPPLICABLE WHEN INSTALLATION COVERED BY MUNICIPAL ORDINANCE. The provisions of this act relating to state inspection, except as provided in section 54-1001C, Idaho Code, shall not apply within the corporate limits of incorporated cities and villages which, by ordinance or building code, prescribe the manner in which wires or equipment to convey current and apparatus to be operated by such current shall be installed, provided that the provisions of the National Electrical Code Idaho electrical code are used as the minimum standard in the preparation of such ordinances or building codes and provided that actual inspections are made.

SECTION 4. That Section 54-1002, Idaho Code, be, and the same is hereby amended to read as follows:

54-1002. LICENSE ESSENTIAL TO ENGAGE IN BUSINESS -- LICENSURE AUTHORITY EXCLUSIVE TO THE STATE. (1) It shall be unlawful for any person, partnership, company, firm, association or corporation to act, or attempt to act, as an electrical contractor or limited electrical contractor in this state until such person, partnership, company, firm, association or corporation shall have received a license as an electrical contractor or limited electrical contractor, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses.

(2) It shall be unlawful for any person to act as a residential, journeyman, or master electrician in this state until such person shall have received a license as a residential, journeyman, or master electrician, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses, provided, however, that any person who has been issued a master electrician's license pursuant to this chapter may act as a residential electrician or journeyman electrician.

(3) It shall be unlawful for any person to act as a limited electrical installer in this state until such person shall have received a license as a limited electrical installer, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building-safety occupational and professional licenses, provided however, that any person who has been issued a master electrician's license or a journeyman electrician's license pursuant to this chapter may act as a limited electrical installer.

(4) It shall be unlawful for any person to act as a provisional journeyman electrician in this state until such person has received a provisional journeyman electrician's license, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building-safety occupational and professional licenses.

(5) Licensure of electrical contractors, residential electricians, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, facility accounts and registration of apprentice electricians and trainees shall be within the exclusive jurisdiction of the state pursuant to this chapter and no local jurisdiction shall have the authority to require additional licensure or registration or to require payment of any fees in order for any licensee or registrant to engage in the electrical construction trade within the local jurisdiction or to issue licenses or registrations to persons licensed or registered under this chapter that are inconsistent with the provisions of this chapter or rules promulgated by the division of building-safety occupational and professional licenses. The state shall investigate all local infractions and state violations of this chapter and prosecute the same. The local jurisdictions will assist the state by requesting investigations within their jurisdictions. Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

SECTION 5. That Section 54-1003, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003. ADMINISTRATOR AUTHORITY. (1) Only the administrator of the division of building-safety occupational and professional licenses of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue licenses or registrations to such applicants as are found to be qualified to engage in the trade, business, or calling of a residential electrician, journeyman electrician, electrical contractor, master electrician, provisional journeyman electrician, limited electrical installer, limited electrical contractor, limited electrical installer trainee or apprentice electrician in the manner and upon the terms and conditions hereinafter provided.

(2) No licenses or registrations granted hereunder shall be transferable. Licenses and registrations shall be issued upon the condition that the holder thereof shall comply with all provisions of this chapter.

(3) The administrator of the division of building-safety occupational and professional licenses is authorized to impose civil penalties as provided in this chapter.

SECTION 6. That Section 54-1003A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003A. DEFINITIONS. (1) Electrical Contractor. Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing apparatus to be operated by such current, or entering into agreements to install such wires, equipment or apparatus, shall for the purpose of this chapter be known as an electrical contractor. An electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

(2) Journeyman Electrician. Except as provided in section 54-1016, Idaho Code, and subsections ~~(3), (4), (5) and (6)~~ (4), (5), (6), and (7) of this section, any person who personally performs or supervises the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, or engages in planning, lay out, or design of such wiring, equipment, or apparatus, or the supervision thereof, shall for the purpose of this chapter be known as a journeyman electrician.

(3) Residential Electrician. Any person who personally performs or supervises the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current in a residential setting, shall for the purposes of this chapter be known as a residential electrician. A residential electrician may work in a non-residential setting only as a registered apprentice electrician under the constant on-the-job supervision of a journeyman electrician.

~~(3)~~ (4) Apprentice Electrician. Any person who, for the purpose of learning the trade of residential electrician or journeyman electrician, engages in the installation of electrical wiring, equipment, or apparatus while under the constant on-the-job supervision of a qualified residential electrician, journeyman electrician, or master electrician shall for the purpose of this chapter be known as an apprentice electrician.

~~(4)~~ (5) Maintenance Electrician. Any person who is regularly employed to service, maintain or repair electrical apparatus, or to make minor repairs or alterations to existing electrical wires or equipment located on his employer's premises shall for the purpose of this chapter be known as a maintenance electrician.

~~(5)~~ (6) Master Electrician. A person who has the necessary qualifications, training, experience and technical knowledge to plan, lay out or design the installation of electrical wiring or equipment, or to supervise such planning, layout, or design, and who performs or supervises such planning, layout or design, shall for the purpose of this chapter be known as a master electrician.

~~(6)~~ (7) Limited Electrical Installer. A person having the necessary qualifications, training, experience and technical knowledge to install, alter, repair and supervise the installation, alteration or repair of special classes of electrical wiring, apparatus or equipment within categories adopted by the board. Limited electrical installers shall perform work only within the scope of the restricted category for which the person is licensed.

~~(7)~~ (8) Limited Electrical Contractor. Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting or carrying on the business of installing, altering or repairing restricted categories of electrical wiring, apparatus or equipment within categories adopted by the board, or entering into agreements to perform such restricted work, shall for the purpose of this chapter be known as a limited electrical contractor. Limited electrical contractors shall perform work only within the scope of the restricted category for which the contractor is licensed. A limited electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred

thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

~~(8)~~ (9) Limited Electrical Installer Trainee. Any person who engages in the installation of restricted categories of electrical wiring, equipment or apparatus under the constant on-the-job supervision of a qualified limited electrical installer shall for the purpose of this chapter be known as a limited electrical installer trainee.

~~(9)~~ (10) Electrical Facility Employer Account or Facility Account. An employer licensed with the division of building safety occupational and professional licenses who employs individuals holding valid journeyman or master electrician licenses to perform alterations, extensions and new installations of electrical systems or components thereof on premises owned by the employer. The employer may also employ maintenance electricians in accordance with section 54-1016, Idaho Code.

~~(10)~~ (11) Provisional Journeyman Electrician. Any person who has met the requirements of section 54-1007(4), Idaho Code, and who wishes to perform the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, while under the constant on-the-job supervision of a qualified residential electrician, journeyman electrician, or master electrician may upon application, for the purposes of this chapter, be known as a provisional journeyman electrician.

(12) Residential Setting. For the purposes of this chapter, residential setting means one (1) and two (2) family dwellings, townhouses, and multi-family structures up to three (3) stories.

SECTION 7. That Section 54-1005, Idaho Code, be, and the same is hereby amended to read as follows:

54-1005. RULES -- INSPECTIONS -- ELECTRICAL PERMITS AND FEES. (1) The administrator of the division of building safety occupational and professional licenses is hereby authorized and directed to enforce rules consistent with this chapter for the administration of this chapter and to effectuate the purposes thereof, and for the examination and licensing of electrical contractors, residential electricians, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, limited electrical installer trainees and apprentice electricians, and to make inspections of electrical installations referred to in section 54-1001, Idaho Code, and to issue electrical permits covering such installations, and to collect the fees established therefor.

(2) The administrator of the division of building safety occupational and professional licenses may make electrical inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable electrical codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(3) Individuals, firms, cooperatives, corporations, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this chapter, unless an inspection has been conducted and resulted as "passed" by the administrator, covering the installation to be energized. Electrical installations approved by the board and addressed through administrative rule may be connected and energized by the power supplier after the purchase of an electrical permit by a licensed electrical contractor.

(4) It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier to energize any electrical installation coming under the provisions of this chapter prior to the purchase of an electrical permit covering such installation.

SECTION 8. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the division of occupational and professional licenses. It shall be the responsibility and duty of the administrator of the division of occupational and professional licenses to administer and enforce the provisions of this chapter, and to serve as secretary to the Idaho electrical board.

(2) The board shall consist of nine (9) members to be appointed by the governor and who shall serve at the pleasure of the governor. Two (2) members shall be licensed journeymen or master electricians; two (2) members shall be employees or officers of licensed electrical contractors; one (1) member shall be a licensed limited electrical installer or limited electrical contractor; one (1) member shall be an employee or officer of an electrical power provider; one (1) member shall be an employee or officer of a manufacturing plant or other large power user; one (1) member shall be an employee or director of a manufacturer or distributor of electrical supplies or materials; and one (1) member shall be from the public at large not directly associated with the electrical industry. Board members shall be appointed for a term of four (4) years. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity in formulating rules for examinations, in passing on the fitness and qualifications of applicants for ~~electrical contractor and journeyman electrician licenses~~ licensure and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this chapter.

(4) The members of the board shall, every two (2) years, elect by majority vote of the members of the board a chairman who shall preside at meetings of the board and a vice chairman who shall preside at any board meeting in the event the chairman is not present. A majority of the members of the board shall constitute a quorum.

(5) The board is authorized and directed to prescribe and amend rules consistent with this chapter for the administration of this chapter, and to effectuate the purpose thereof, and for the examination and licensing of electrical contractors, residential electricians, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, limited electrical installer trainees and apprentice electricians. The board shall also establish the categories for limited electrical installers and limited electrical contractor licensing and the fees to be charged for permits and inspections of electrical systems. The board shall establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and the rules of the Idaho electrical board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

(6) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509 (n), Idaho Code.

SECTION 9. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The administrator shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of residential electrician, journeyman electrician, limited electrical installer or master electrician as defined in section 54-1003A, Idaho Code, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting or limited electrical contracting as defined in section 54-1003A, Idaho Code.

(2) An apprentice electrician, as defined in section 54-1003A, Idaho Code, may take the journeyman's examination if he has completed the required related instruction for electrical apprentices as approved by the Idaho state board for career technical education, completion of which shall be evidenced by a certificate from an approved provider, and has worked the number of hours as prescribed by the Idaho electrical board, provided that for all the time he is claiming to have worked as an apprentice electrician, the apprentice shall have been registered with the division of building safety occupational and professional licenses as an apprentice. The electrical board may, by rule, fix the apprentice registration fee, in an amount not to exceed the costs of issuing apprentice registration certificates and enforcing the apprentice registration provisions of this chapter, and may also by rule establish requirements relative to the manner of registration renewal, verification of employment, the number of instructional hours completed, ~~continuation training~~ and the number of hours worked. ~~An apprentice who has completed the number of instructional hours and has not taken or passed the journeyman's examination within two (2) years of completion of the instructional training hours shall provide proof of continuation training as set by rule of the electrical board.~~

(3) Any person who has worked as a licensed journeyman for a period of not less than four (4) years and who has worked the number of hours as prescribed by rule of the board as a licensed journeyman electrician shall be considered as qualified to apply for a master electrician's license in this state. The Idaho electrical board, in establishing by rule the requirements for a master electrician's license, shall also take into account the applicant's performance as a journeyman electrician.

(4) Notwithstanding subsection (2) of this section, any person who can demonstrate eight (8) years of work experience, defined as a minimum of sixteen thousand (16,000) hours, making electrical installations on the job, shall be considered as qualified to apply for a journeyman electrician's license in this state.

(5) A person qualifies for a residential electrician license if he passes the residential electrician examination approved by the board, has completed a two (2) year course of related instruction for residential electrical apprentices as approved by the Idaho electrical board and the Idaho state board for career technical education, and submits proof of four thousand (4,000) hours of electrical experience as an Idaho-registered apprentice or in accordance with the requirements of the jurisdiction where the applicant obtained such experience. Completion of an approved course as required pursuant to this subsection shall be evidenced by a certificate from an approved provider. An applicant for a journeyman electrician license may utilize the experience hours identified in this section towards the work experience requirement for a journeyman electrician license.

~~(5)~~ (6) To the extent that other states that provide for the licensing of electricians require qualifications at least equal to those contained in this chapter, the administrator may enter reciprocal agreements with such other states to grant licenses to electricians licensed by such other states. The administrator, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states upon payment by the applicant of the required fee and upon furnishing proof to the

board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

~~(6)~~ (7) A provisional journeyman electrician, as defined in section 54-1003A, Idaho Code, may take the residential electrician or journeyman electrician examination. Upon passing the examination, the administrator of the division of ~~building safety~~ occupational and professional licenses shall issue the provisional journeyman electrician a residential or journeyman electrician's license.

~~(6) All verification of employment forms submitted by an individual seeking electrical licensing or registration shall be entered into and maintained in the individual's file by the division of building safety. The division of building safety shall provide the individual with online access to this information.~~

SECTION 10. That Section 54-1008, Idaho Code, be, and the same is hereby amended to read as follows:

54-1008. DURATION OF LICENSE. (1) All licenses, including license renewals, for master electricians, residential electricians, journeyman electricians, and limited electrical installers shall be issued for a period of three (3) years and shall expire three (3) years from the date of issue unless renewed, revoked or suspended.

(2) Electrical contractor and limited electrical contractor licenses shall be issued for a period of one (1) year and shall expire one (1) year from the date of issue unless renewed, revoked or suspended.

(3) Electrical apprentice registrations issued or renewed shall be issued for a period of one (1) year. No person shall be issued an apprentice license for more than ten (10) one (1) year periods.

(4) Limited electrical installer trainee registrations shall be issued for a period of three (3) years.

(5) Facility account licenses shall be issued and renewed for a period of one (1) year.

(6) (a) Provisional journeyman electrician's licenses shall be issued for a period of six (6) months and shall expire six (6) months from the date issued, during which time a provisional journeyman electrician shall apply for and take the journeyman electrician examination. A six (6) month renewal shall be issued upon application if:

(i) The applicant has taken, but failed to pass, the journeyman electrician examination within the six (6) month period; or

(ii) The applicant has failed to take the journeyman electrician examination within the six (6) month period and has shown that exceptional circumstances prevented the applicant from taking the journeyman electrician examination.

(b) A provisional journeyman electrician's license shall be issued and renewed only once. If the applicant fails to pass the journeyman electrician examination, or fails to take the journeyman electrician examination, within one (1) year from the date of issue of a provisional journeyman electrician's license, the applicant is no longer eligible to apply for a provisional journeyman electrician's license.

(7) Each licensing period and each registration period shall end at midnight on the last day of the month of the licensing or registration period. Licenses and registrations not renewed by this date shall have expired.

(8) The board shall promulgate rules to provide for a staggered system of issuing and renewing licenses.

SECTION 11. That Section 54-1010, Idaho Code, be, and the same is hereby amended to read as follows:

54-1010. INSTALLATIONS BY ELECTRICAL CONTRACTOR PERFORMED BY LICENSED RESIDENTIAL OR JOURNEYMAN -- PRIOR CERTIFICATE HOLDERS ENTITLED TO LICENSE -- LIST OF ELECTRICIANS IN CONTRACTOR'S EMPLOY. (1) Any electrical contractor who works as a residential or journeyman electrician, as herein defined, shall be required to have a residential electrician's license or journeyman electrician's license or master electrician's license issued under the provisions of this act. All installations of electrical wiring, equipment or apparatus made by an electrical contractor shall be done by or under the direct supervision of a licensed residential electrician, licensed journeyman electrician, or licensed master electrician.

(2) The individual owner of an electrical contracting business shall employ a full-time journeyman or master electrician, however an individual owner of an electrical contracting business may act as his own journeyman electrician or master electrician provided that he has complied with the provisions of section 54-1002, Idaho Code, pertaining to journeyman electrician. Each electrical contractor in this state shall, upon request of the administrator or his authorized agent, furnish a list of journeyman electricians in said electrical contractor's employ.

(3) Any individual working as an apprentice electrician, as defined in this act, must be registered with the division of building safety occupational and professional licenses as an apprentice electrician, as provided in section 54-1007, Idaho Code; and it shall be unlawful for an individual to work as an apprentice electrician without possessing a current apprentice registration certificate. The supervision ratio in a residential setting shall be one (1) residential electrician, journeyman electrician, or master electrician to no more than six (6) apprentice electricians. The supervision ratio in any setting other than a residential setting is one (1) journeyman electrician or master electrician to no more than two (2) apprentice electricians. No supervision ratio applies to an apprentice electrician who has completed six thousand (6,000) or more hours of work experience as an Idaho-registered apprentice or in accordance with the requirements of the jurisdiction where the applicant obtained such experience and who is currently enrolled in or has completed a board-approved career technical education program.

(4) Any individual working as a limited electrical installer trainee, as defined in this chapter, must be registered with the division of building safety occupational and professional licenses as a limited electrical installer trainee. It shall be unlawful for an individual to work as a limited electrical installer trainee without possessing a current registration certificate. No supervision ratio applies to limited electrical installer trainees.

(5) The provisions of this section preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting requirements through any code, ordinance, process, policy, or guidance that differ from or are more extensive than the requirements of this section. The preemption provided for in this subsection shall apply to any local code, ordinance, process, policy, or guidance in effect prior to, on, or after July 1, 2023.

SECTION 12. That Section 54-1013, Idaho Code, be, and the same is hereby amended to read as follows:

54-1013. RENEWAL OF LICENSES OR REGISTRATIONS -- INACTIVE LICENSES. (1) A license or registration once issued under this chapter, unless revoked or suspended as herein provided, may be renewed at any time during the final month of the licensing period on the payment of the renewal fee herein specified, proof of satisfaction of applicable continuing education requirements for journeyman electricians or master electricians as established by the electrical board, proof of satisfaction of applicable apprentice and specialty trainee instruction and work requirements as established by the electrical board, and provided that all outstanding civil penalties, and permit or other fees, have been paid in full, and all outstanding correction notices have been satisfactorily resolved. For electrical contractors and specialty electrical contractors, proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) shall also be required, and proof of worker's compensation insurance shall be required if applicable.

(2) Any license or registration that has expired may be revived at any time within one (1) year from the last day of the final month of the licensing period, by payment of the revival fee herein specified, together with all outstanding civil penalties, and permit or other fees and penalties, and upon proof that outstanding correction notices have been satisfactorily resolved. For electrical contractors and limited electrical contractors, proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) shall also be required, and proof of worker's compensation insurance shall be required if applicable.

(3) Certificates of competency issued prior to July 1, 1961, shall, for the purpose of this chapter, be considered as licenses and may be renewed or revived as herein provided.

(4) The administrator may renew, on an inactive basis, the license of an electrical contractor or limited electrical contractor who is not engaged in electrical contracting in this state. The board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed one hundred fifty dollars (\$150). Each inactive license shall be issued for a period of one (1) year. An electrical contractor or limited electrical contractor holding an inactive license may not engage in the practice of electrical contracting or limited electrical contracting in this state. If an electrical contractor or limited electrical contractor wishes to convert his inactive license to an active license, he may do so by paying a processing fee of thirty dollars (\$30.00) and providing proof of the required liability insurance and applicable worker's compensation insurance.

SECTION 13. That Section 54-1014, Idaho Code, be, and the same is hereby amended to read as follows:

54-1014. FEES. The administrator of the division of building safety occupational and professional licenses shall charge the following fees:

- | | |
|---|---------|
| (1) Application for license or registration | \$15.00 |
| (2) Six-month licenses: | |
| (a) Provisional journeyman electrician license | \$55.00 |
| (b) Provisional journeyman electrician license renewal | 45.00 |
| (i) If a provisional journeyman electrician applies for a <u>residential electrician or journeyman electrician</u> license, the pro rata value of any time remaining on his provisional journeyman electrician license shall be credited toward the application fee for the <u>residential electrician or journeyman electrician</u> license. | |

(3) One-year licenses and registration, in accordance with sections 54-1008 and 54-1013, Idaho Code:

(a) Electrical contractor license	\$125.00
(b) Electrical contractor license renewal	100.00
(c) Electrical contractor license revival	125.00
(d) Limited electrical contractor license	125.00
(e) Limited electrical contractor license renewal	100.00
(f) Limited electrical contractor license revival	125.00
(g) Facility account license	125.00
(h) Apprentice electrician registration	15.00
(i) At the time the apprentice applies for a <u>residential electrician or journeyman electrician license</u> , the pro rata value of any remaining time on an apprentice electrician working license shall be credited toward the purchase of the <u>residential electrician or journeyman electrician license</u> .	
(i) Apprentice electrician registration renewal	15.00
(j) Apprentice electrician registration revival	15.00

(4) Three-year licenses and registration, in accordance with sections 54-1008 and 54-1013, Idaho Code:

(a) Master electrician license	\$65.00
(b) Master electrician license renewal	45.00
(c) Master electrician license revival	55.00
(d) Journeyman <u>or residential</u> electrician license	55.00
(e) Journeyman <u>or residential</u> electrician license renewal	45.00
(f) Journeyman <u>or residential</u> electrician license revival	55.00
(g) Limited electrical installer license	55.00
(h) Limited electrical installer license renewal	45.00
(i) Limited electrical installer license revival	55.00
(j) Limited electrical installer trainee registration	30.00
(i) At the time the limited electrical installer trainee applies for a limited electrical installer license, the pro rata value of any remaining time on a limited electrical installer trainee working license shall be credited toward the purchase of the limited electrical installer license.	
(k) Limited electrical installer trainee registration renewal	25.00
(l) Limited electrical installer trainee registration revival	30.00

SECTION 14. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. (1) Nothing in this chapter shall be deemed to apply to:

- (a) Any regulated utility, telephone company, rural telephone cooperative or municipal communications utility, or its employees, in the installation or maintenance of communication circuits, wires and apparatus by or for such entities or their communications service customers;
- (b) Any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility or comprising a part of its plants, lines or system;
- (c) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(2) The licensing provisions of this chapter shall not apply to:

(a) Any property owner performing noncommercial electrical work in the owner's primary or secondary residence or associated outbuildings or land associated with the entire property on which those buildings sit, except that homeowner installations of renewable power generation connected to the community power grid shall be subject to a preplan review in accordance with local jurisdictions' policies and procedures prior to the purchase of a permit;

(b) Any person regularly employed as a maintenance electrician performing electrical maintenance work on the premises owned and operated by his employer, provided that electrical work is limited to maintenance and replacement of electrical fixtures, electrical conductors, electrical equipment and electrical apparatus on a like-for-like basis;

(c) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the telephone company, rural telephone cooperative, or municipal communications utility;

(d) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing repair work on customer-owned facilities at the request of the customer;

(e) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the electrical public utility, rural electrical cooperative, or municipal power utility;

(f) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing emergency repair work on customer-owned facilities at the request of the customer;

(g) A fire department employee who is acting in his official capacity as a representative of his agency when he is replacing, maintaining, or repairing a hard-wired smoke or carbon monoxide alarm at the request of a homeowner in a one (1) or two (2) family dwelling unit, provided that such fire department employee has received annual training regarding electrical safety and installation of the devices identified in this paragraph;

(h) A limited electrical contractor, limited electrical installer, or employee of a company holding a limited electrical contractor license who is replacing or installing a fire alarm communication device (DACT). A person provided for in this paragraph shall obtain a permit if required by the authority having jurisdiction but must not be required to submit design plans. The fire alarm communication device (DACT) may be inspected if required by the authority having jurisdiction after replacement of the fire alarm communication device (DACT). The fee for a permit shall not exceed one hundred twenty-five dollars (\$125); or

(i) A nonprofit organization that is chartered to build houses and that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code, including a religious corporation, and such organization's volunteers, performing electrical installations for a single-family dwelling unit. An organization described in this paragraph shall designate a primary contact person with whom inspectors may communicate.

(3) The licensing provisions of this chapter shall not apply to individuals licensed pursuant to chapter 50, title 54, Idaho Code, or certified pursuant to chapter 26, title 54, Idaho Code, as follows:

(a) Individuals holding a current heating, ventilation and air conditioning (HVAC) license or a current plumbing certification may install electrical circuitry and make connections from the disconnecting means to a water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(b) Individuals holding a current HVAC license may install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences.

(c) HVAC licensees may install control wiring of twenty-four (24) volts or less for HVAC equipment of five (5) tons or less in capacity. Plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

(d) Individuals holding a current limited energy electrical license may install electrical circuitry and make connections from utilization equipment installed under the restricted category of the limited electrical installer license to outlets, as long as those outlets are in sight from such utilization equipment and not more than fifty (50) feet from such utilization equipment. Outlets shall be installed by others.

(4) To the extent that a plumbing or HVAC installation permit issued by the Idaho division of occupational and professional licenses includes any part of an electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(5) Approval and certification requirements of product and equipment as set forth in this chapter and in the adopted edition of the national electrical code do not apply to industrial machinery unless the board has made a determination that such product, machine or classes of products and machines present an undue hazard to life and property.

(6) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of electrical installation is a formal component of the program. The exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed residential electrician or a licensed journeyman electrician and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

(7) Neither local jurisdictions nor the state fire marshal shall have the authority to amend the exemptions provided for in this section or to adopt any ordinance, law, or rule in conflict with the provisions of this section.

SECTION 15. That Section 54-1017, Idaho Code, be, and the same is hereby amended to read as follows:

54-1017. VIOLATIONS OF ACT A MISDEMEANOR. Any person, partnership, company, firm, association, or corporation who shall engage in the trade, business or calling of an electrical contractor, residential electrician, journeyman electrician, master electrician, limited electrical installer, limited electrical contractor, limited electrical installer trainee or apprentice electrician without a license or required registration as provided for by this act, or who shall violate any of the provisions of this act, or the rules of the Idaho electrical board or of the administrator of the division of building safety occupational and professional licenses herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator shall be guilty of a misdemeanor and. In addition, any such person, partnership, company, firm, association, or corporation shall be subject to the civil penalties established by administrative rule but not to exceed ~~one thousand dollars (\$1,000)~~ three thousand dollars (\$3,000) per violation. Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 31, 2023

CHAPTER 245
(S.B. No. 1189)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE AERONAUTICS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE HIGHWAY OPERATIONS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM; PROVIDING FOR PORT ACCESS PROJECTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STRATEGIC INITIATIVES PROGRAM (LOCAL) FUND TO THE STRATEGIC INITIATIVES GRANT PROGRAM FUND FOR FISCAL YEAR 2024; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING FOR LOCAL TRANSPORTATION PROJECTS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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, 2023, through June 30, 2024:

	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	\$14,803,900	\$17,950,900	\$1,898,000		\$34,652,800
State Highway (Federal)					
Fund	<u>500,800</u>	<u>659,100</u>	<u>0</u>	<u>\$300,000</u>	<u>1,459,900</u>
TOTAL	\$15,304,700	\$18,610,000	\$1,898,000	\$300,000	\$36,112,700
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$100,000		\$100,000
State Highway (Dedicated)					
Fund		<u>\$2,300,000</u>	<u>22,265,000</u>		<u>24,565,000</u>
TOTAL		\$2,300,000	\$22,365,000		\$24,665,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$1,233,100	\$706,700	\$107,000	\$1,250,000	\$3,296,800
State Aeronautics (Billing)					
Fund	128,200	138,400			266,600
State Highway (Dedicated)					
Fund		7,100	223,700		230,800
State Aeronautics (Federal)					
Fund	<u>108,000</u>	<u>573,200</u>	<u>0</u>	<u>0</u>	<u>681,200</u>
TOTAL	\$1,469,300	\$1,425,400	\$330,700	\$1,250,000	\$4,475,400
DIVISION					
TOTAL	\$16,774,000	\$22,335,400	\$24,593,700	\$1,550,000	\$65,253,100
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$18,991,400	\$18,002,200	\$1,407,700		\$38,401,300
State Highway (Federal)					
Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
TOTAL	\$18,991,400	\$21,602,200	\$1,407,700		\$42,001,300
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$98,611,100	\$73,733,800	\$51,554,800	\$462,000	\$224,361,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Local)					
Fund	280,500	73,900			354,400
State Highway (Federal)					
Fund	16,945,400	9,563,000		25,963,600	52,472,000
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>7,857,300</u>	<u>7,857,300</u>
TOTAL	\$115,837,000	\$83,370,700	\$51,554,800	\$34,282,900	\$285,045,400
 IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$2,500,000	\$131,967,100	\$500,000	\$134,967,100
State Highway (Local)					
Fund		100,000	6,996,200	100,000	7,196,200
Transportation Expansion and Congestion Mitigation					
Fund			61,200,000		61,200,000
Strategic Initiatives Grant Program					
Fund				36,000,000	36,000,000
State Highway (Federal)					
Fund		<u>8,000,000</u>	<u>388,907,500</u>	<u>1,500,000</u>	<u>398,407,500</u>
TOTAL		\$10,600,000	\$589,070,800	\$38,100,000	\$637,770,800
 GRAND TOTAL	 \$151,602,400	 \$137,908,300	 \$666,627,000	 \$73,932,900	 \$1,030,070,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand five hundred ninety-two (1,592.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated \$50,000 from the State Aeronautics (Dedicated) Fund to the Idaho Transportation Department for the Aeronautics Program, to be expended for operating expenditures, for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated \$9,333,500 from the State Highway (Dedicated) Fund to the Idaho Transportation Department for the Highway Operations Program, to be expended for operating expenditures, for the period July 1, 2022, through June 30, 2023.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated \$2,187,200 from the State Highway (Federal) Fund to the Idaho Transportation Department for the Highway Operations Program, to be expended for operating expenditures, for the period July 1, 2022, through June 30, 2023.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated \$10,000,000 from the Strategic Initiatives Program (Dedicated) Fund to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Division, to be expended for trustee and benefit payments, for the period July 1, 2022, through June 30, 2023.

SECTION 7. PORT ACCESS PROJECTS. The Idaho Transportation Department shall provide \$10,000,000 to Idaho seaports from the Strategic Initiatives Program (Dedicated) Fund for port access projects as soon as practicable but no later than June 30, 2023.

SECTION 8. CASH TRANSFER. There is hereby appropriated, and the Office of the State Controller shall transfer \$36,000,000 from the Strategic Initiatives Program (Local) Fund to the Strategic Initiatives Grant Program Fund as soon as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 9. CONTINUOUSLY APPROPRIATED MONEYS. 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 purpose of those funds.

SECTION 10. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 11. LOCAL TRANSPORTATION PROJECTS. Pursuant to House Bill No. 132, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, moneys transferred in Section 8 of this act shall be provided to highway districts established pursuant to Chapter 14, Title 40, Idaho Code, for local transportation projects to mitigate the impact of adding new connections of state highways to interstate highways as soon as practicable but no later than July 31, 2023.

SECTION 12. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Aeronautics (Dedicated) Fund and the State Highway Fund in the Capital Facilities Program for fiscal year 2023, to be used for nonrecurring expenditures in the Capital Facilities Program for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 13. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics (Dedicated) Fund as trustee and benefit payments for airport development grants for fiscal year 2023, to be used for nonrecurring expenditures for airport development grants for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 14. REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, the Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2023, in a total amount not to exceed \$250,000,000 from the State Highway Fund, the Strategic Initiatives Program Fund, and/or the Transportation Expansion and Congestion Mitigation Fund, to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4, 5, 6, and 7 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 8, 9, 10, 11, 12, 13, and 14 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 246

(H.B. No. 281, As Amended in the Senate)

AN ACT

RELATING TO TEACHERS; AMENDING SECTION 33-1224, IDAHO CODE, TO REVISE PROVISIONS REGARDING CLASSROOM BEHAVIOR, TO PROHIBIT CERTAIN DISCIPLINARY ACTIONS, TO DEFINE TERMS, TO AUTHORIZE THE PREPARATION OF CERTAIN RESOURCES AND POLICIES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1224, Idaho Code, be, and the same is hereby amended to read as follows:

33-1224. POWERS AND DUTIES OF TEACHERS. (1) For purposes of this section:

(a) "Corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.

(b) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

(c) "Restraint" means physical, mechanical, or chemical forms of restriction, which are defined as follows:

(i) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move his torso, arms, legs, or head freely. This term does not include a physical escort;

(ii) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical-related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports, when used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

2. Vehicle safety restraints, when used as intended during the transport of a student in a moving vehicle;

3. Restraints for medical immobilization; or

4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; and

(iii) "Chemical restraint" means the use of drugs or medication to control behavior. This term does not include drugs or medication prescribed by and administered in accordance with the directions of a qualified health professional.

(d) "Seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This term does not include a timeout that is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming.

(2) In the absence of any statute or rule or regulation of the board of trustees, any teacher employed by a school district shall have the right to direct how and when each pupil shall attend to his appropriate duties, and the manner in which a pupil shall demean himself while in attendance at the school. It is the duty of a teacher to carry out the rules and regulations of the board of trustees in controlling and maintaining discipline managing classroom behavior, and a teacher shall have the power to adopt any reasonable rule or regulation to control and maintain discipline manage classroom behavior in, and otherwise govern, the classroom, not inconsistent with any statute or rule or regulation of the board of trustees. However, corporal punishment shall not be used.

(3) Restraint and seclusion shall not be used as forms of discipline or methods of classroom governance. Chemical restraint shall not be used for any purpose. Physical or mechanical restraint or seclusion may be deployed only in circumstances where a pupil's conduct has placed himself, employees, or any other individual in imminent danger of serious bodily harm.

(4) The state department of education shall prepare resources, guidance, and training modules to support schools in adhering to the provisions of this section.

(5) All public and charter school staff directly assigned to students or classrooms shall receive annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management. All staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors shall receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion

when required, and the implementation of functional behavior assessment, behavior intervention plans, and crisis plans.

(6) All school district boards of trustees and directors of public charter schools shall demonstrate to the state department of education that they have a seclusion and restraint policy that meets the requirements of this section. School district boards of trustees and directors of public charter schools shall adopt a policy that applies to nondisabled and disabled students to include the following:

(a) Definitions of physical restraint, mechanical restraint, chemical restraint, and seclusion pursuant to this section;

(b) Guidelines for use and prohibitions for use of restraint and seclusion;

(c) Reporting requirements for documenting and informing parents, administrators, and state and federal agencies as necessary of each instance of restraint or seclusion; and

(d) Requirements for periodic review of instances of restraint or seclusion, and of practices related to such, by school district boards of trustees and directors of public charter schools.

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

Approved April 3, 2023

CHAPTER 247
(H.B. No. 157)

AN ACT

RELATING TO CONDOMINIUMS AND HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-1528, IDAHO CODE, TO PROVIDE THAT CHARGING A FEE FOR ANY STATEMENT OF A UNIT OWNER IS A VIOLATION OF SPECIFIED LAW AND TO REMOVE A PROVISION REGARDING FEES CHARGED FOR PROVIDING A UNIT OWNER'S STATEMENT; AMENDING SECTION 55-3205, IDAHO CODE, TO PROVIDE THAT CHARGING A FEE FOR ANY STATEMENT OF A MEMBER'S ACCOUNT IS A VIOLATION OF SPECIFIED LAW AND TO REMOVE A PROVISION REGARDING FEES CHARGED FOR PROVIDING A MEMBER'S STATEMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-1528, Idaho Code, be, and the same is hereby amended to read as follows:

55-1528. STATEMENT OF ACCOUNT -- DISCLOSURE OF FEES. (1) A management body or its agent shall provide a unit owner and the owner's agent, if any, a statement of the unit owner's account not more than five (5) business days after receipt of a request by the unit owner or the unit owner's agent received by the management body, the management body's manager, president, board member, or other agent, or any combination thereof. The statement of account shall include, at a minimum, the amount of annual charges against the unit, the date when said amounts are due, and any unpaid assessments or other charges due and owing from such owner at the time of the request. The management body shall be bound by the amounts set forth within such statement of account. Charging a fee for any statement of the unit owner's account required by this section is a violation of the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(2) On or before January 1 of each year, a management body or its agent shall provide unit owners a disclosure of fees that will be charged to a unit owner in connection with any transfer of ownership of a unit. Fees imposed by a management body for the calendar year following the disclosure of fees shall not exceed the amount set forth on the annual disclosure, and no surcharge or additional fees shall be charged to any unit owner in connection with any transfer of ownership of the unit. ~~No fees may be charged for expeditiously providing a unit owner's statement of account as set forth in this section.~~

SECTION 2. That Section 55-3205, Idaho Code, be, and the same is hereby amended to read as follows:

55-3205. DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES. (1) A homeowner's association or its agent must provide a member and the member's agent, if any, a statement of the member's account no more than five (5) business days after a request by the member or the member's agent is received by the manager, president, board member, or other agent of the homeowner's association, or any combination thereof. The statement of account must include, at a minimum, the amount of annual charges against the property, the date when said amounts are due, and any unpaid assessments or other charges due and owing from such member at the time of the request. The homeowner's association will be bound by the amounts set forth within the statement of account. Charging a fee for any statement of the member's account required by this section is a violation of the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(2) On or before January 1 of each year, a homeowner's association or its agent must provide its members a disclosure of fees that will be charged to a member in connection with any transfer of ownership of his property. Fees imposed by a homeowner's association for the calendar year following the disclosure of fees may not exceed the amount set forth on the annual disclosure, and no surcharge or additional fees may be charged to any member in connection with any transfer of ownership of his property. ~~No fees may be charged for expeditiously providing a member's statement of account as set forth in this section.~~

(3) A homeowner's association or its agent must provide a member and the member's agent, if any, an up-to-date financial disclosure no more than ten (10) business days after a request by the member or the member's agent is received by the manager, president, board member, or other agent of the homeowner's association, or any combination thereof.

(4) Within sixty (60) days of the close of the fiscal year, a homeowner's association or its agent must provide all members of the organization, and the member's agent, if any, with an up-to-date and reconciled financial disclosure for the fiscal year.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 248
(H.B. No. 364)

AN ACT

RELATING TO APPROPRIATIONS; PROVIDING FOR A CASH TRANSFER FROM THE IN-DEMAND CAREERS FUND TO THE IDAHO CAREER READY STUDENTS PROGRAM FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$45,000,000 from the In-Demand Careers Fund to the Idaho Career Ready Students Program Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the State Department of Education for the Student Services Program \$45,000,000 from the Idaho Career Ready Students Program Fund to be expended for trustee and benefit payments for the period July 1, 2023, through June 30, 2024.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Career Technical Education for the Secondary and General Programs Program \$5,000,000 from the In-Demand Careers Fund to be expended for trustee and benefit payments for the period July 1, 2023, through June 30, 2024.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 249
(H.B. No. 125)

AN ACT

RELATING TO CANDIDATES; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE THE DATE BY WHICH A WRITE-IN CANDIDATE SHALL FILE A DECLARATION OF INTENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-702A, Idaho Code, be, and the same is hereby amended to read as follows:

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No write-in vote for any office in a primary, special, or general election shall be counted unless a completed declaration of intent form has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county or party precinct committeeman office. Such declaration of intent shall be filed no later than the ~~eightth~~ ninth Friday before the day of election. For a write-in candidate for president, the declaration shall include a certification of the write-in candidate's vice presidential and presidential electors, all of whom must be qualified to serve in their respective offices. The secretary of state shall prescribe the form for said declarations.

(2) In those counties that utilize optical scan ballots, an elector shall not place on the ballot a sticker bearing the name of a person or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

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

Approved April 3, 2023

CHAPTER 250
(H.B. No. 168)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1383, IDAHO CODE, TO PROVIDE FOR THE INTEGRITY OF THE EMPLOYMENT SECURITY PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 72-1383, Idaho Code, and to read as follows:

72-1383. INTEGRITY OF THE EMPLOYMENT SECURITY PROGRAM. (1) The purpose of this section is to enhance program integrity for the state's unemployment insurance program. The department shall be required to perform routine cross-matches, review eligibility of suspicious claims, implement identity protection protocols, recover overpayments, and report the results of such activities to the legislature.

(2) The department shall establish and follow procedures to verify claimant eligibility and perform cross-match activities by:

(a) Engaging with and utilizing the integrity data hub operated by the national association of state workforce agencies;

(b) On a weekly basis, cross-checking the unemployment insurance rolls against the national directory of new hires and the state directory of new hires;

(c) On a weekly basis, cross-checking the unemployment insurance rolls with the department of correction's list of incarcerated individuals; and

(d) Cross-checking the unemployment insurance rolls against the most recent state death records list available to the department.

(3) The department shall verify a claimant's identity by methods including but not limited to:

(a) Verifying the identity of an applicant prior to awarding benefits;

(b) Requiring multifactor authentication as part of online applications; or

(c) Requiring an applicant to identify himself at a state office in a manner to be established by the department.

(4) The department shall perform a full eligibility review of suspicious or potentially improper claims, including but not limited to:

(a) Multiple or duplicative claims filed online originating from suspicious internet protocol addresses;

(b) Claims filed online from foreign internet protocol addresses; or

(c) Multiple or duplicative claims filed that are associated with the same mailing address or bank account.

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

Approved April 3, 2023

CHAPTER 251

(H.B. No. 173, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO PROPERTY; AMENDING SECTION 55-103, IDAHO CODE, TO REVISE PROVISIONS ABOUT OWNERSHIP OF PROPERTY, TO PROVIDE THAT A FOREIGN GOVERNMENT OR FOREIGN STATE-CONTROLLED ENTERPRISE SHALL NOT PURCHASE, ACQUIRE, OR HOLD ANY CONTROLLING INTEREST IN CERTAIN TYPES OF PROPERTY, TO PROVIDE EXCEPTIONS, AND TO DEFINE TERMS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 55-103, Idaho Code, be, and the same is hereby amended to read as follows:

55-103. WHO MAY OWN PROPERTY. (1) Except as provided in subsection (2) of this section, any Any person, whether citizen or alien, may take, hold, and dispose of property, real or personal.

(2) Notwithstanding any provision of law to the contrary, on and after the effective date of this subsection, a foreign government or a foreign state-controlled enterprise shall not purchase, acquire, or hold any controlling interest in agricultural land, water rights, mining claims, or mineral rights in the state of Idaho. This subsection does not apply to any interest in agricultural land, water rights, mining claims, or mineral rights acquired by a foreign government or foreign state-controlled enterprise prior to the effective date of this subsection or to any foreign pension fund.

(3) As used in this section:

(a) "Agricultural land" shall have the same meaning as "land actively devoted to agricultural purposes" as provided in section 63-604, Idaho Code.

(b) "Controlling interest" means:

(i) Possession of more than fifty percent (50%) of the ownership interest in an entity; or

(ii) A percentage of ownership interest in an entity that is fifty percent (50%) or less if a foreign government actually directs the business and affairs of the entity without the requirement or consent of any other party.

(c) "Foreign government" means a government other than the federal government of the United States or the government of any state, political subdivision of a state, territory, or possession of the United States.

(d) "Foreign pension fund" means a trust, corporation, or other entity created or organized under the law of a country other than the United States to provide retirement or pension fund benefits. However, the term "foreign pension fund" shall not include any trust, corporation, or other entity that is owned by or subject to a controlling interest of a sovereign wealth fund.

(e) "Mineral right" shall have the same meaning as provided in section 47-701, Idaho Code.

(f) "Mining claim" means a portion of land containing minerals that a miner has a right to occupy and possess for the purpose of extracting minerals.

(g) "State-controlled enterprise" means a business enterprise, however denominated, sovereign wealth fund, or state-backed investment fund in which a foreign government has a controlling interest.

(h) "Water right" shall have the same meaning as provided in section 42-230, Idaho Code.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

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 3, 2023

CHAPTER 252
(H.B. No. 174, As Amended in the Senate)

AN ACT

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5207A, IDAHO CODE, TO PROVIDE THAT AGENCY POLICY STATEMENTS AND GUIDANCE DOCUMENTS SHALL NOT HAVE THE FORCE AND EFFECT OF LAW; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5207A, Idaho Code, and to read as follows:

67-5207A. POLICY STATEMENTS -- GUIDANCE DOCUMENTS. Agency policy statements and guidance documents shall not have the force and effect of law.

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

Approved April 3, 2023

CHAPTER 253
(H.B. No. 294)

AN ACT

RELATING TO STATE GOVERNMENT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROHIBIT A PUBLIC ENTITY FROM ENTERING INTO CERTAIN CONTRACTS WITH COMPANIES OWNED OR OPERATED BY THE GOVERNMENT OF CHINA, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN CONTRACTS SHALL BE VOID, TO PROVIDE APPLICABILITY, AND TO PROVIDE RULEMAKING AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2359, Idaho Code, and to read as follows:

67-2359. CONTRACT WITH A COMPANY OWNED OR OPERATED BY THE GOVERNMENT OF CHINA PROHIBITED. (1) A public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China.

(2) As used in this section:

(a) "Government of China" means the People's Republic of China led by the Chinese communist party.

(b) "Company" means any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations.

(c) "Public entity" means the state of Idaho or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created by or in accordance with state law or regulations.

(3) The provisions of this section shall apply to contracts executed on and after July 1, 2023. Upon discovering that a contract fails to comply with the provisions of this section, the contracting authority shall have a period of ninety (90) days to obtain the certification described in subsection (1) of this section. After such time, any contract continuing to violate the provisions of this section shall be void as against public policy. Any contract executed prior to July 1, 2023, that violates the provisions of this section will not be renewed.

(4) The department of administration shall have authority to promulgate rules to implement the provisions of this section as long as they are consistent with the provisions of this section and do not create any exceptions to it.

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

Approved April 3, 2023

CHAPTER 254
(H.B. No. 368)

AN ACT

RELATING TO THE APPROPRIATION TO THE JUDICIAL BRANCH; APPROPRIATING ADDITIONAL MONEYS TO THE JUDICIAL BRANCH FOR FISCAL YEAR 2024; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Judicial Branch the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2023, through June 30, 2024, for the purpose of judicial salaries:

FOR:

Supreme Court	\$12,800
Court of Appeals	11,300
District Courts	316,100
Magistrate Division	<u>512,900</u>
TOTAL	\$853,100

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2024, the Judicial Branch 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, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 255
(S.B. No. 1198)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL; APPROPRIATING MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of the Attorney General the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General					
Fund	\$25,356,500	\$1,293,700			\$26,650,200
Miscellaneous Revenue					
Fund	339,600	28,300			367,900
Consumer Protection					
Fund	314,300	153,000			467,300
Idaho Millennium Income					
Fund	253,700	2,400			256,100
Federal Grant					
Fund	<u>936,700</u>	<u>209,300</u>			<u>1,146,000</u>
TOTAL	\$27,200,800	\$1,686,700			\$28,887,500
II. INTERNET CRIMES AGAINST CHILDREN:					
FROM:					
General					
Fund	\$1,640,400	\$421,400	\$117,600	\$1,017,300	\$3,196,700
Federal Grant					
Fund	<u>143,500</u>	<u>218,800</u>	<u>0</u>	<u>6,000</u>	<u>368,300</u>
TOTAL	\$1,783,900	\$640,200	\$117,600	\$1,023,300	\$3,565,000
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$740,700			\$740,700
GRAND TOTAL	\$28,984,700	\$3,067,600	\$117,600	\$1,023,300	\$33,193,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Attorney General is authorized no more than two hundred twenty-eight (228.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, 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. The Office of the Attorney General 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, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 256

(H.B. No. 47, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-101, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 74-101, Idaho Code, be, and the same is hereby amended to read as follows:

74-101. DEFINITIONS. As used in this chapter:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and or reproducing by any other means as long as the public record is not altered or damaged.

(3) "Custodian" means the person or persons having personal custody and control of the public records in question.

(4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.

(7) "Law enforcement agency" means any state or local agency given law enforcement powers or which that has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.

(8) "Local agency" means a county, city, school district, municipal corporation, independent public body corporate and politic, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(11) "Public agency" means any state or local agency as defined in this section.

(12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.

(13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

(14) "Requester" means the person requesting examination and/or copying of public records pursuant to section 74-102, Idaho Code.

(15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency, including those in the legislative or judicial branch, except the state militia and the Idaho state historical society library and archives.

(16) (a) "Unwarranted invasion of personal privacy" means:

(i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or

(ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

(b) Release of the name, age, sex, and hometown of any deceased person after notification of next-of-kin shall not constitute an unwarranted invasion of personal privacy and shall be disclosed unless otherwise exempt under this chapter.

~~(16)~~ (17) "Writing" includes, but is not limited to, handwriting, type-writing, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

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

Approved April 3, 2023

CHAPTER 257
(S.B. No. 1184)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$5,576,400	\$8,060,900	\$145,700	\$13,783,000
Multistate Tax Compact				
Fund	134,000	664,700	20,400	819,100
Administration and Accounting				
Fund	38,600	35,000	2,500	76,100
Administration Services for Transportation				
Fund	748,600	1,017,900	30,500	1,797,000
Seminars and Publications				
Fund	<u>0</u>	<u>21,500</u>	<u>0</u>	<u>21,500</u>
TOTAL	\$6,497,600	\$9,800,000	\$199,100	\$16,496,700
II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$8,896,600	\$698,100		\$9,594,700
Multistate Tax Compact				
Fund	1,936,600	493,700		2,430,300
Administration and Accounting				
Fund	17,100	24,400		41,500
Administration Services for Transportation				
Fund	<u>2,019,800</u>	<u>345,500</u>		<u>2,365,300</u>
TOTAL	\$12,870,100	\$1,561,700		\$14,431,800
III. COMPLIANCE DIVISION:				
FROM:				
General				
Fund	\$8,247,400	\$1,953,100	\$30,500	\$10,231,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration Services for Transportation				
Fund	<u>239,900</u>	<u>27,500</u>	<u>0</u>	<u>267,400</u>
TOTAL	\$8,487,300	\$1,980,600	\$30,500	\$10,498,400
IV. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$4,922,100	\$2,523,600		\$7,445,700
Multistate Tax Compact				
Fund		4,000		4,000
Administration and Accounting				
Fund	91,600	17,100		108,700
Administration Services for Transportation				
Fund	726,400	254,300	\$2,300	983,000
Seminars and Publications				
Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
TOTAL	\$5,740,100	\$2,825,400	\$2,300	\$8,567,800
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$3,995,000	\$292,000		\$4,287,000
Seminars and Publications				
Fund	<u>0</u>	<u>201,000</u>		<u>201,000</u>
TOTAL	\$3,995,000	\$493,000		\$4,488,000
GRAND TOTAL	\$37,590,100	\$16,660,700	\$231,900	\$54,482,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty (440.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 258
(H.B. No. 367)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION AND THE DIVISION OF HUMAN RESOURCES; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2024; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2024; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Defense Commission the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$1,283,700
Operating Expenditures	3,047,000
Capital Outlay	<u>50,000</u>
TOTAL	\$4,380,700

SECTION 2. FTP AUTHORIZATION. In addition to any other appropriation provided by law, the full-time equivalent position authorization provided to the Public Defense Commission is hereby increased by ten (10.00) for the period July 1, 2023, through June 30, 2024.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Human Resources \$86,900 from the Division of Human Resources Fund to be expended for personnel costs for the period July 1, 2023, through June 30, 2024.

SECTION 4. FTP AUTHORIZATION. In addition to any other appropriation provided by law, the full-time equivalent position authorization provided to the Division of Human Resources is hereby increased by one (1.00) for the period July 1, 2023, through June 30, 2024.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 259
(S.B. No. 1199)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR ACCOUNTABILITY REPORTS; REPEALING SECTION 3, CHAPTER 126, LAWS OF 2022, RELATING TO OUTSIDE COUNSEL COSTS; REPEALING SECTION 4, CHAPTER 126, LAWS OF 2022, RELATING TO CAPITAL REPRESENTATION COSTS; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Appellate Public Defender the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:				
FROM:				
General				
Fund	\$3,313,600	\$364,300	\$12,300	\$3,690,200
II. CAPITAL AND CONFLICT REPRESENTATION:				
FROM:				
General				
Fund		\$260,800		\$260,800
GRAND TOTAL	\$3,313,600	\$625,100	\$12,300	\$3,951,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, 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 State Appellate Public Defender any unexpended and unencumbered balances appropriated to the State Appellate Public Defender from the General Fund for fiscal year 2023, in an amount not to exceed \$1,309,400 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 5. That Section 3, Chapter 126, Laws of 2022, be, and the same is hereby repealed.

SECTION 6. That Section 4, Chapter 126, Laws of 2022, be, and the same is hereby repealed.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 126, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the State Appellate Public Defender for the Office of the State Appellate Public Defender Program \$67,500 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of increased electronic records storage capacity costs.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5, 6, and 7 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, and 4 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 260

(H.B. No. 219, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE PROVISIONS REGARDING ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-4302, Idaho Code, be, and the same is hereby amended to read as follows:

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

(1) (a) The following individuals shall be eligible for the scholarship program provided for in this section:

(i) Any spouse or child of any Idaho citizen who, resident who entered active service as an Idaho resident as indicated on a DD form 214 certificate of release or discharge from active duty and, while such person service member is, or was if deceased, a resident of the state of Idaho:

1. Has been determined by the federal government to be a prisoner of war or missing in action; or

2. Died of, or has become totally and permanently disabled by is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training. ~~has;~~

(ii) Any spouse or child of any member of the United States armed forces who is stationed in the state of Idaho on military orders and who:

1. Is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action or has died of or ~~become totally and permanently disabled by~~ is determined to be unemployable due to injuries or wounds sustained in action as a result of such deployment; or

2. Dies of, or ~~becomes totally and permanently disabled by~~ is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training; and

(iii) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (b) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The scholarship provided for in this section shall not be available unless it is determined that:

1. The death or disablement of the public safety officer occurred in the performance of the officer's duties;

2. The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and

3. The public safety officer was not voluntarily intoxicated at the time of death.

(b) As used in this section:

(i) "Active duty" means state active duty as defined in section 46-409, Idaho Code, or full-time duty with any of the United States armed forces.

(ii) "Inactive duty training" means training or maintenance activities prescribed, required, or authorized for military members that do not constitute active duty.

(iii) "Military member" means a member of the United States armed forces.

(iv) "Public safety officer" means a peace officer, a firefighter, a paramedic as defined in section 56-1012, Idaho Code, or an emergency medical technician as defined in section 56-1012, Idaho Code.

(v) "United States armed forces" means the air force, army, coast guard, marine corps, navy, or space force, or the reserve component of any such service.

(vi) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department, or licensed emergency medical service provider organization.

(2) (a) To be eligible for the scholarship provided for in this section, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or dies or becomes totally and permanently disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for in this section, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action or died or became totally and permanently disabled. However, in the situation of disability, the spouse must be currently married to such person.

(3) An eligible individual who applies for the scholarship provided for in this section shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public career technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment, and supplies necessary for pursuit of such program of enrollment not to exceed ~~five hundred dollars (\$500)~~ seven hundred fifty dollars (\$750) per quarter, semester, intensified semester, or like educational period; and such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility. However, such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) ~~nine (9) month periods, and the~~ Effective July 1, 2022, the initiation of such educational benefits shall extend for a period of ~~ten (10)~~ nineteen (19) years after achieving a high school diploma or its equivalency or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(4) The eligible individual shall meet such other educational qualifications as such institution of higher education or career technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents of the university of Idaho.

(5) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board for career technical education. The board shall verify the eligibility of the applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall in their preparation of future budgets include costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement from appropriations of state funds.

(7) For purposes of this section, a member of the United States armed forces is considered ~~totally and permanently disabled unemployable if at the time of application a current disability determination made or recognized by the United States social security administration or the Idaho division of veterans services is in effect with respect to such individual:~~

(a) The United States department of veterans affairs has made a determination of individual unemployability; or

(b) The United States social security administration has made or recognized a determination of total and permanent disability, and the determination is based on injuries or wounds sustained during active duty or inactive duty training.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

(9) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that a person who was ineligible for the scholarship provided in Section 33-4302, Idaho Code, prior to the effective date of this act, but who is eligible based on the amendments to Section 33-4302(3), Idaho Code, provided in this act, shall be eligible for the scholarship and may apply for it.

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 3, 2023

CHAPTER 261

(H.B. No. 349, As Amended in the Senate)

AN ACT

RELATING TO HERD DISTRICTS; AMENDING SECTION 25-2401, IDAHO CODE, TO REMOVE PROVISIONS REGARDING APPLICABILITY; AMENDING SECTION 25-2402, IDAHO CODE, TO PROVIDE THAT THE OWNER OF CERTAIN LIVESTOCK SHALL NOT BE LIABLE FOR DAMAGE DONE BY SUCH LIVESTOCK EXCEPT UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2405, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FENCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-2401, Idaho Code, be, and the same is hereby amended to read as follows:

25-2401. COMMISSIONERS MAY CREATE HERD DISTRICTS. (1) The board of county commissioners of each county in the state shall have power to create, modify or eliminate herd districts within such county as hereinafter provided; and when such district is so created, modified or eliminated, the provisions of this chapter shall apply and be enforceable therein. On and after January 1, 1990, no county shall regulate or otherwise control the running at large of horses, mules, asses, cattle, sheep or goats within the unincorporated areas of the county unless such regulation or control is provided by the creation of a herd district pursuant to the provisions of this chapter, except as provided by subsection (2) of this section. ~~The provisions of this chapter shall not apply to any herd district or herd ordinance in full force and effect prior to January 1, 1990, but shall apply to any modification thereof.~~

(2) A panel of five (5) members may be created in a county, the members of which shall be appointed as follows: two (2) members by appointment of the board of county commissioners; two (2) members by appointment of a local, county or state livestock association or associations; and the fifth member, by concurrent appointment of the first four (4) appointees. Only if a majority of said panel, after a public hearing held with notice as prescribed by law, concludes that the creation, modification or elimination of a herd district is insufficient to control or otherwise regulate the movement of livestock in an area, the board of county commissioners shall have power to establish such control by ordinance, provided that the cost of construction and maintenance of any fencing or cattle guards required by said ordinance shall be paid by the county current expense fund. Notwithstanding any provision of law to the contrary, a county shall have the authority to levy an annual property tax of not to exceed two hundredths percent (.02%) of market value for assessment purposes on taxable real property within the county, and the revenues derived therefrom shall not be used for any other purpose.

SECTION 2. That Section 25-2402, Idaho Code, be, and the same is hereby amended to read as follows:

25-2402. PETITION AND REQUIREMENTS FOR DISTRICT. (1) A majority of the owners of taxable real property, including corporations, in any area or district described by metes and bounds and who are also domiciled and resident in the state of Idaho, may petition the board of county commissioners in writing to create, modify or eliminate a herd district in such area; provided, that in the case of a petition for the purpose of eliminating an existing district or any portion thereof, said area must be contiguous to open range. Such petition shall describe the boundaries of the said proposed herd district, and shall designate what animals of the species of horses, mules, asses, cattle, swine, sheep and goats it is desired to prohibit from running at large, also prohibiting said animals from being herded upon the public highways in such district; and shall designate that the herd district shall not apply to nor cover livestock, excepting swine, which shall roam, drift or stray from open range into the district unless the district shall be ~~inlosed~~ enclosed by lawful fences and cattle guards as needed in roads penetrating the district so as to prevent livestock, excepting swine, from roaming, drifting or straying from open range into the district; and may designate the period of the year during which it is desired to prohibit such animals from running at large, or being herded on the highways. Such petition may also state the conditions and location(s), if any, for the construction of legal fences and cattle guards which may be required to prohibit the running at large of livestock within the interior of the proposed district; provided, that if such petition does not address the issue of interior fencing and cattle guards, the board of county commissioners shall have the power to establish such internal fencing requirements upon their approval of a proposed district. Provided, any herd district heretofore established shall retain its identity, geographic definition, and remain in full force and effect, until vacated or modified hereafter as provided by section 25-2404, Idaho Code.

(2) Notwithstanding any other provision of law to the contrary, no establishment of a herd district shall:

(a) Contain any lands owned by the United States of America or the state of Idaho, upon which the grazing of livestock has historically been permitted.

(b) Result in the state, a county, a city or a highway district being held liable for personal injury, wrongful death or property damage resulting from livestock within the public right-of-way.

(c) Prohibit trailing or driving of livestock from one location to another on public roads or recognized livestock trails.

(d) On or after April 15, 2023, regardless of the date of the establishment of any herd district, be the basis for civil liability of the owner of livestock, excepting swine, for damage from depredations or trespasses of such livestock that roam, drift, or stray from open range into the herd district unless such district is enclosed by lawful fences and cattle guards or gates as needed in roads penetrating the district so as to prevent livestock from roaming, drifting, or straying from open range into the district.

(3) Open range means all ~~uninlosed~~ unenclosed lands outside cities and villages upon which by custom, license or otherwise, livestock, excepting swine, are grazed or permitted to roam.

(4) The owners of taxable real property within the herd district shall:

(a) Pay the costs, including on private land, of constructing and maintaining legal fences as required on the district's border with open range so as to prevent livestock, excepting swine, from roaming, drifting or straying from open range into the district.

(b) Pay the costs, including on private land, of constructing and maintaining cattle guards as required on the district's border with open range so as to prevent livestock, excepting swine, from roaming, drifting or straying from open range into the district; except that the costs of maintaining a cattle guard located on a public right-of-way shall thereafter be paid by the state, county, city or highway district responsible for maintaining said right-of-way.

(c) Pay seventy-five percent (75%) of the costs, including on private land, of constructing legal fences required, at the time of the creation or modification of the district only, to control livestock within the interior of the district; provided that (i) the costs of maintaining such fences shall thereafter be paid by the owner(s) of the land on which the fencing is constructed as prescribed by chapter 1, title 35, Idaho Code, and that (ii) the costs of constructing and maintaining fences on livestock operations which come into existence after the creation or modification of the district shall be paid by owner(s) of the land on which the fencing is constructed as prescribed by chapter 1, title 35, Idaho Code.

(d) Pay seventy-five percent (75%) of the costs, including on private land, of constructing legal cattle guards required, at the time of the creation or modification of the district only, to control livestock within the interior of the district; provided that (i) the costs of maintaining a cattle guard located on a public right-of-way shall thereafter be paid by the state, county, city or highway district responsible for maintaining the public right-of-way on which the cattle guard is located, or, in the case of a cattle guard located on private land, by the owner(s) of the land on which the cattle guard is constructed as prescribed by chapter 1, title 35, Idaho Code, and that (ii) the costs of constructing and maintaining cattle guards on livestock operations which come into existence after the creation or modification of the district shall be paid by the owner(s) of the land on which the cattle guard is constructed as prescribed by chapter 1, title 35, Idaho Code.

(e) In the case of a new herd district created contiguous to an existing herd district, there shall be no obligation to maintain a legal fence or cattle guards on the border between the new district and the existing district, except to the extent that said fence or cattle guards, or any portion thereof, may be required to control movement of livestock on the interior of the district. In the case of a modification of an existing herd district which alters its borders with open range, there shall be no obligation to maintain a legal fence or cattle guards on its previous border with open range, except to the extent that said fence or cattle guards, or any portion thereof, may be required to control movement of livestock on the interior of the district.

(5) In the case of interior fencing and cattle guards as described in subsections (4) (c) and (d), the owner(s) of private land on which such fencing or cattle guards are constructed shall pay twenty-five percent (25%) of the total cost of their construction, provided that the share of that total cost to be paid by each individual landowner shall be as prescribed by chapter 1, title 35, Idaho Code.

(6) Notwithstanding any provision of law to the contrary, a county shall have the authority to and shall levy an annual property tax not to exceed six hundredths percent (.06%) of market value for assessment purposes on taxable real property within the district for the costs of constructing and maintaining the legal fencing and cattle guards required by the creation or modification of such a herd district; provided that a herd district created on or after January 1, 1990, shall have no force and effect unless and until such a levy is approved, and provided that the revenues derived therefrom may not be used for any other purpose. In the case of a new herd

district contiguous to an existing herd district, said levy shall apply, for purposes of constructing legal fences and cattle guards required by the new district, only to owners of taxable real property residing within the new district; but for purposes of maintaining thereafter fences as required on the district's border with open range, shall apply to owners of taxable real property residing within both the new district and the existing district to which it is contiguous.

SECTION 3. That Section 25-2405, Idaho Code, be, and the same is hereby amended to read as follows:

25-2405. FENCES ON AGRICULTURAL LANDS ADJACENT TO PUBLIC DOMAIN -- CATTLE GUARDS. The board of county commissioners may ~~may~~ shall provide as a condition in any order creating a herd district which may hereafter be made that any agricultural lands in the proximity of public domain where cattle, horses, or mules are grazed, shall be ~~inlosed~~ enclosed by a lawful fence and that any road extending from agricultural area to such public domain shall contain cattle guards or gates at such places and of such nature as the board shall prescribe. The board of county commissioners may make its herd district orders inapplicable to cattle, horses, or mules straying from such public domain or along roads leading to such public domain until such agricultural lands are ~~inlosed~~ enclosed by lawful fence and such cattle guards or gates are installed.

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 3, 2023

CHAPTER 262
(S.B. No. 1202)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2023; PROVIDING FOR A REPORT OF SPENDING ON SCHOOL SAFETY AND SECURITY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$4,841,600	\$32,067,000			\$36,908,600
Indirect Cost Recovery					
Fund	37,900	83,900			121,800
Miscellaneous Revenue					
Fund	165,700	162,000	\$6,125,000	\$100,000	6,552,700
American Rescue Plan					
Fund	110,000			27,324,700	27,434,700
Federal COVID-19 Relief					
Fund				19,800,000	19,800,000
Federal Grant					
Fund	<u>166,900</u>	<u>340,300</u>	<u>0</u>	<u>0</u>	<u>507,200</u>
TOTAL	\$5,322,100	\$32,653,200	\$6,125,000	\$47,224,700	\$91,325,000
II. IT AND DATA MANAGEMENT:					
FROM:					
General					
Fund	\$2,881,900	\$981,500			\$3,863,400
Public Instruction					
Fund	<u>0</u>	<u>15,000</u>			<u>15,000</u>
TOTAL	\$2,881,900	\$996,500			\$3,878,400
III. SCHOOL SAFETY AND SECURITY PROGRAM:					
FROM:					
General					
Fund	\$432,800	\$148,700			\$581,500
Miscellaneous Revenue/ School Security Assessment					
Fund	277,300	53,500			330,800
Federal Grant					
Fund	<u>219,600</u>	<u>40,900</u>			<u>260,500</u>
TOTAL	\$929,700	\$243,100			\$1,172,800
GRAND TOTAL	\$9,133,700	\$33,892,800	\$6,125,000	\$47,224,700	\$96,376,200

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 seventy-four and twenty-five hundredths (74.25) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR GENERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the General Fund for arts grants for rural K-12 schools for fiscal year 2023, in an amount not to exceed \$1,000,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR GENERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the General Fund for K-12 school safety and security for fiscal year 2023, in an amount not to exceed \$20,000,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 295, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education \$1,000,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of arts grants for rural public schools.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 295, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education \$20,000,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of grants for school safety and security.

SECTION 7. The Office of the State Board of Education shall submit a report regarding the expenditure of funds appropriated in Section 6 of this act for school safety and security no later than January 15, 2024, to the Legislative Services Office. This report shall include an itemized list of all expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office.

SECTION 8. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 and 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, 4, 7, and 8 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 263
(S.B. No. 1030)

AN ACT

RELATING TO IMMIGRATION; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 60, TITLE 19, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW IN CERTAIN INSTANCES, TO PROVIDE PROCEDURES FOR FILING A COMPLAINT, AND TO AUTHORIZE THE ATTORNEY GENERAL TO OBTAIN EQUITABLE RELIEF UPON FILING OF A VALID COMPLAINT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 60, Title 19, Idaho Code, and to read as follows:

CHAPTER 60
COMPLIANCE WITH IMMIGRATION LAW

19-6001. DEFINITIONS. As used in this chapter:

(1) "Peace officer" means any employee of a police or law enforcement agency that is a part of, or administered by, the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of this state or any political subdivision. Peace officer also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho.

(2) "Policy" means a formal, written rule, order, ordinance, or policy and an informal, unwritten policy.

(3) "Political subdivision" means any county, city, municipal corporation, health district, school district, irrigation district, operating agent of any irrigation district whose board consists of directors of its member districts, special improvement or taxing district, or any other political subdivision or public corporation. As used in this chapter, "county" and "city" also mean state-licensed hospitals and attached nursing homes established by counties pursuant to chapter 36, title 31, Idaho Code, or jointly by cities and counties pursuant to chapter 37, title 31, Idaho Code.

(4) "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality thereof.

19-6002. LOCAL GOVERNMENT POLICY REGARDING IMMIGRATION ENFORCEMENT. (1) A governmental entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws.

(2) In compliance with subsection (1) of this section, a governmental entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney, and who is employed by or otherwise under the direction or control of the entity, from doing any of the following:

- (a) Inquiring into the immigration status of a person under a lawful detention or under arrest;
- (b) With respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest:
 - (i) Sending the information to, or requesting or receiving the information from, United States citizenship and immigration services or United States immigration and customs enforcement, including information regarding a person's place of birth;
 - (ii) Maintaining the information; or
 - (iii) Exchanging the information with another governmental entity, including a federal or state governmental entity;
- (c) Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or
- (d) Permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws.

19-6003. COMPLAINT -- EQUITABLE RELIEF. (1) Any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a governmental entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws. The person must include with the complaint the evidence the person has that supports the complaint.

(2) If the attorney general determines that a complaint filed under subsection (1) of this section against a governmental entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Ada county, or in a county in which the principal office of the entity is located, to compel the entity that adopts, enforces, or endorses a policy under which the governmental entity prohibits or discourages the enforcement of immigration laws or that, by consistent actions, prohibits or discourages the enforcement of those laws to comply with section 19-6002, Idaho Code. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

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

Approved April 3, 2023

CHAPTER 264
(H.B. No. 354)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STATE AERONAUTICS (DEDICATED) FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE AERONAUTICS PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVE PROGRAM - LOCAL FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVE PROGRAM (DEDICATED) FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVE GRANT PROGRAM FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE LOCAL HIGHWAY DISTRIBUTION FUND FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$35,000,000 from the General Fund to the State Aeronautics (Dedicated) Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated from the State Aeronautics (Dedicated) Fund to the Idaho Transportation Department for the Aeronautics Program the following amounts, to be expended for the designated expense classes, for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$700,000
Capital Outlay	1,300,000
Trustee and Benefit Payments	<u>33,000,000</u>
TOTAL	\$35,000,000

SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$210,000,000 from the General Fund to the Strategic Initiative Program - Local Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated \$210,000,000 from the Strategic Initiative Program - Local Fund to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program, to be expended for trustee and benefit payments, for the period July 1, 2022, through June 30, 2023.

SECTION 5. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$181,680,000 from the General Fund to the Strategic Initiative Program (Dedicated) Fund as soon as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated \$182,422,000 from the Strategic Initiative Program (Dedicated) Fund to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program, to be expended for capital outlay, for the period July 1, 2023, through June 30, 2024.

SECTION 7. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$100,000,000 from the General Fund to the Strategic Initiative Grant Program Fund as soon as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 8. In addition to any other appropriation provided by law, there is hereby appropriated \$100,000,000 from the Strategic Initiative Grant Program Fund to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program, to be expended for trustee and benefit payments, for the period July 1, 2023, through June 30, 2024.

SECTION 9. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$121,120,000 from the General Fund to the Local Highway Distribution Fund as soon as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, and 4 of this act shall be in full force and effect on and after passage and approval, and Sections 5, 6, 7, 8, and 9 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 265

(H.B. No. 166, As Amended in the Senate)

AN ACT

RELATING TO INTERNAL ACCESSORY DWELLING UNITS; AMENDING CHAPTER 32, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-3212, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INTERNAL ACCESSORY DWELLING UNITS AND HOMEOWNER'S ASSOCIATIONS AND TO DEFINE A TERM; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-618, IDAHO CODE, TO PROHIBIT CERTAIN RESTRICTIVE COVENANTS AGAINST INTERNAL ACCESSORY DWELLING UNITS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 32, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-3212, Idaho Code, and to read as follows:

55-3212. INTERNAL ACCESSORY DWELLING UNITS. (1) No covenant, condition, or restriction may be added, amended, or enforced by a homeowner's association or any other parties in such a way that strictly prohibits internal accessory dwelling units, as defined in subsection (3) of this section. The provisions of this section shall not be construed to protect more than one (1) internal accessory dwelling unit per homestead.

(2) Notwithstanding the prohibitions provided in subsection (1) of this section, a homeowner's association may adopt reasonable rules governing the use of internal accessory dwelling units otherwise allowed by law, including but not limited to size limits, height limits, setback requirements, open space requirements, parking controls, and bedroom requirements.

(3) (a) An "internal accessory dwelling unit" means a self-contained living unit that:

(i) Includes its own cooking, sleeping, and sanitation facilities;

(ii) Is located within a detached, owner-occupied homestead, as defined in section 63-701, Idaho Code, or such homestead's attached or detached garage; and

(iii) Is used for the purpose of housing relatives of the owner of the homestead or for the purpose of renting to a residential tenant for a period exceeding thirty (30) days.

(b) An internal accessory dwelling unit does not include an alternative detached structure, motor home, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.

(4) Nothing in this section shall be construed to restrict a homeowner's association from adopting a less restrictive definition of accessory dwelling units.

(5) The provisions of this section do not apply to any rentals defined in section 63-1803(4), Idaho Code.

SECTION 2. That Chapter 6, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-618, Idaho Code, and to read as follows:

55-618. INTERNAL ACCESSORY DWELLING UNITS -- RESTRICTIVE COVENANTS PROHIBITED. (1) On and after July 1, 2023, no restrictive covenant may be entered into that prohibits an internal accessory dwelling unit, as defined in section 55-3212, Idaho Code. Any such covenant is hereby declared to be against public policy and is void and unenforceable. Any person attempting to create or enforce such a covenant shall be liable for any attorney's fees, court costs, and any other damages incurred by the other party. The provisions of this section shall not be construed to protect more than one (1) internal accessory dwelling unit per homestead.

(2) This section does not apply to a restrictive covenant against internal accessory dwelling units entered into prior to July 1, 2023.

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

Approved April 3, 2023

CHAPTER 266
(H.B. No. 65)

AN ACT

RELATING TO NOTICES; AMENDING SECTION 45-1506C, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-1602, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 45-1506C, Idaho Code, be, and the same is hereby amended to read as follows:

45-1506C. SUPPLEMENTAL NOTICE -- OPPORTUNITY TO REQUEST LOAN MODIFICATION. (1) In the case of a loan made by a state or federally regulated beneficiary, which loan is secured by a deed of trust encumbering a borrower's primary residential property for any noncommercial loan, the notice provided in this section shall accompany the notice of default provided to the grantor. The beneficiary or its agent shall determine whether the subject real property is a borrower's primary residence by searching the county assessor's tax rolls prior to recording a notice of default to confirm whether such real property has been granted a homeowner's property tax exemption pursuant to section 63-602G, Idaho Code. Any property for which a homeowner's property tax exemption has been granted for the year in which the notice of default is recorded shall be deemed to be a borrower's primary residential dwelling. If no homeowner's property tax exemption has been granted for the year in which the notice of default is recorded, the provisions of this section shall not apply. The notice, if required, shall be printed in at least 14-point type and substantially conform to the following form:

IMPORTANT NOTICE:
YOU ARE IN DANGER OF LOSING YOUR PROPERTY
IF YOU DO NOT TAKE ACTION IMMEDIATELY

This notice concerns the mortgage loan for your property at (enter the complete address).

You have not fulfilled your contractual obligations under the terms of your mortgage loan. Under Idaho law, the holder of your loan, "the beneficiary," can sell your property to satisfy your obligation.

As of (enter the date), you needed to pay \$(enter the amount owed) to bring your mortgage loan current. That amount may have increased since that date and may include additional costs and fees described in the loan documents.

The beneficiary can provide you with the exact amount that you owe, but you have to ask. Call (enter the toll-free telephone number) to find out the exact amount you must pay to bring your mortgage loan current and to obtain other details about your loan. You also can send a written request for this information by certified mail to: (enter the complete address).

LOAN MODIFICATION ASSISTANCE

If you want to save your home from foreclosure but you cannot afford your current loan payments, you need to contact the beneficiary immediately to ask about any available loss mitigation programs. You may or may not qualify for a loan modification or other alternative to foreclosure.

You may request to meet with the beneficiary to discuss options for modifying your loan.

IF YOU WANT TO APPLY FOR A MODIFICATION OF YOUR LOAN, YOU MUST COMPLETE AND RETURN THE ENCLOSED "MODIFICATION REQUEST FORM" BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. THE BENEFICIARY MUST RECEIVE THE FORM ON OR BEFORE (enter the date), WHICH IS THIRTY (30) DAYS AFTER THE DATE BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. Never pay someone to help you obtain a loan modification. Help is available for free from housing counselors who are certified through the department of housing and urban development (HUD). Visit www.hud.gov the HUD website for a current list of certified housing counselors in Idaho.

DATED: (enter the date)

Beneficiary name: (print name)

Beneficiary or beneficiary's agent's signature: (sign name)

Beneficiary's telephone number: (enter the toll-free telephone number)

(2) (a) The notice required under subsection (1) of this section must be accompanied by a form to request a loan modification. The form must include the address to which and state the date by which the grantor must return the form. The form may state that the grantor must disclose current information about the grantor's income and expenses, the grantor's address, phone number and electronic mail address and other facts that may affect the grantor's eligibility for a loan modification.

(b) If the trust deed, or any assignments of the trust deed, is in the Spanish language, the notice required under subsection (1) of this section and the form identified in paragraph (a) of this subsection shall be in the Spanish language.

(3) If a grantor returns the form identified in subsection (2) of this section to the beneficiary by the date specified on the form, the beneficiary or the beneficiary's agent shall review the information the grantor provided in the form and shall evaluate the grantor's request. The beneficiary or the beneficiary's agent, as soon as reasonably practicable but not later than forty-five (45) days after receiving the form, shall notify the grantor in writing whether the beneficiary approves or denies the request or requires additional information. A trustee's sale for the property subject to the loan may not occur until after the beneficiary or the beneficiary's agent timely responds to the grantor. During the forty-five (45) day period, the beneficiary or the beneficiary's agent may request the grantor to provide additional information required to determine whether the loan can be modified.

(4) (a) Except as provided in paragraph (b) of this subsection, if the grantor timely requests a meeting with the beneficiary, the beneficiary or the beneficiary's agent shall either meet with the grantor in person or speak to the grantor by telephone before the beneficiary or the beneficiary's agent responds to the grantor's request to modify the loan. If the grantor requests the meeting, the beneficiary or the beneficiary's agent shall schedule the meeting by contacting the grantor at the grantor's last known address or telephone number or at the grantor's electronic mail address, if the grantor indicates on the loan modification form that the beneficiary or the beneficiary's agent can contact the grantor at the electronic mail address.

(b) A beneficiary or the beneficiary's agent complies with the provisions of paragraph (a) of this subsection even if the beneficiary or the beneficiary's agent does not speak to or meet with the grantor if, within seven (7) business days after the beneficiary or the beneficiary's agent attempts to contact the grantor, the grantor does not schedule a meeting, or fails to attend a scheduled meeting or telephone call.

(c) The beneficiary or the beneficiary's agent that meets with the grantor shall have or be able to obtain authority to modify the loan.

(5) At least twenty (20) days prior to the date of sale, the trustee shall file for record in the office of the recorder in each county wherein the trust property, or some part or parcel, is situated, an affidavit substantially in the following form from the beneficiary or the beneficiary's agent which states that the beneficiary or the beneficiary's agent has complied with the provisions of this section. The filing of the following affidavit of compliance is conclusive evidence of compliance with this section as to any party relying on said affidavit of compliance:

AFFIDAVIT OF COMPLIANCE WITH IDAHO CODE /SECTION 45-1506C

COMES NOW....., being first duly sworn, deposes and says:

1. I am the (title -- officer or agent) of (name of beneficiary), the beneficiary of the Deed of Trust recorded as instrument number (recorder's instrument number), County of (County), Idaho, the "Deed of Trust."

2. Beneficiary or Beneficiary's agent has complied with section 45-1506C, Idaho Code, in by: (a) providing the notice required in section 45-1506C(1), Idaho Code; (b) providing the loan modification request form required in section 45-1506C(2), Idaho Code; (c) evaluating the request for modification and providing a written response to the request as required in section 45-1506C(3), Idaho Code; and (d) scheduling, and if attended by the grantor of the Deed of Trust, attending, in person or by telephone, the meeting required in section 45-1506C(4), Idaho Code.

.....
SIGNATURE

(INSERT NOTARY SUBSCRIPTION FOR STATE IN WHICH AFFIDAVIT IS EXECUTED; IDAHO FORM OF SUBSCRIPTION IS SET OUT BELOW)

STATE OF IDAHO)
)
County of.....)

On this.... day of (month), 20.., before me,....., a Notary Public in and for said state, personally appeared....., known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such officer or agent executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

.....
Notary Public for Idaho
Residing at.....
My Commission expires.....

(6) Whenever the attorney general has reason to believe that any person has failed to follow the requirements of this section and that proceedings would be in the public interest, he may bring an action in the name of the state against such person for enforcement of the provisions of this section with the same procedure and in the same manner as granted the attorney general and district court pursuant to section 48-606(1) (a), (b), (d), (e) and (f) and subsections (2) through (5), Idaho Code, of the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(7) All penalties, costs and fees received or recovered by the attorney general shall be remitted to the consumer protection account fund and expended pursuant to section 48-606(5), Idaho Code.

SECTION 2. That Section 45-1602, Idaho Code, be, and the same is hereby amended to read as follows:

45-1602. CONTRACT NOTICE. (1) During the foreclosure period described in section 45-1506, Idaho Code, any contract or agreement with the owner or owners of record that involves the transfer of any interest in residential real property, as defined in section 45-525(5) (b), Idaho Code, subject to foreclosure must be in writing and must be accompanied by ~~and affixed to the following notice in twelve (12) at least 12-point boldface type and on a separate sheet of paper no smaller than eight and one-half (8 1/2) inches by eleven (11) inches:~~

"NOTICE REQUIRED BY IDAHO LAW

Mortgage foreclosure is a legal proceeding where a lender terminates a borrower's interest in property to satisfy unpaid debt secured by the property. This can mean that when a homeowner gets behind on his or her mortgage payments, the lender forces a sale of the home on which the mortgage loan is based. Some individuals or businesses may say they can "save" your home from foreclosure. You should be cautious about such claims. It is important that you understand all the terms of a plan to "rescue" you from mortgage foreclosure and how it will affect you. It may result in your losing valuable equity that you may have in your home. If possible, you should consult with an attorney or financial professional to find out what other options you may have. Do not delay seeking advice, because the longer you wait, the fewer options you may have.

You may find helpful information online. One excellent source is the Department of Housing and Urban Development (HUD) website which can be found at "<http://www.hud.gov/foreclosure/index.cfm>". HUD also maintains on its website a list of approved housing counselors who can provide free information to assist homeowners with financial problems. Another good source of information is found at the Office of the Idaho Attorney General's website at "<http://www2.state.id.us/ag/>".

Under Idaho law, you have five (5) days to rescind or undo certain contracts or agreements that relate to transferring interests in property or money in a foreclosure situation. An attorney or financial professional can tell you more about this option."

(2) If during the foreclosure period described in section 45-1506, Idaho Code, any contract or agreement that involves the transfer of any interest in residential real property, as defined in section 45-525(5)(b), Idaho Code, was solicited, negotiated, or represented to the consumer in the Spanish language, the written notice to be provided to the consumer and set forth in this section shall be in the Spanish language on a form to be prepared and made available by the office of the attorney general.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 267
(H.B. No. 239)

AN ACT

RELATING TO VOTING; AMENDING SECTION 18-2307, IDAHO CODE, TO REVISE PROVISIONS REGARDING ATTEMPTING TO VOTE WHEN NOT QUALIFIED AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-2307, Idaho Code, be, and the same is hereby amended to read as follows:

18-2307. ~~ATTEMPTING TO VOTE WHEN NOT QUALIFIED, OR TO REPEAT VOTING OR TO VOTE MORE THAN ONCE.~~ (1) It is unlawful for any alien to vote in any election held in this state solely or in part for the purpose of electing or nominating any candidate to any elective office. Every person not entitled to vote, who fraudulently attempts to vote, or who, after being entitled to vote, attempts to vote more than once at any election, is guilty of a misdemeanor.

(2) It shall be an affirmative defense to the provisions of subsection (1) of this section that an alien reasonably believed at the time of voting in violation of this section that such person was a citizen of the United States.

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

Approved April 3, 2023

CHAPTER 268
(H.B. No. 113)

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO ALLOW EDUCATIONAL SERVICES PROVIDERS TO CHARGE A FEE; AMENDING SECTION 33-5203, IDAHO CODE, TO ALLOW CHARTER SCHOOLS TO CONTRACT WITH EDUCATIONAL SERVICE PROVIDERS AND TO REVISE PROVISIONS REGARDING CERTAIN LIMITATIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARTER SCHOOL PERFORMANCE CERTIFICATES AND TO PROVIDE CONDITIONS FOR VIRTUAL SCHOOL APPROVAL; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE CONDITIONS FOR A VIRTUAL SCHOOL TO BE DEEMED SUFFICIENT; AMENDING SECTION 33-5209A, IDAHO CODE, TO PROVIDE FOR CERTAIN PERFORMANCE FRAMEWORK CRITERIA; AMENDING SECTION 33-5209B, IDAHO CODE, TO PROVIDE FOR CERTAIN CHARTER SCHOOL RENEWAL CRITERIA AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-5202A, 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 to chapter 52, title 33, Idaho Code.
- (4) "Educational services provider" means a nonprofit or for-profit entity that contracts with a public charter school for a fee 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 constitution 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 that 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. This provision does not exclude a public charter school with a statewide boundary from applying for added cost funds authorized for career technical education, irrespective of the instructional delivery method. 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 with equal access and authority to participate in all state and federal programs to the same extent as a traditional public school, irrespective of the instructional delivery method.

(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 either a public charter school or a traditional public school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

SECTION 2. That Section 33-5203, Idaho Code, be, and the same is hereby amended to read as follows:

33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) New public charter schools, which may begin educational instruction in any one (1) school year, shall be subject to the following:

(a) No whole school district may be converted to a charter district or any configuration 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 That~~ provides for the conversion of any existing private or parochial school to a public charter school-;

(b) ~~Fe For~~ a for-profit entity ~~or any school that is operated by a for-profit entity~~, provided however, nothing herein in this section shall prevent the board of directors of a public charter school from legally contracting with an educational service provider that provides comprehensive educational administrative and management services or with for-profit entities for the provision of products or services that aid in the operation of the school-; or

(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 3. 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.

(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 that~~, 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) To the extent there is a financial agreement that will require an education service provider to assume a virtual school's financial risk when the virtual school does not have sufficient residual funds to pay the education service provider, such financial agreement, which will be favorably considered during the application process. Where this paragraph is applicable, the education service provider shall make its audited financial statements available unless the education service provider already makes such audited financial statements publicly available for compliance with other federal or state laws; and
- (ix) 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 4. That Section 33-5205B, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205B. PERFORMANCE CERTIFICATES. (1) Within seventy-five (75) days of approval of a charter application, the authorized chartering entity and the governing board of the approved public charter school shall execute a performance certificate that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged and the administrative relationship between the authorized chartering entity and public charter school, including each party's rights and duties. The performance expectations and measures set forth in the performance certificate shall include, but need not be limited to, applicable federal and state accountability requirements, and shall take into consideration the actual and potential at-risk makeup of the student body population defined by the criteria set forth in section 33-1001(3)(a) and (b), Idaho Code, for all grade levels and economically disadvantaged students. The performance provisions may be refined or amended by mutual agreement after the public charter school is operating and has collected baseline achievement data for its enrolled students. A virtual school shall be deemed financially sufficient if there is an agreement that requires an education service provider to assume the virtual school's financial risk when it does not have sufficient residual funds to pay the education service provider. Where this subsection is applicable, the education service provider shall make its audited financial statements available unless the education service provider already makes such audited financial statements publicly available for compliance with other federal or state laws.

(2) The performance certificate shall be signed by the president of the authorized chartering entity's governing board and the president of the public charter school's governing body. Within fourteen (14) days of executing a performance certificate, the authorized chartering entity shall submit to the state board of education written notification of the performance certificate execution, including a copy of the performance certificate.

(3) No public charter school may commence operations without a performance certificate executed in accordance with this provision and approved in an open meeting of the authorized chartering entity's governing board.

(4) All public charter schools approved prior to July 1, 2013, shall execute performance certificates with their authorizers no later than July 1, 2014. Such certificates shall ensure that each public charter school approved prior to July 1, 2014, is evaluated for renewal or nonrenewal between March 1, 2016, and March 1, 2019.

SECTION 5. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

- (i) Hold a bachelor's degree from an accredited institution; or
- (ii) If instructing students in the fields of career technical education, satisfy the provisions of section 33-2205(6) (a), Idaho Code.

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

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

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

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

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

(8) 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.

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

(10) 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.

(11) 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.

(12) 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.

(j) A virtual school shall be deemed financially sufficient if there is an agreement that requires an education service provider to assume the virtual school's financial risk when it does not have sufficient residual funds to pay the education service provider. Where this paragraph is applicable, the education service provider shall make its audited financial statements available unless the education service provider already makes such audited financial statements publicly available for compliance with other federal or state laws.

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

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

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

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

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

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

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

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

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

SECTION 6. That Section 33-5209A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209A. ACCOUNTABILITY. (1) Performance framework. The performance provisions within the performance certificate shall be based upon a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorized chartering entity's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

(a) Student academic proficiency;

(b) Student academic growth;

(c) College and career readiness (for high schools); and

(d) The actual and potential at-risk makeup of the student body population defined by the criteria set forth in section 33-1001(3)(a) and (b), Idaho Code, for all grade levels and economically disadvantaged students; and

(e) Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.

(2) Measurable performance targets shall be set by each charter holder for each public charter school for which it holds a charter in conjunction with its authorized chartering entity and shall, at a minimum, require that each school meet applicable federal, state and authorized chartering entity goals for student achievement.

(3) For each public charter school it oversees, the authorized chartering entity shall be responsible for analyzing and reporting all data from state assessments in accordance with the performance framework.

SECTION 7. That Section 33-5209B, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for successive five (5) year terms of duration. An authorized chartering entity may grant renewal with specific~~7~~ written conditions for necessary improvements to a public charter school. Any such specific~~7~~ written conditions shall state the date by which the conditions must be met.

(2) Following the initial three (3) year term, an authorized chartering entity may nonrenew or grant renewal for an additional five (5) years, based upon on the performance of the public charter school on the performance indicators, measures and metrics contained in the performance certificate. Subsequent renewals shall be for a term of five (5) years.

(3) No later than November 15, the authorized chartering entity shall issue a public charter school performance report and charter renewal application guidance to any charter holder with a public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based upon on the data required by this chapter and the performance certificate, and shall provide notice of any weaknesses or concerns determined by the authorized chartering entity concerning the public charter school that may jeopardize its position in seeking renewal, if not timely rectified. The charter holder shall have thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

(4) The renewal application guidance shall, at a minimum, provide an opportunity for the charter holder to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; and
- (b) Describe improvements undertaken or planned for the school.

(5) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorized chartering entity's renewal decisions, which shall be based on independent fiscal audits and the performance framework set forth in the performance certificate.

(6) No later than December 15, the charter holder seeking renewal shall submit a renewal application to the authorized chartering entity pursuant to the renewal application guidance issued by the authorized chartering entity. The authorized chartering entity shall vote on the renewal application no later than March 15.

(7) In making charter renewal decisions, every authorized chartering entity shall:

- (a) Ground its decisions in evidence of the school's performance over the term of the performance certificate in accordance with the performance framework set forth in the performance certificate;
- (b) Ensure that data used in making renewal decisions are available to the school and the public; and
- (c) Take into consideration the actual and potential at-risk makeup of the student body population defined by the criteria set forth in section 33-1001(3)(a) and (b), Idaho Code, for all grade levels and economically disadvantaged students;
- (d) Deem a virtual school financially sufficient if there is an agreement that requires an education service provider to assume a virtual school's financial risk when it does not have sufficient residual funds to pay the education service provider. Where this paragraph is applicable, the education service provider shall make its audited financial statements available unless the education service provider already makes such audited financial statements publicly available for compliance with other federal or state laws; and
- (e) Provide a public report summarizing the evidence basis for each decision.

(8) An authorized chartering entity must develop revocation and nonrenewal processes that:

- (a) Provide the charter holders with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure, which shall be limited to failure to meet the terms of the performance certificate or the written conditions established pursuant to the provisions of subsection (1) of this section;
- (b) Allow the charter holders a reasonable amount of time in which to prepare a response;
- (c) Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;

(d) Allow the charter holders to be represented by counsel and to call witnesses on their behalf;

(e) Permit the recording of such proceedings; and

(f) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter holders.

(9) An authorized chartering entity shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal. An authorized chartering entity may renew or nonrenew any charter in which the public charter school failed to meet one (1) or more of the terms of its performance certificate.

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

Approved April 3, 2023

CHAPTER 269
(H.B. No. 324)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT; APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR THE STATE SMALL BUSINESS CREDIT INITIATIVE PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR THE HOMEOWNER ASSISTANCE PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$1,943,800	\$214,800		\$2,158,600
Indirect Cost Recovery				
Fund	107,400	10,000		117,400
Miscellaneous Revenue				
Fund	140,200	42,800		183,000
Administrative Code				
Fund	431,500	182,600		614,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
American Rescue Plan				
Fund			\$20,589,700	20,589,700
ARPA Homeowner Assistance				
Fund			20,000,000	20,000,000
ARPA State Fiscal Recovery				
Fund	<u>85,600</u>	<u>1,000,000</u>	<u>0</u>	<u>1,085,600</u>
TOTAL	\$2,708,500	\$1,450,200	\$40,589,700	\$44,748,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than twenty-two (22.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 164, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management \$7,454,100 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the State Small Business Credit Initiative program.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 164, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management \$5,612,900 from the ARPA Homeowner Assistance Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the Homeowner Assistance program.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 164, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management \$32,000,000 from the ARPA Emergency Rental Assistance Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the Emergency Rental Assistance program.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4, 5, and 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, and 3 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 270
(S.B. No. 1200)

AN ACT

RELATING TO STATE COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 2022 ~~2023~~, the annual salary of members of the public utilities commission shall be ~~one hundred twenty thousand two hundred forty-six dollars (\$120,246)~~ one hundred twenty-two thousand seven hundred forty-two dollars (\$122,742) 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, 2022 ~~2023~~, the annual salary for members of the state tax commission shall be ~~one hundred eleven thousand three hundred seventy-six dollars (\$111,376)~~ one hundred thirteen thousand nine hundred seventy-seven dollars (\$113,977).

(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 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 and, with the advice and consent of the state tax commission, may assign responsibility for all personnel, budgetary and/or fiscal matters of the state tax commission. Delegations of authority involving personnel, budgetary and/or fiscal matters shall be reviewed by request, and sustained by an affirmative vote, of the majority of the state tax commission.

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

72-503. SALARY. Commencing July 1, 2022 2023, the annual salary of each member of the industrial commission shall be ~~one hundred seventeen thousand forty-four dollars (\$117,044)~~ one hundred nineteen thousand five hundred forty dollars (\$119,540). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Utilities Commission \$9,100 to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2023, through June 30, 2024, for the purpose of commissioner salaries.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Industrial Commission \$9,100 to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2023, through June 30, 2024, for the purpose of commissioner salaries.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs for personnel costs from the listed funds for the period July 1, 2023, through June 30, 2024, for the purpose of commissioner salaries:

I. GENERAL SERVICES:

FROM:

General

Fund	\$9,700
------	---------

Administration Services for Transportation

Fund	<u>1,300</u>
------	--------------

TOTAL	\$11,000
-------	----------

II. AUDIT DIVISION:

FROM:

Multistate Tax Compact

Fund	\$400
------	-------

Administration and Accounting

Fund	400
------	-----

Administration Services for Transportation

Fund	<u>300</u>
------	------------

TOTAL	\$1,100
-------	---------

GRAND TOTAL	\$12,100
-------------	----------

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 3, 2023

CHAPTER 271

(S.B. No. 1070, As Amended in the House)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002G, IDAHO CODE, TO REVISE PROVISIONS REGARDING CAREER TECHNICAL CENTER FUNDING AND ELIGIBILITY; AMENDING SECTION 33-5215, IDAHO CODE, TO PROVIDE CERTAIN AUTHORITY TO THE DIVISION OF CAREER TECHNICAL EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1002G, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002G. CAREER TECHNICAL SCHOOL CENTER FUNDING AND ELIGIBILITY. (1) School districts, public charter schools, and eligible cooperative service agencies may establish career technical ~~schools~~ centers that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical ~~schools~~ centers. These funds will be appropriated to the state board for career technical education, to be expended by the division of career technical education. In order for a ~~school~~ center to qualify for funding as a career technical ~~school~~ center, it must make application to the division of career technical education on or before the fifteenth of April for the following fiscal year. This includes applicants for new ~~schools~~ centers and renewal applications. Approved public charter schools with career technical education programs will receive the same added cost unit as any other eligible ~~school~~ center on an actual approved cost basis not to exceed the per-student cost for a traditional instructional delivery method. All career technical ~~schools~~ centers must meet all three (3) of the following criteria:

(a) The ~~school~~ program serves students from two (2) or more high schools. No one (1) high school can comprise more than eighty-five percent (85%) of the total enrolled career technical ~~school~~ center students, unless it is a new program in the first or second year of operation. During the first year of operation of a new program, no more than one (1) high school may comprise more than ninety-five percent (95%) of the total enrolled career technical students and no more than ninety percent (90%) of the total enrolled career technical students during the second year of operation. In the event a student enrolled in the career technical ~~school~~ center is not enrolled in a public high school or is attending the sponsoring school district's high school through the school district's open enrollment policy for the purpose of accessing the career technical education program, the eighty-five percent (85%) will be calculated based on the public high school attendance area where the student resides. This provision does not exclude a public charter school with a statewide boundary from applying for appropriate added cost funds authorized for career technical education, irrespective of the instructional delivery method. In the event an existing career technical program that has been in operation for more than three (3)

years should have the enrollment of career technical students increase to more than eighty-five percent (85%) in a single year, the division of career technical education may choose, with an approved enrollment plan, to use the program's three (3) year rolling average enrollment between participating high schools for determining eligibility.

(b) The majority of the school's program's offerings lead to some form of postsecondary credit, such as dual credit or other advanced opportunities, as defined by the state board of education, or include apprenticeship opportunities.

(c) All school programs offer at least one (1) supervised field experience for all students.

(2) All career technical schools centers must also meet at least one (1) of the following three (3) requirements:

(a) The school center is funded separately from schools that qualify for computation using regular secondary support units.

(b) The school center has a separate and distinct governing board.

(c) The majority of the school programs are provided at dedicated facilities that are separate from the regular high school facilities.

(3) An eligible cooperative service agency, formed pursuant to section 33-317, Idaho Code, must own or maintain a facility separate from any of the member school districts making up the cooperative service agency.

SECTION 2. That Section 33-5215, Idaho Code, be, and the same is hereby amended to read as follows:

33-5215. CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A career technical regional public charter school is hereby declared to be a public charter school and, as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each career technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section. The provisions of section 33-1002G, Idaho Code, apply to career technical regional public charter schools.

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

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

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

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

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

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

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 272
(S.B. No. 1167)

AN ACT

RELATING TO THE WORKFORCE DEVELOPMENT COUNCIL; AMENDING SECTION 1 OF HOUSE BILL NO. 24, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 72-1204, IDAHO CODE, AS ADDED BY SECTION 2 OF HOUSE BILL NO. 24, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND AND TO PROVIDE A SUNSET DATE; AMENDING SECTION 72-1205, IDAHO CODE, AS ADDED BY SECTION 3 OF HOUSE BILL NO. 24, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND AND TO PROVIDE A SUNSET DATE; AMENDING SECTION 33-4305, IDAHO CODE, AS AMENDED IN SECTION 4 OF HOUSE BILL NO. 24, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE IN-DEMAND CAREERS FUND AND TO PROVIDE FOR CERTAIN DATA REPORTING BY THE COUNCIL; AMENDING SECTION 33-4303, IDAHO CODE, AS AMENDED IN SECTION 7 OF HOUSE BILL NO. 24, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE IDAHO OPPORTUNITY SCHOLARSHIP; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1 of House Bill No. 24, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 1. LEGISLATIVE INTENT. The purpose of this act is to enable the Workforce Development Council to coordinate the state's policy to match Idaho students with Idaho jobs in in-demand fields. The Legislature finds that there are many pathways to a successful career, including workforce training, career technical programs, community colleges, and colleges. The Legislature further finds that an educated workforce is an enormous asset for the state's economy. With unemployment at record lows and inflation at record highs, the need for skilled workers is critical for our state's continued economic prosperity. The Legislature further finds that oversight and accountability of the Idaho Launch Grant Program are paramount and will require annual reports to inform annual appropriation decisions. To that end, it is the intent of the Legislature to tailor the initial Idaho Launch appropriation from the In-Demand Careers Fund to the number of eligible student applicants. Based on recent postsecondary go-on rates by Idaho graduates, the initial cost estimate is approximately \$60 million to \$70 million.

SECTION 2. That Section 72-1204, Idaho Code, as added by Section 2 of House Bill No. 24, if enacted by the First Regular Session of the Sixty-sev-

enth Idaho Legislature, be, and the same is hereby amended to read as follows:

72-1204. IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND -- DEFINITIONS. (1) As used in this section through section 72-1206, Idaho Code:

- (1) (a) "Board" means the state board of education.
- (2) (b) "Council" means the workforce development council established in this chapter.
- (3) (c) "Eligible adult learner" means an Idaho resident who is pursuing education or training for an in-demand career.
- (4) (d) "Eligible education expenses" means:
 - (a) ~~Student student~~ tuition and fees at an eligible institution; however, in no case shall the council reimburse more than eighty percent (80%) of a program's total tuition and fees or more than eight thousand dollars (\$8,000), whichever is less.
 - (b) ~~Room and board for the eligible institution, not to exceed actual cost; or~~
 - (c) ~~Fees for national standardized assessments or industry-recognized certification examinations.~~
- (5) (e) "Eligible institution" means a training provider as recognized by the council under the workforce innovation and opportunity act or the workforce development training fund. Eligible institution also means a ~~public postsecondary organization governed or supervised by the board,~~ a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, ~~or any educational organization located in Idaho that is:~~
 - (a) ~~Operated privately;~~
 - (b) ~~Classified as not-for-profit under state law;~~
 - (c) ~~Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and~~
 - (d) ~~Accredited by an organization recognized by the board as provided in section 33-2402, Idaho Code.~~
- (6) (f) "Eligible student" means a student who:
 - (a) (i) Is an Idaho resident;
 - (b) (ii) Will graduate from an accredited high school or its equivalent in Idaho as determined by the board beginning with the spring 2024 graduating class;
 - (c) (iii) Has enrolled in or applied to an eligible institution and begins enrollment in the fall semester following graduation, unless the council grants an extension for extenuating circumstances such as those outlined in section 72-1205, Idaho Code; and
 - (d) (iv) Has used next steps Idaho or an equivalent career exploration program accepted by the council and has completed a career pathway plan that meets the minimum requirements established by the council.
- (7) (g) "Grant" means an amount to be determined ~~annually~~ by the council that shall not be ~~set lower than exceed~~ eight thousand ~~five hundred dollars (\$8,500)~~ (\$8,000) per eligible student.
- (8) (h) "Grant distribution platform" means a digital platform through which grant funds are transferred from the council to the account of a participant to be used for eligible education expenses.
- (9) (i) "In-demand careers" means careers that have a high number of openings in Idaho or an expected high rate of growth in Idaho. In-demand careers are to be determined annually by the council based on job market data and shall be submitted annually in a report to the legislature by January 1.
- (10) (j) "Participant" means an Idaho resident for whom a grant is awarded under section 72-1205, Idaho Code, and who has met the minimum

academic standards of, and has been accepted into, an eligible institution.

~~(11)~~ (k) "Program" means the Idaho launch grant program established by section 72-1205, Idaho Code.

~~(12)~~ (1) "Resident" means an individual meeting legal residency requirements as defined in section 33-3717B, Idaho Code.

(2) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

SECTION 3. That Section 72-1205, Idaho Code, as added in Section 3 of House Bill No. 24, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

72-1205. IDAHO LAUNCH GRANT PROGRAM. (1) There is hereby established the Idaho launch grant program to be administered by the council according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the council shall consult with necessary agencies to:

(a) Create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Establish a grant application process for eligible students. To ensure eligible students receive notification prior to postsecondary institution enrollment deadlines, the council may stagger applications so that initial grant awards are announced by December 31 in the year preceding an eligible student's graduation from high school and that additional grant awards be made no later than June 1 of the academic year the eligible student graduates from high school;

(c) Award grants to eligible students, subject to legislative appropriation and to the following conditions:

(i) If eligible student applications exceed available funding in a fiscal year, grant awards shall be prioritized first based on the pursuit of in-demand careers. If additional funds remain, prioritization shall then be based on financial need; and

(ii) If available funding in a fiscal year exceeds eligible students, any unused appropriations may be used in accordance with section 72-1206(4), Idaho Code; and

(d) Take other such actions as are necessary to implement and enforce the provisions of this section.

(3) Participants must expend all grant funds within ~~four (4)~~ three (3) years of the award date. Any remaining funds after a break in enrollment exceeding six (6) months or unused funds at the end of the ~~four (4)~~ three (3) year period shall revert to the in-demand careers fund established in section 72-1206, Idaho Code. The council or its designated staff may grant an extension or exception by demonstrating to the council an extenuating circumstance, including but not limited to religious service, military service, structured volunteer service, or health or medical issues.

(4) No more than one half (1/2) of the initial grant award may be expended by a participant in any academic year; provided, however, that this subsection shall not apply:

(a) To a participant in a program that is less than twelve (12) months in length; or

(b) In other extenuating circumstances as determined by the council.

(5) Grant awards shall be capped at one (1) grant per eligible student.

(6) The council shall adopt policies outlining triggering events that may lead to earlier reversion of student grants or repayment grants, including but not limited to unsatisfactory academic progress, expulsion, or transfer to an out-of-state program prior to attainment of a credential or

degree. Any reverted or repaid grants shall be paid to the in-demand careers fund established in section 72-1206, Idaho Code.

(7) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

SECTION 4. That Section 33-4305, Idaho Code, as amended in Section 4 of House Bill No. 24, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

72-1206. IN-DEMAND CAREERS FUND. (1) There is hereby established in the state treasury the in-demand careers fund.

(2) Moneys in the in-demand careers fund are subject to legislative appropriation and shall consist of the following:

- (a) Legislative appropriations;
- (b) Donations and contributions made to the fund;
- (c) Interest earned on idle moneys in the fund;
- (d) Moneys transferred pursuant to section 63-3638(17), Idaho Code;
- (e) Moneys reverted or repaid to the fund pursuant to section 72-1205, Idaho Code; and
- (f) Moneys transferred pursuant to section 33-4602(14), Idaho Code.

(3) The in-demand careers fund shall be used to award grants as outlined in section 72-1205, Idaho Code.

(4) When the available appropriation in a fiscal year exceeds participants, the council may use excess moneys as follows:

(a) Up to ten million dollars (\$10,000,000) of the remaining appropriation may be used to provide enhanced grant funding to either eligible students or eligible adult learners based upon the following conditions:

(i) If potential awards from the council exceed available funding from the enhanced grants, awards shall be prioritized first based on the pursuit of in-demand careers; and

(ii) If, following the prioritization provided for in subparagraph (i) of this paragraph, additional moneys remain for awards, prioritization shall then be based on financial need.

~~(b) In cases in which the demand for enhanced grants as provided for in this subsection exceeds the available appropriation, the council may give preference to eligible students who pursue programs that offer a money-back guarantee if the program's graduates do not find work in their chosen field within a certain time period after graduation.~~

~~(e) (b) The remaining appropriation shall be retained in the fund and be subject to legislative appropriation in subsequent legislative sessions for the purposes of expanding in-demand career training opportunities.~~

(5) By January 1 each year, the council shall report sufficient data to the legislature regarding:

(a) The number and demographics of eligible students applying for grants;

(b) The number and type of eligible institutions approved by the council;

(c) The list of in-demand careers prioritized by the council;

(d) The number of grants awarded and demographics of participants; and

(e) Data to demonstrate the effectiveness of the program, including but not limited to program completion rates, satisfactory academic progress, job placement rates, and retention rates of participants in Idaho upon program completion.

SECTION 5. That Section 33-4303, Idaho Code, as amended in Section 7 of House Bill No. 24, if enacted by the First Regular Session of the Sixty-sev-

enth Idaho Legislature, be, and the same is hereby amended to read as follows:

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

- (a) Recognize that all Idaho citizens benefit from an educated citizenry;
- (b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;
- (c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;
- (d) Increase the opportunity for economically disadvantaged Idaho students; and
- (e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, books, and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means a public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, ~~a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, or the state board for career technical education~~ or any educational organization located in Idaho that is:

- (i) Operated privately;
- (ii) Classified as not-for-profit under state law;
- (iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
- (iv) Accredited by an organization recognized by the state board as provided in section 33-2402, Idaho Code.

(c) "Eligible student" means a student who:

- (i) Is an Idaho resident as defined in section 33-3717B, Idaho Code;
- (ii) Has graduated or will graduate ~~prior to July 1, 2023,~~ from an accredited high school or its equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government, and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) Up to twenty percent (20%) of funds that are available for the opportunity scholarship program may be used for awards to adult students who have earned at least twenty-four (24) credits toward a postsecondary degree or certificate and who return to an eligible Idaho postsecondary educational institution to complete a certificate or degree.

(7) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(8) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(9) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term, or equivalent covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(10) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources, and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised, or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in paragraph (b) of this subsection. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include but are not limited to operating expenses for the implementation and maintenance of a database,

operating expenses to administer the program, personnel costs necessary to administer the program, and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer or endowment fund investment board in the same manner as provided under section 67-1210 or 68-501, Idaho Code, as applicable. Interest earned on the investments shall be returned to the account.

(11) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

~~(12) No new opportunity scholarships, excluding renewals, may be awarded by the board on or after July 1, 2023.~~

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 273
(S.B. No. 1168)

AN ACT

RELATING TO THE APPROPRIATION TO THE JUDICIAL BRANCH; APPROPRIATING MONEYS TO THE JUDICIAL BRANCH FOR FISCAL YEAR 2024; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR RETIREMENT CONTRIBUTIONS; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Judicial Branch the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$8,373,700	\$2,452,100		\$225,600	\$11,051,400
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>431,700</u>	<u>1,419,300</u>		<u>0</u>	<u>1,851,000</u>
TOTAL	\$8,805,400	\$4,189,900		\$225,600	\$13,220,900
B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,360,600	\$50,100			\$2,410,700
C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$20,504,200	\$1,102,700	\$1,009,800		\$22,616,700
State-Directed Opioid Settlement					
Fund	213,500	177,300			390,800
Court Technology					
Fund	5,674,000	2,043,200	3,348,300		11,065,500
Drug Court, Mental Health Court and Family Court Services					
Fund	<u>1,737,000</u>	<u>3,410,300</u>	<u>0</u>		<u>5,147,300</u>
TOTAL	\$28,128,700	\$6,733,500	\$4,358,100		\$39,220,300
D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$19,052,400	\$449,000			\$19,501,400
Drug Court, Mental Health Court and Family Court Services					
Fund	1,176,100	1,890,700			3,066,800
Guardianship Pilot Project					
Fund	337,000	77,500			414,500
Senior Magistrate Judges					
Fund		600,000			600,000
Federal Grant					
Fund	<u>20,300</u>	<u>90,100</u>			<u>110,400</u>
TOTAL	\$20,585,800	\$3,107,300			\$23,693,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$698,000	\$166,300			\$864,300
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,048,000	\$1,048,000
Substance Abuse Treatment					
Fund	\$244,000	\$434,200		4,230,800	4,909,000
TOTAL	\$244,000	\$434,200		\$5,278,800	\$5,957,000
G. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,181,900				\$1,181,900
DIVISION TOTAL	\$62,004,400	\$14,681,300	\$4,358,100	\$5,504,400	\$86,548,200
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$2,678,600	\$2,695,300
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$20,000	\$110,800			\$130,800
GRAND TOTAL	\$62,041,100	\$14,792,100	\$4,358,100	\$8,183,000	\$89,374,300

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.
The Judicial Branch 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, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. RETIREMENT CONTRIBUTIONS. Of the amount appropriated in Section 1 of this act from the General Fund for the state's share of retirement contribution remittances to the Judges' Retirement Fund for justices' and judges' retirement benefits pursuant to Section 1-2004(2), Idaho Code, those amounts that are uncommitted shall be transferred monthly into operating expenditures and then paid by the Judicial Branch into the Judges' Retirement Fund.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Judicial Branch any unexpended and unencumbered balances appropriated to the Judicial Branch from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund for fiscal year 2023, in an amount not to exceed \$19,990,500 from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 274
(S.B. No. 1195)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE MEDICAID MANAGEMENT INFORMATION SYSTEMS DEDICATED FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2024; REQUIRING REPORTING ON MILESTONE COMPLETION; REQUIRING NOTIFICATION OF SCOPE CHANGES; REQUIRING NOTIFICATION OF MISSED MILESTONES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FISCAL YEAR 2023 CASH TRANSFER TO THE MEDICAID MANAGEMENT INFORMATION SYSTEMS DEDICATED FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$18,656,400 from the General Fund to the Medicaid Management Information Systems Dedicated Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 252, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid in the Medicaid Administration and Medical Management Program the following amounts from the designated funds to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023:

FROM:

Medicaid Management Information Systems Dedicated Fund	\$183,900
Cooperative Welfare (Federal) Fund	<u>1,654,800</u>
TOTAL	\$1,838,700

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid in the Medicaid Administration and Medical Management Program the following amounts from the designated funds to be expended for operating expenditures for the period July 1, 2023, through June 30, 2024:

FROM:

Medicaid Management Information Systems Dedicated Fund	\$14,374,400
Cooperative Welfare (Federal) Fund	<u>129,369,400</u>
TOTAL	\$143,743,800

SECTION 4. REPORTING ON MILESTONE COMPLETION. The Division of Medicaid, in collaboration with the Department of Administration's Division of Purchasing, shall provide a report for every vendor milestone accepted by the State of Idaho for substantial completion for the Medicaid Management Information System. The report shall include the date of notification of completion from the vendor, the date of verification by the State of Idaho, the deliverables that were provided, and the dollar amount paid, if any. The report shall be provided to the Legislative Services Office Division of Budget and Policy Analysis within five (5) days of any payment. The format of the report and the information included therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis.

SECTION 5. NOTIFICATION OF SCOPE CHANGES. The Division of Medicaid, in collaboration with the Department of Administration's Division of Purchasing, shall provide a report on any and all scope changes for the Medicaid Management Information System after the signing of initial contracts. This report shall include any price changes and provide a rationale for modification of the scope of the module. This report shall be provided to the Legislative Services Office Division of Budget and Policy Analysis within five (5) days of any agreed on scope change. The format of the report and the information included therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis.

SECTION 6. NOTIFICATION OF MISSED MILESTONES. The Division of Medicaid shall provide a report to the Legislative Services Office Division of Budget and Policy Analysis of any delay of more than fifteen (15) days for milestone dates denoted in the signed contract for the Medicaid Management Information System. The report shall be provided within twenty (20) days of any missed milestone. Additional notification shall be given on remedies for the delay as well as updates to any contractual timelines, if needed. The format of the report and the information included therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3, 4, 5, and 6 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 275
(S.B. No. 1197)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2024; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2024; PROVIDING INTENT FOR FLEXIBILITY IN ALLOCATIONS FOR CERTAIN INSTITUTIONS; PROVIDING REQUIREMENTS FOR UTILIZATION OF MATCHING FUNDS; PROVIDING REQUIREMENTS REGARDING REALLOCATION OF PROJECT SAVINGS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$185,181,800 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2023, through June 30, 2024.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, installations, facilities, or structures, at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alteration and Repair Projects	\$50,271,100
Asbestos Abatement	500,000
Statewide Americans with Disabilities Act Compliance	3,000,000
Facilities Maintenance	<u>5,892,900</u>
TOTAL	\$59,664,000

CAPITAL PROJECTS:

Juvenile Corrections Cottages, St. Anthony	\$10,603,000
ISP District 2 Facility, Lewiston	9,975,000
ISP District 6 Facility, Idaho Falls	4,841,700
Military - Youth Challenge Dorms	6,000,000

Higher Ed. Capital Projects	
Boise State University	17,936,000
Idaho State University	8,388,000
Lewis-Clark State College	2,370,000
University of Idaho	8,998,000
CWI Student Learning Center	10,700,000
CWI Ag. Science/Horticulture Expansion - Phase 2	5,000,000
CSI Emergency Generator and Data Center	2,530,000
CSI Evergreen Building	9,000,000
CEI Campus Infrastructure Improvements	8,000,000
Higher Ed. Capital Projects (Total)	72,922,000
IDJC Facility Modifications, Lewiston	6,176,000
ISHS Preservation Facility	<u>15,000,100</u>
TOTAL	\$125,517,800
GRAND TOTAL	\$185,181,800

SECTION 3. The appropriation identified in Section 2 of this act for Idaho State University is for the purpose of property development for future expansion of the health sciences campus; or for nuclear faculty research lab space; or for expansion of the physician assistant facility. The appropriation identified for Lewis-Clark State College in Section 2 of this act is for the purpose of the Sam Glenn complex remodel; or dormitory expansion for a nursing learning and living community; or build-out of Clearwater Hall's first floor. The appropriation identified in Section 2 of this act for the University of Idaho is for the purpose of McCall field campus improvements; or design and construction of a meat science and innovation center; or a Joint Reserve Officer Training Corps (ROTC) facility; or the Parma campus building.

SECTION 4. UTILIZATION OF MATCHING FUNDS. Moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and the Division of Public Works is authorized to expend, for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets, provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 5. REALLOCATION OF PROJECT SAVINGS. The Division of Public Works may have the flexibility to allocate any savings or unused appropriation from any project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 6. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$94,098,100 from the General Fund to the Permanent Building Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 256, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$300,000,000 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2022, through June 30, 2023, for the purpose of statewide deferred maintenance.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 256, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$2,808,700 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2022, through June 30, 2023, for the purpose of updating broadcast infrastructure.

SECTION 9. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$302,808,700 from the General Fund to the Permanent Building Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 7, 8, and 9 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, 4, 5, and 6 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 276
(S.B. No. 1205)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; DEFINING "DISTRIBUTED"; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2024; PROVIDING FOR A DISTRIBUTION OF ADDITIONAL COMPENSATION FOR INSTRUCTIONAL AND PUPIL SERVICE STAFF; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

Public School Income Fund	\$1,327,904,800
Idaho Tax Rebate Fund	1,200
Federal Grant Fund	<u>11,000,000</u>
TOTAL	\$1,338,906,000

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$997,904,800 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 3. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 1 of this act, \$13,750,000 from the Public School Income Fund shall be distributed for professional development that supports instructors and pupil service staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil service staff with a clear understanding of their progress, be incorporated into their performance evaluations, and, to the extent possible, be included in the school district or public charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the State Department of Education, and the State Department of Education shall track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 4. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 5. Of the amounts appropriated in Section 1 of this act for the Public School Support Program's Division of Teachers, \$1,327,904,800 shall be considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 6. INSTRUCTIONAL AND PUPIL SERVICE STAFF COMPENSATION. In addition to the distribution criteria set forth in Section 33-1004B(9)(e), Idaho Code, an additional \$6,359 shall be allocated to each cell for residential, professional, and advanced professional rungs. These funds must be used for instructional and pupil service compensation. Funding shall be distributed in combination with other career ladder allocations for the period July 1, 2023, through June 30, 2024. School districts and public charter schools shall report to the State Department of Education on the allocation of these funds for instructional and pupil service compensation. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by January 13, 2024, on the allocations made by school districts and public charter schools. The format of the report and the contents therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 277
(S.B. No. 1206)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2024; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING AN ESTIMATE OF HEALTH BENEFIT AND INSURANCE FUNDS PER SUPPORT UNIT AND REQUIRING A REPORT; DIRECTING THE USE OF AN APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE, AND LEARNING MANAGEMENT SYSTEMS; DEFINING "DISTRIBUTED"; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$1,123,677,600 to be expended from the Public School Income Fund for the period July 1, 2023, through June 30, 2024.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$1,055,145,400 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

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

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

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

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

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

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

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. On and after July 1, 2022, the district administrative staff index shall be multiplied by the base salary of forty-one thousand four hundred ninety-one dollars (\$41,491). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) On and after July 1, 2022 2023, to determine the apportionment for classified staff, multiply ~~twenty-four thousand eight hundred forty-one dollars (\$24,841)~~ thirty-eight thousand eight hundred two dollars (\$38,802) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 4. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2023, through June 30, 2024, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$19,537 per support unit that are to be used at the discretion of the school district or charter school.

SECTION 5. HEALTH BENEFIT AND INSURANCE FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2023, through June 30, 2024, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total health benefits or insurance and health benefits-related funds of \$21,854 per support unit to be used to offset the costs of health, vision, and dental benefits or insurance offered to school employees. If the distribution provided for health, vision, and dental benefits or insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at school district's or charter school's discretion. Further, the State Department of Education shall work with the Legislative Services Office Division of Budget and Policy Analysis and the Division of Financial Management to determine the information that the State Department of Education shall collect on school districts' and charter schools' health, vision, and dental benefits or insurance plan information and costs, including but not limited to actual insurance premium costs, premium percentage increases, and health insurance revenues and expenditures from all fund sources.

SECTION 6. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 1 of this act, \$36,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the State Department of Education. Moneys so distributed shall be used to implement and operate a learning management system of each school district's or public charter school's choice. A learning management system shall include integration with a school district's or public charter school's student information system (SIS) and shall administer, monitor, and document student and classroom levels of learning. The State Department of Education shall verify that school districts and public charter schools are using funds to purchase a learning management system that is compliant with these standards.

SECTION 7. DEFINITION. For the purposes of this appropriation, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 8. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For the period July 1, 2023, to June 30, 2024, the State Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities divisions of the Public Schools Educational Support Program, in any amount necessary, to comply with the public school funding provisions of appropriations and Idaho Code. Additionally, appropriations may be transferred from the Division of Central Services to the other divisions of the Public Schools Educational Support Program.

SECTION 9. Of the amounts appropriated in Section 1 of this act to the Public Schools Educational Support Program's Division of Operations, the following amounts shall be considered expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

General Fund	\$1,055,145,400
Public Schools Other Income Fund	7,000,000
Public School Endowment Income Fund	<u>61,532,200</u>
TOTAL	\$1,123,677,600

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 July 1, 2023.

Approved April 4, 2023

CHAPTER 278
(S.B. No. 1207)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO THE IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULA; LIMITING THE EXPENDITURE OF SPECIAL EDUCATION FUNDING; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

Public School Income Fund	\$152,448,600
Federal COVID-19 Relief Fund	21,238,900
American Rescue Plan Fund	285,114,500
Federal Grant Fund	<u>240,147,800</u>
TOTAL	\$698,949,800

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$148,123,700 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 3. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state-appropriated funds for the period July 1, 2023, through June 30, 2024, to achieve the following:

(1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced opportunities, including access to dual credit courses, for students.

The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 4. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding any provision of law to the contrary, of the moneys appropriated in Section 1 of this act, up to \$4,324,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2023, through June 30, 2024, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 5. COURSEWORK. Of the moneys appropriated in Section 1 of this act, \$4,715,000 shall be distributed for coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the State Department of Education. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2024, on the uses of funds and effectiveness of the programs and efforts.

SECTION 6. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 1 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs as follows:

(1) The State Department of Education shall distribute \$4,370,000 to school districts and charter schools pro rata based on the population of English language learners under criteria established by the department.

(2) The State Department of Education shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The State Department of Education shall develop the program elements and objectives governing the use of these funds and include a program evaluation component.

The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2024, on the program design, use of funds, and program effectiveness.

SECTION 7. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The State Department of Education shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2023. As nearly as practicable, the report shall contain information about enrollment of this student population in postsecondary education. A report containing such information shall be posted on the website of the State Department of Education no later than December 29, 2023.

SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2023, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO THE IDAHO STATE POLICE. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2023, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 10. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

SECTION 11. DIGITAL CONTENT. Of the funds appropriated in Section 1 of this act, \$1,600,000 shall be distributed by the State Department of Education to school districts and public charter schools to purchase digital content and curricula of their choice. Funding will be distributed based on a formula prescribed by the State Department of Education that includes a base amount and an amount based on the number of midterm support units.

SECTION 12. SPECIAL EDUCATION FUNDING. Of the moneys appropriated in Section 1 of this act, the State Department of Education shall issue \$8,546,000 pursuant to 34 CFR 300 to provide for the education of all children with disabilities, within the eligible school districts and public charter schools of Idaho. Funding shall not be distributed by the State Department of Education until the United States Department of Education has made an official decision on the maintenance of financial support waiver request. If a decision is not made by June 30, 2024, the State Department of Education shall revert the funds to the General Fund and make a new request for funding when the United States Department of Education has made an official decision.

SECTION 13. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Children's Programs, the following amounts shall be considered expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

General Fund	\$148,123,700
Cigarette, Tobacco and Lottery Income Taxes Fund	4,324,900
Federal COVID-19 Relief Fund	21,238,900
American Rescue Plan Fund	285,114,500
Federal Grant Fund	<u>240,147,800</u>
TOTAL	\$698,949,800

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 279
(S.B. No. 1209)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; DIRECTING THE USE OF MONEYS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF MONEYS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS FOR DIGITAL CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING REQUIREMENTS FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING "DISTRIBUTED" AND "EXPENDED"; REQUIRING AN ACQUISITIONS REPORT; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Central Services \$14,237,600 to be expended for operating expenditures from the Public School Income Fund for the period July 1, 2023, through June 30, 2024.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$14,237,600 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 3. PROGRAM SUPPORT. Of the moneys appropriated in Section 1 of this act, up to \$2,459,100 from the Public School Income Fund shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The State Department of Education shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2024, on the uses of funds and effectiveness of the programs and efforts.

SECTION 4. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 1 of this act, the State Department of Education may expend up to \$2,258,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 5. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 1 of this act, the State Department of Education may expend up to \$4,500,000 for professional development and teacher training and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 6. CONTENT AND CURRICULUM -- DIGITAL CONTENT. Of the moneys appropriated in Section 1 of this act, \$1,200,000 shall be expended for the purchase of content and curriculum for adaptive math instruction, and \$2,250,000 shall be expended for research-based programs to assist with the instruction of students with non-English or limited-English proficiency and for learning loss.

SECTION 7. YEAR-END RECONCILIATION. If the moneys appropriated and transferred to the Public School Income Fund and the moneys appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary. If the funding amounts specified in Section 4 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary.

SECTION 8. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the moneys appropriated in Section 1 of this act, an amount not to exceed \$1,570,000 from the Public School Income Fund may be expended by the State Department of Education to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three (3) or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2024, regarding the number and type of certificates earned by students and faculty.

SECTION 9. DEFINITIONS. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs. "Expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools, or students or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 10. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the State Department of Education is encouraged to engage in open, competitive acquisition processes. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2023, on all contracts signed during fiscal year 2023 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 11. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Central Services, \$14,237,600 shall be considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 280
(S.B. No. 1211)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WORKFORCE DEVELOPMENT TRAINING FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE FIRE SUPPRESSION DEFICIENCY FUND FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PEACE OFFICERS TRAINING FUND FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FISCAL YEAR 2023 CASH TRANSFER TO THE WORKFORCE DEVELOPMENT TRAINING FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$15,000,000 from the General Fund to the Workforce Development Training Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 249, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Workforce Development Council \$15,000,000 from the Workforce Development Training Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of semiconductor workforce grants.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balances appropriated to the Workforce Development Council from the Workforce Development Training Fund for the purpose of semiconductor workforce grants for fiscal year 2023 in an amount not to exceed \$15,000,000 from the Workforce Development Training Fund to be used for nonrecurring expenditures related to semiconductor workforce grants for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. FISCAL YEAR 2024 CASH TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer an amount not to exceed \$29,327,600 from the General Fund to the Public Education Stabilization Fund on August 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024. The actual amount transferred shall be the calculated amount to reach the statutory limit of eight and one-third percent (8.334%) of the current fiscal year's total appropriation of state funds for public school support as found in Section 33-907, Idaho Code, as determined by the Office of the State Controller in consultation with the State Department of Education and the Legislative Services Office.

SECTION 5. FISCAL YEAR 2024 CASH TRANSFER TO THE BUDGET STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$32,363,200 from the General Fund to the Budget Stabilization Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 6. FISCAL YEAR 2024 CASH TRANSFER TO THE FIRE SUPPRESSION DEFICIENCY FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$68,715,900 from the General Fund to the Fire Suppression Deficiency Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 7. FISCAL YEAR 2024 CASH TRANSFER TO THE PEACE OFFICERS TRAINING FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$550,000 from the General Fund to the Peace Officers Training Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3, 4, 5, 6, and 7 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 281
(S.B. No. 1212)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL; APPROPRIATING ADDITIONAL MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2024; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AND EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Workforce Development Council the following amounts to be expended according to the designated expense classes from the In Demand Careers Fund for the period July 1, 2023, through June 30, 2024, for the purpose of expanding the Idaho Launch program:

FOR:

Personnel Costs	\$1,005,100
Operating Expenditures	<u>3,994,900</u>
TOTAL	\$5,000,000

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Workforce Development Council is hereby increased by six (6.00) for the period July 1, 2023, through June 30, 2024.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 282
(H.B. No. 286, As Amended in the Senate)

AN ACT

RELATING TO BOND AND LEVY DISCLOSURES; AMENDING SECTION 34-913, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR TAXING DISTRICT COMMUNICATIONS REGARDING PROPOSED BONDS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-914, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR TAXING DISTRICT COMMUNICATIONS REGARDING PROPOSED LEVIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-913, Idaho Code, be, and the same is hereby amended to read as follows:

34-913. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. (1) Notwithstanding any other provision of law, on and after July 1, 2021, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness must provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used, including but not necessarily limited to a description of the facility or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based on current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of ~~\$~~ per of \$ _____ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(f) The total existing indebtedness, including interest accrued, of the taxing district.

(2) (a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer};$ and

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1) (c) of this section as based on the anticipated interest rate in subsection (1) (b) of this section;

(ii) "Duration" means the time, in years, from subsection (1) (e) of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's office.

(3) The official statement must be made a part of the ballot prior to the location on the ballot where a person casts a vote and must be included in the official notice of the election.

(4) In order to be binding, a ballot question to authorize a bond must include the information and language required by this section in its official statement.

(5) Any mass communication, whether in printed form, audio, visual, electronic, or any other medium, sent by a taxing district to twenty (20) or more voters and any media presented by a taxing district for public viewing, including posters, websites, or social media, regarding its proposed bond must include the information required by subsection (1) (b) through (f) of this section.

~~(5)~~ (6) Upon a determination by a court, pursuant to section 34-2001A, Idaho Code, that the taxing district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 2. That Section 34-914, Idaho Code, be, and the same is hereby amended to read as follows:

34-914. DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY. (1) Notwithstanding any other provision of law, on and after July 1, 2021, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy, except for the levies authorized for the purposes provided in sections 63-802(1) (h) and 33-802(4), Idaho Code, and except for levies relating to bonded indebtedness where section 34-913, Idaho Code, applies, must include in the ballot question, or in a brief official statement on the ballot but separate from the ballot question, a disclosure setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and the dollar amount estimated to be collected each year from the levy;

(b) The estimated average annual cost to the taxpayer of the proposed levy, in the form of "A tax of \$_____ per \$100,000 of taxable assessed value, per year, based on current conditions." If the taxing district proposing the levy has an existing levy of the same type that is set to expire at the time that the proposed levy will begin, an additional statement may be provided along the following lines: "The proposed levy replaces an existing levy that will expire on _____ and that currently costs \$_____ per \$100,000 of taxable assessed value." The statement shall also disclose that, if the proposed levy is approved, the tax per \$100,000 of taxable assessed value is either: (i) not expected to change or (ii) is expected to increase or decrease the tax by \$_____ per \$100,000 of taxable assessed value. The dollar amounts referenced in this paragraph shall be calculated by multiplying the expected levy rate by one hundred thousand dollars (\$100,000);

(c) The length of time, reflected in months or years, in which the proposed levy will be assessed; and

(d) If an existing levy is referenced, the expiration date of the levy must also be provided.

(2) The information called for in subsection (1) of this section must be placed immediately above the location on the ballot where a person casts a vote and must also be included in like manner in the official notice of the election.

(3) In order to be binding, a ballot question to authorize a levy must include the information and language required by this section in its official statement. The ballot question may not include other information or language regarding any other bond, levy, or matter, whether previous, current, or proposed, except as authorized under this section.

(4) Any mass communication, whether in printed form, audio, visual, electronic, or any other medium, sent by a taxing district to twenty (20) or more voters and any media presented by a taxing district for public viewing, including posters, websites, or social media, regarding its proposed levy must include the information required by subsection (1) (b) and (c) of this section.

~~(4)~~ (5) Upon a determination by a court, pursuant to section 34-2001A, Idaho Code, that the taxing district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

CHAPTER 283

(H.B. No. 120, As Amended in the Senate)

AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-310, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 47-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE OIL AND GAS CONSERVATION COMMISSION; AMENDING SECTION 47-315, IDAHO CODE, TO AUTHORIZE THE COMMISSION TO REGULATE THE PERFORATION AND TREATMENT OF WELLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-316, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO AMEND THE SIZE, SHAPE, OR LOCATION OF A SPACING UNIT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-317, IDAHO CODE, TO REVISE PROVISIONS REGARDING OIL AND GAS WELLS, TO PROVIDE FOR SPACING UNITS, AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 47-318, IDAHO CODE, RELATING TO WELL SPACING; AMENDING SECTION 47-320, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INTEGRATION OF TRACTS; AMENDING SECTION 47-321, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS OF LAW SHALL BE APPLIED IN DETERMINING WHETHER JUST AND REASONABLE TERMS EXIST FOR THE ISSUANCE OF ORDERS ADDING TO OR EXCLUDING FROM A UNIT AREA AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-324, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-326, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC DATA; AMENDING SECTION 47-327, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONFIDENTIALITY OF WELL AND TRADE INFORMATION; AMENDING SECTION 47-328, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULES; AMENDING SECTION 47-331, IDAHO CODE, TO REVISE PROVISIONS REGARDING ROYALTIES; AMENDING SECTION 47-334, IDAHO CODE, TO PROVIDE FOR MINIMUM SURFACE USE BONDS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 47-310, Idaho Code, be, and the same is hereby amended to read as follows:

47-310. DEFINITIONS. Unless the context otherwise requires, the terms defined in this section shall have the following meanings when used in this act. The use of the plural includes the singular, and the use of the singular includes the plural.

(1) "Administrator" means the division administrator for oil and gas conservation within the department of lands, as established under section 58-104A, Idaho Code.

(2) "American association of professional landmen" is the land profession's resource for support, ethical standards of practice, career advancement, and legislative advocacy.

(3) "American petroleum institute" or "API" is the largest petroleum and natural gas trade organization in America and represents all segments of America's natural gas and oil industry. API was formed in 1919 as a standards-setting organization and has developed more than seven hundred (700) standards to enhance operational and environmental safety, efficiency, and sustainability.

(4) "Arms-length contract" means a contract or agreement that has been arrived at in the marketplace between independent, nonaffiliated persons with opposing economic interests regarding that contract. For purposes of this chapter, two persons are affiliated if one person controls, is controlled by, or is under common control with another person. The following percentages, based on the instruments of ownership of the voting securities of an entity, or based on other forms of ownership, determine if persons are affiliated:

(a) Ownership in excess of fifty percent (50%) constitutes control, or as defined in the joint operating agreement.

(b) Ownership of ten percent (10%) through fifty percent (50%) creates a presumption of control.

(c) Ownership of less than ten percent (10%) creates a presumption of noncontrol, which the commission may rebut if it demonstrates actual or legal control, including the existence of interlocking directorates. Notwithstanding any other provisions of this chapter, contracts between relatives, either by blood or by marriage, are not arms-length contracts. To be considered arms-length for any production month, a contract must meet the requirements of this definition for that production month and must have met the requirements when the contract was executed.

~~(1)~~ (5) "Commission" means the oil and gas conservation commission.

(6) "Condensate" means the light liquid hydrocarbons that occur as a gas under initial subsurface conditions that condense into a liquid with a decrease in pressure below the dew point during production in the reservoir and at the surface, or only at the surface. The API gravity of condensate is typically fifty (50) degrees to one hundred twenty (120) degrees.

~~(2)~~ (7) "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.

~~(3)~~ ~~"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.~~

~~(4)~~ (8) "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.

(9) "Days" means calendar days unless otherwise noted.

~~(5)~~ (10) "Department" means the Idaho department of lands.

~~(6)~~ (11) "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)~~ (12) "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.

~~(8)~~ (13) "Field" means the general surface area underlaid by one (1) or more pools that are related to a single geological feature.

~~(9)~~ (14) "Gas" means 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)~~ (15) "Gathering facility" means a facility that receives gathering lines from wells, commingles the produced materials, and then sends those materials to a processing facility.

~~(11)~~ (16) "Market value" means the price at the time of sale, in cash or on terms reasonably equivalent to cash, for which the oil and 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 severance tax directly or indirectly.

~~(12)~~ (17) "MCF" means one thousand cubic feet of gas.

~~(13)~~ (18) "Mineral interest" means the right to explore, drill or produce oil and gas ~~lying~~ lying beneath the surface of property.

~~(14)~~ (19) "Natural gas liquids" or "NGL" means the liquid hydrocarbons that are gaseous in the reservoir, but will separate can be separated out in liquid form at the surface 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. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline), and high (liquefied petroleum gas).

~~(15)~~ (20) "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)~~ (21) "Occupied structure" means a building with walls and a roof within which individuals live or customarily work.

~~(17)~~ (22) "Oil" means and includes crude petroleum oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas.

~~(18)~~ (23) "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)~~ (24) "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)~~ (25) "Oil and gas operations" means operations to explore for, develop or produce oil and gas.

~~(22)~~ (26) "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.

~~(23)~~ (27) "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil and gas that he produces therefrom, either for himself or for himself and others.

~~(24)~~ (28) "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.

~~(25)~~ (29) "Pool" means an underground reservoir containing a common accumulation of oil and or gas, or both. Each zone of a structure that is completely separated from any other zone in the same structure is a pool.

~~(26)~~ (30) "Processing facility" means a facility that refines gas and liquid hydrocarbons.

~~(27)~~ (31) "Producer" means the owner of a well or wells capable of producing oil and gas.

~~(28)~~ (32) "Reservoir" means a subsurface volume of porous and permeable rock in which oil and gas may have accumulated.

~~(29)~~ (33) "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)~~ (34) "Tract" means an expanse of land ~~representing the surface expression of the underlying mineral estate that includes oil and gas rights.~~
A tract that:

(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 lay 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.

~~(31)~~ (35) "Uncommitted owner" means ~~one an owner~~ who is not leased or otherwise contractually obligated to the operator.

~~(32)~~ (36) (a) "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 of 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 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.

~~(33)~~ (b) "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~~ aboveground 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; and 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 and gas ultimately recoverable from a pool under prudent and proper operations.

~~(34)~~ (37) "Workover" means an operation in which a well is reentered for the purpose of maintaining or repairing it.

(38) "Zone" means a single continuous deposit of oil or gas, or both oil and gas, in the pores of a reservoir. A zone has a single pressure system and does not communicate with other zones.

SECTION 2. That Section 47-314, Idaho Code, be, and the same is hereby amended to read as follows:

47-314. 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 department of lands. The commission shall consist of ~~the director of the department of lands,~~ a county commissioner as described in this section, and ~~three (3)~~ four (4) 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 governor shall appoint four (4) members appointed by the governor who shall serve at the pleasure of the governor. One (1) member shall be knowledgeable in oil and gas matters and shall have a college degree in geosciences or engineering and at least ten (10) five (5) 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 One (1) member shall be a mineral interest owner without an oil and gas lease in a county where oil and gas have been produced. One (1) member shall be a resident of Idaho knowledgeable in land use matters and shall have at least five (5) years experience in land use matters. 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) 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) (2)~~ The commission shall annually elect a chairman and a vice chairman from ~~their~~ its 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) (3)~~ The commission shall meet at least annually and thereafter on dates set by the commission. A majority of the members shall constitute a quorum.

~~(5) (4)~~ 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) (5)~~ The oil and gas administrator of the department of lands shall be the secretary for the commission.

~~(7) (6)~~ 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 47-328 and 47-329(3), Idaho Code.

~~(8) (7)~~ 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 to 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 47-328, Idaho Code, except as provided in sections 47-316(1) (a) and 47-329(3), Idaho Code.

~~(9)~~ (8) 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)~~ (9) 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 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 that protect public health, public safety, and public order or which that 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)~~ (10) 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)~~ (11) 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~~ the commission, 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 3. That Section 47-315, Idaho Code, be, and the same is hereby amended to read as follows:

47-315. AUTHORITY OF COMMISSION. (1) The commission is authorized and it is its duty to regulate the exploration for and production of oil and gas, to prevent waste of oil and gas and, to protect correlative rights, and to 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 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 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 and gas out of one (1) pool into another; (ii) the detrimental intrusion of water into an oil and gas pool that is avoidable by efficient operations; (iii) the pollution of ~~fresh water~~ freshwater supplies by oil, gas, or saltwater; (iv) ~~blow-outs~~ blowouts, cavings, seepages, and fires; and (v) waste as defined in section 47-310, Idaho Code;

(d) The taking of tests of oil 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 and gas;

(f) That the production from wells be separated into gaseous and liquid hydrocarbons, ~~and that~~ which shall 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 and gas production; and

(j) The filing of reports 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 governments 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 ~~sheeting~~ perforation 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 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, to protect correlative rights, to govern the practice and procedure before the commission, and to otherwise to administer this act.

(9) 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 4. That Section 47-316, Idaho Code, be, and the same is hereby amended to read as follows:

47-316. 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 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 director of the department of water resources regarding applications for 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 freshwater supplies.

(c) Applications submitted under this section, except those listed in subsection (3) (c) and (g) of this section, shall be posted on the department of lands' website for ten (10) business days for a written comment period.

(d) The department of lands shall approve or deny applications in subsection (3) (a), (b), (c), (d), (f), (g), (m), (n) and (o) of this section in a timely and efficient manner. This time frame does not apply to permits submitted with an application processed under section 47-328, Idaho Code.

(e) The department's decision made under this section may be appealed to the commission by the applicant pursuant to the procedure in section 47-328(4) through (6), Idaho Code.

(2) Upon issuance of any permit to drill or treat a well, a copy thereof, including any limitations, conditions, controls, rules or regulations attached thereto for the protection of freshwater supplies as required in section 47-315, 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 recompletion, modified blow-out <u>blowout</u> prevention standards, using a vacuum for oil or gas recovery, removing casing, or multiple zone completion, if separate from an application for a permit to drill or plug and abandon 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 <u>change amend</u> the size, shape or location of a spacing unit	1,300
(j) Application to establish or amend a fieldwide 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 5. That Section 47-317, Idaho Code, be, and the same is hereby amended to read as follows:

47-317. DRILLING LOCATIONS SPACING UNITS. (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 spacing 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 spacing units shall ~~comply with section 47-318(2)~~ specify the location, size, and shape of the unit, which, in the opinion of the department, shall result in the efficient and economical development of the pool as a whole. These units established by the department shall be geographic. The geographic boundary of the unit shall be described in accordance with the public land survey system. The department shall issue an order establishing a spacing unit or units to determine the area that can be efficiently and economically drained by one (1) well for the orderly development of the pool. The department may amend the order if evidence determines that additional wells are needed to efficiently and economically drain the pool or if evidence indicates the location of the pool is different from that in the initial order. Such amendment is subject to notice and an opportunity for hearing as provided in section 47-328, 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 a spacing 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) An oil well located on a forty (40) acre spacing unit shall have a minimum setback of three hundred thirty (330) feet from the completed interval of the wellbore to the closest exterior geographic boundary of the unit.

~~(i) (ii) 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 Directional and vertical gas wells. Every directional well and vertical well drilled for gas shall be located in a drilling spacing 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 and 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 directional or vertical gas well located on a six hundred forty (640) acre drilling spacing unit shall have a minimum setback of six hundred sixty (660) feet to the from the completed interval of the wellbore to the closest exterior boundaries of the governmental section.

(i) No gas well shall be drilled with the closest point of its completed interval less than nine hundred ninety (990) feet from the closest point of the completion interval of 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 the closest point of the completion interval is located more than nine hundred ninety (990) feet from the closest point of the completion interval of 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 spacing unit consisting of a six hundred forty (640) acre governmental section or lot or tract, or combination of lots or and 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 vertical plane intersecting with the closest point of a unit 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 an amendment in the size, shape or location of a drilling spacing unit under this section, as provided in section 47-318(6), Idaho Code. Request may be made for drilling spacing units that are:~~

- (a) Larger or smaller than forty (40) acres for oil;
- (b) Larger or smaller than ~~one hundred sixty (160)~~ six hundred forty (640) acres for gas; or
- (c) Not located within the boundaries of a governmental section, quarter section or quarter-quarter section.

(5) ~~Changes to drilling~~ An amendment to spacing units may be authorized upon application, notice and an opportunity for hearing as provided in section 47-328, Idaho Code. To authorize a change an amendment, the department shall find that such change amendment 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 amending spacing units under this section, the department shall review the drilling spacing unit's size, shape and location based on the application, any supporting exhibits, and evidence introduced at a hearing.~~

(6) The department may amend an order that establishes spacing units for a pool to provide for:

- (a) An exception to the authorized location of a well;
- (b) The inclusion or exclusion of additional areas that overlay the pool as determined by the commission;
- (c) The increase or decrease of the size of spacing units; or
- (d) The drilling of additional wells within spacing units. A pool may be divided into zones, and a spacing unit for each zone may be established if necessary. The spacing unit within the zone may not be smaller than the maximum area that can be efficiently and economically drained by one (1) or more wells.

(7) Upon the filing of an application to establish a spacing unit, no additional well shall be commenced for production from the pool until the order establishing a spacing unit has been made, unless the commencement of the well is authorized by order of the department.

(8) The department may establish a spacing unit and concurrently authorize the drilling of more than one (1) well in a spacing unit if the department finds that:

- (a) Engineering or geologic characteristics justify the drilling of more than one (1) well in that spacing unit; and
- (b) The drilling of more than one (1) well in that spacing unit will not result in waste.

SECTION 6. That Section 47-318, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 47-320, Idaho Code, be, and the same is hereby amended to read as follows:

47-320. INTEGRATION OF TRACTS -- ORDERS OF DEPARTMENT. (1) 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, for 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 the~~ just and reasonable terms and conditions set forth in this section.

(2) 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 separately owned tract by a well drilled thereon.

(3) Each such integration order shall authorize the drilling, equipping and operation, or operation, of a well or wells 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 ~~four (4)~~ three (3) following options:

(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 an approved joint operating agreement approved by the department in the integration order. The department shall deem the joint operating agreement as just and reasonable if the agreement is based on a standard industry form, such as those supplied by the American association of professional landmen, and if the operator demonstrates to the department that any amendments to the standard form are not prejudicial to working interest owners.

(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. The operator of the integrated spacing unit 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. The department shall deem the joint operating agreement as just and reasonable if the agreement is based on a standard industry form, such as those supplied by the American association of professional landmen, and if the operator demonstrates to the department that any amendments to the standard form are not prejudicial to nonconsenting working interest owners.

~~(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 no less than one-eighth (1/8) royalty. The operator of an integrated spacing unit shall pay a leasing owner the highest bonus payment per acre that the operator paid to another owner in the spacing unit prior to the filing of the integration application.~~

~~(d) 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 highest bonus payment per acre that the operator paid to another owner in the spacing unit prior to the filing of the integration application.~~

(c) Base entitlement. If an owner fails to make an election within the election period set forth in the integration order, the operator shall compensate such owner for the owner's share of production with the following just and reasonable terms, provided that nothing in this paragraph shall be deemed to prevent the operator and owners from voluntarily agreeing to different lease terms before or after the entry of an integration order:

(i) Such owner shall receive a minimum one-eighth (1/8) royalty of any gas, oil, or natural gas liquids produced, proportionate to the owner's interest in the integrated unit.

(ii) Royalty payments shall comply with the terms of section 47-331, Idaho Code.

(iii) The operator of an integrated spacing unit shall pay such owner the highest bonus payment per acre that the operator paid to another owner in the spacing unit prior to the filing of the integration application.

(iv) The operator shall avoid, to the maximum extent possible, any use of surface lands belonging to owners integrated under this subsection. Where such use cannot be reasonably avoided, use of surface lands, and compensation for such use, shall be governed by section 47-334, Idaho Code.

(v) The operator shall comply with the requirements of sections 47-319, 47-332, 47-333, and 47-334, Idaho Code.

(vi) An integration order including the terms specified in this subsection fulfills the department's obligation to integrate mineral interests upon just and reasonable terms.

(4) An application for an order integrating the tracts or interests in a spacing unit shall substantially contain and be limited to only the following:

- (a) The applicant's name and address;
- (b) A description of the spacing unit to be integrated;
- (c) A geologic statement concerning the likely presence of hydrocarbons;
- (d) A statement that the proposed drill site is leased;
- (e) A statement of the proposed operations for the spacing unit, including the name and address of the proposed operator;
- (f) A proposed joint operating agreement and a proposed lease form;
- (g) A list of all uncommitted owners in the spacing unit to be integrated under the application, including names and addresses;

(h) An affidavit indicating that at least sixty-seven percent (67%) of the mineral interest acres in the spacing unit support the integration application by leasing or participating as a working interest owner;

(i) 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

(j) 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 of general circulation 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.

(5) 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.

(6) 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 47-328, Idaho Code.

(8) An integration order shall be in effect for a term of five (5) years and as long thereafter as oil and gas operations are being conducted by the operator, unless extended by the department upon application of the operator. Any application to amend or extend an integration order shall comply with the notice requirements of section 47-328(3)(b), Idaho Code. For purposes of such notice, all parties receiving the base entitlement set forth in subsection (3)(c) of this section shall be considered uncommitted owners.

(9) The entry of an integration order does not inhibit the right of mineral interest owners to pursue claims against the operator for damages to person, property, or water rights.

SECTION 8. That Section 47-321, Idaho Code, be, and the same is hereby amended to read as follows:

47-321. 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~~ dewatering 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 ~~the well(s)~~ or wells 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 47-328, 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 includes 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 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~~ be terminated 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 sixty-seven percent (67%) of the costs of the unit operation, ~~and also;~~ the plan has been signed and approved in writing by the working interest owners of at least sixty-seven percent (67%) 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, which shall be determined by the application of the terms set forth in section 47-320(3), Idaho Code.

(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 sixty-seven percent (67%) of the costs of the unit operation in the area to be added, and also; the amended plan has been signed and approved in writing by the working interest owners of at least sixty-seven percent (67%) 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 who~~ are required to pay at least sixty-seven percent (67%) of the costs of unit operations, and also; the amended plan has been approved in writing by the working interest owners in the original unit area required to pay at least sixty-seven percent (67%) 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 9. That Section 47-324, Idaho Code, be, and the same is hereby amended 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 end purchaser report. ~~Any person who purchases or is entitled to purchase any product third-party, arms-length purchaser of oil, gas, or condensate that is ready for refining or other use 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. End 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. If the end purchaser does not provide the required report, the operator shall provide the information specified in this paragraph by the end 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 no~~ later than thirty (30) days after the date the log was run, ~~if run~~. Such logs include but are not limited to:

(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 10. That Section 47-326, Idaho Code, be, and the same is hereby amended 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 survey location 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 11. That Section 47-327, Idaho Code, be, and the same is hereby amended 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~~ and geophysically or geologically derived subsurface maps. 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~~ after the run date on the log.

(4) The state tax commission, the oil and gas conservation commission, the Idaho ~~geologic~~ geological 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 12. That Section 47-328, Idaho Code, be, and the same is hereby amended to read as follows:

47-328. RULES FOR COMMISSION -- ADMINISTRATIVE PROCEDURES. (1) The commission shall have authority to hear rulemaking proceedings, complaints filed with it pursuant to this chapter and appeals from the ~~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.~~

(2) 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, the commission shall serve notice of any hearing to be held on such application or complaint to the interested 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 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 of general circulation 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.

(3) Except as provided in section 47-316(1) (a) , Idaho Code, and subsection (2) 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 47-329, Idaho Code, or other enforcement action by the department of lands or the commission, shall be made by application to the department of lands and processed as provided in this section.

(a) The department shall notify the applicant within five (5) business days of receipt of an application if additional information is required for the department to evaluate the application.

(b) For applications involving an order regarding establishment or amendment of a spacing unit, unit operations or integration of a drilling spacing unit, the applicant shall send a copy of the application and supporting documents to all known and located uncommitted mineral interest owners, ~~to~~ all working interest owners within the proposed spacing unit, and ~~to~~ the respective city or county where the proposed unit is located. The mailing shall be sent by certified mail within seven (7) calendar days of filing the application and include notice of the hearing date on which the ~~oil and gas~~ administrator will consider the application. For any uncommitted owners and working interest owners who cannot be located, an applicant shall publish notice of any application for an order, notice of hearing and response deadline once in a newspaper of general circulation 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 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 at least fourteen (14) calendar days before the hearing date provided in the notice.

(c) For applications not involving paragraph (b) of this subsection, the department and any uncommitted owner within the area defined in the application may file objections or other responses to the application and shall file at least fourteen (14) calendar days before the hearing date provided in the notice.

(d) The ~~oil and gas~~ administrator shall hear the application and make a decision on the application's merits. The ~~oil and gas~~ administrator shall set regular hearing dates. Applications shall be filed at least forty-five (45) calendar days before a desired hearing date. Untimely applications shall be continued until the next hearing. The ~~oil and gas~~ administrator may for good cause continue any hearing. The ~~oil and gas~~ administrator may appoint a hearing officer, who shall have the power and authority to conduct hearings. Discovery is not permitted. The department may appear and testify at the hearing. When applications are uncontested, the applicant may request, and the ~~oil and gas~~ administrator may allow, approval without a hearing based on review of the merits of a verified application and the supporting exhibits.

(e) The ~~oil and gas~~ administrator shall issue a written decision on any such application within thirty (30) calendar days of the hearing. The ~~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 (4) of this section.

(4) The ~~oil and gas~~ administrator's decision on an application or a request 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 ~~oil and gas~~ administrator within fourteen (14) calendar days of the date of issuance of the ~~oil and gas~~ administrator's written decision. The date of issuance shall be three (3) calendar days after the ~~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, by certified mail, or by personal service. Any person who participated in the proceeding may file a response to the appeal within five (5) business days of service of a copy of the appeal materials. The appellant shall provide the 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 as set forth in the written submittals of only the appellant and any other participating qualified person, the oil and gas administrator's decision, and any oral argument taken by the commission at an appeal hearing.

(5) 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) calendar 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 issue a written order within five (5) business days of the hearing. The prevailing party shall draft a proposed written order and submit it within two (2) business days. The final order of the commission shall not be subject to any motion for reconsideration.

(6) If no appeal is filed with the commission within the required time, the decision of the oil and gas administrator shall become the final order.

(7) Judicial review of actions taken by the commission shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(8) For an application or request for an order submitted under subsection (3) of this section, only a person qualified under subsection (4) 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.

(9) 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.

(10) 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 13. That Section 47-331, Idaho Code, be, and the same is hereby amended 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 an end 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 14. That Section 47-334, Idaho Code, be, and the same is hereby amended 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 minimum 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 15. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 284
(H.B. No. 221)

AN ACT

RELATING TO ETHICS IN GOVERNMENT; AMENDING CHAPTER 4, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 74-407, IDAHO CODE, TO PROHIBIT THE NAME OF ANY PUBLIC OFFICIAL OR ANY ELECTIONEERING MESSAGE FROM APPEARING ON TAX COMMISSION CORRESPONDENCE OR ON COUNTY PROPERTY TAX CORRESPONDENCE AND TO PROVIDE AN EXCEPTION TO APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 74-407, Idaho Code, and to read as follows:

74-407. TAX COMMISSION CORRESPONDENCE -- COUNTY PROPERTY TAX CORRESPONDENCE. Neither the name of any public official, nor any electioneering message, shall appear on tax commission correspondence with a taxpayer, whether or not it includes a check, warrant, or rebate, or on a county property tax correspondence with a taxpayer, whether or not it includes a check, warrant, or rebate, unless acting as an endorser of a check, warrant, or rebate or unless otherwise necessary for the proper execution of a check, warrant, or rebate. This provision shall not apply to standard letterhead of the tax commission or of a county.

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

Approved April 4, 2023

CHAPTER 285
(H.B. No. 230)

AN ACT

RELATING TO PROPERTY VALUATION FOR TAX PURPOSES; AMENDING SECTION 63-208, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUTIES OF ASSESSORS AND TO PROVIDE FOR THE VALUATION OF INCOME-PRODUCING PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-208, Idaho Code, be, and the same is hereby amended to read as follows:

63-208. RULES PERTAINING TO MARKET VALUE -- DUTY OF ASSESSORS. (1) It shall be the duty of the state tax commission to prepare and distribute to each county assessor and the county commissioners within the state of Idaho, rules prescribing and directing the manner in which market value for assessment purposes is to be determined for the purpose of taxation. The rules promulgated by the state tax commission shall require each assessor to find market value for assessment purposes of all property, except that expressly exempt under chapter 6, title 63, Idaho Code, within his county according to recognized appraisal methods and techniques as set forth by the state tax commission; provided, that the actual and functional use shall be a major consideration when determining market value for assessment purposes.

(2) To maximize uniformity and equity in assessment of different categories of property, such rules shall, to the extent practical, require the use of reproduction or replacement cost less depreciation as opposed to historic cost less depreciation whenever cost is considered as a single or one (1) of several factors in establishing the market value of depreciable property. The state tax commission shall also prepare and distribute amendments and changes to the rules as shall be necessary in order to carry out the intent and purposes of this title. The rules shall be in the form as the commission shall direct, and shall be made available upon request to other public officers and the general public in reasonable quantities without charge. In ascertaining the market value for assessment purposes of any item of property, the assessor of each county shall, and is required to, abide by, adhere to and conform with rules promulgated by the state tax commission.

(3) When establishing the real property market value for assessment purposes of income-producing property, the assessor may use one (1) or more market valuation methods, provided that the market value shall not include contract rent related to the real estate only and shall exclude any value of exempt intangible personal property as provided in section 63-602L, Idaho Code. Upon request by the property owner, the assessor shall provide the property owner with the assessor's calculations used to derive the income-producing property owner's market value, including any value exempted by statute.

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

Approved April 4, 2023

CHAPTER 286
(H.B. No. 284)

AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE FOR A FEE WAIVER FOR CERTAIN ELECTRONIC FILINGS; AMENDING SECTION 49-1234, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ONLINE INSURANCE VERIFICATION SYSTEM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license \$14.00
- (b) For issuing every Idaho certificate of title \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section ... \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section \$26.00
- (f) For furnishing a replacement of any receipt of registration \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) \$18.00
- (k) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection \$5.00
- (l) For all replacement registration stickers, each \$2.00
- (m) For issuing letters of temporary vehicle clearance to Idaho-based motor carriers \$18.00
- (n) For all sample license plates, each \$21.00
- (o) For filing release of liability statements \$3.50
- (p) For safety and insurance programs for each vehicle operated by a motor carrier \$3.00

A lesser amount may be set by rule of the board.

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department may enter into agreements with private companies or public entities to provide the services for which a fee is collected in subsection (2) (g) of this section. Such private contractor shall collect the fee prescribed and remit the fee to the department. The contractor shall also collect and retain the additional fee charged for his services.

(5) (a) The department shall pay three dollars (\$3.00) of the fee collected by a county assessor or other authorized agent of the department as provided in subsection (2) (a) through (f) of this section, and four dollars (\$4.00) as provided in subsection (2) (g) of this section, to the county assessor or sheriff of the county or authorized agent of the department collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund when collected by the county. When fees are collected by the department or an authorized agent of the department, such fees shall be deposited with the issuing entity. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account.

(b) The fee collected under subsection (2) (k) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, shall be retained by the special agent authorized to perform the inspection, or paid to the state treasurer and placed to the credit of the Idaho state police if conducted by the Idaho state police or in the state highway account if conducted by the department.

(c) The fee collected under subsection (2) (o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee and shall be deposited with the county treasurer and credited to the county current expense fund. Any fees collected by the department for filing release of liability statements shall be retained by the department. However, the fees provided for in subsection (2) (o) of this section shall not apply when a transaction is filed electronically with the department.

(d) The fee in subsection (2) (m) of this section shall not apply when the Idaho-based motor carrier or its representative obtains and prints the document using internet access.

(e) The fee collected under subsection (2) (p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A, Idaho Code.

(6) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the public safety and security information system (ILETS).

(7) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(8) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(9) The department shall not renew a driver's license or identification card when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(10) The department shall not grant the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(12) The department shall revoke the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;

(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;

(d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;

(e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439, Idaho Code;

(f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection unless:

(i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and

(ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.

(15) The department shall cancel a driver's license or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(16) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(17) The department shall employ expert and special help as needed in the department.

(18) The department shall compile accident statistics and disseminate information relating to those statistics.

(19) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(20) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission. The placement and maintenance of such a traffic-control device by a local authority shall be made according to the board's manual and specifications for a uniform system of traffic-control devices.

(21) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(23) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(24) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(25) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(26) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(27) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

(28) On any informational material printed after July 1, 1995, by or at the order of the department and distributed to counties, school districts or individuals for the purpose of assisting a person to successfully pass a driver's license test, the department shall include material about the state's open range law and responsibilities, liabilities and obligations of drivers driving in the open range.

SECTION 2. That Section 49-1234, Idaho Code, be, and the same is hereby amended to read as follows:

49-1234. ONLINE INSURANCE VERIFICATION SYSTEM -- PEACE OFFICER DUTIES -- RULEMAKING. (1) The department shall establish and maintain an online insurance verification system for motor vehicle insurance coverage required by the provisions of this chapter, subject to the following:

(a) The department shall consult with representatives of the insurance industry to determine the objectives, details and deadlines relating to the verification system;

(b) The verification system shall be accessible through the internet, world wide web or a similar proprietary or common carrier electronic system by authorized personnel of the department, department of insurance, courts, law enforcement entities and of any other entity authorized by the department;

(c) The verification system shall provide for direct inquiry and response between the department and insurance carriers, or such other method of inquiry and response as agreed to by the department and individual insurance carriers;

(d) The verification system shall be capable of sending inquiries to and receiving responses from insurers for the purpose of verifying current motor vehicle insurance coverage via web services established by insurers through the internet, world wide web or a similar proprietary or common carrier electronic system, in compliance with the specifications and standards of the insurance industry committee on motor vehicle administration (IICMVA), provided that the department shall promulgate rules to provide insurers an alternative method for verifying motor vehicle insurance policy data rather than establishing web services or utilizing IICMVA's insurance data transfer guide;

(e) With the exception of unplanned system outages, the verification system shall be available twenty-four (24) hours a day to verify the insurance status of any motor vehicle registered in this state through the vehicle's identification number, policy number, national association of insurance commissioners' (NAIC) code or registered owner's name; provided that a reasonable amount of downtime may be allotted for planned system outages;

(f) The verification system shall include appropriate provisions, consistent with IICMVA standards, to secure its data against unauthorized access and to maintain a record of all information requests; and

(g) All information exchanged between the department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system shall be exempt from disclosure as provided in section 74-106, Idaho Code.

(2) As a condition for writing motor vehicle liability insurance policies in this state, insurance carriers shall cooperate with the department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as may be provided in rules promulgated by the department.

(3) Insurers that make good faith efforts to comply with the provisions of this section shall be immune from civil or administrative liability related to this section.

(4) The department shall establish a program to match information from the online insurance verification system with motor vehicle registrations to determine whether owners of motor vehicles have established financial responsibility. The department shall suspend the registration of any motor vehicle identified by the department as having failed to comply with the financial responsibility requirements. The program shall include:

- (a) Insurers reporting data to the verification system monthly at least weekly;
- (b) The department performing a periodic match at least monthly of the information from the online insurance verification system with motor vehicle registrations to determine whether owners of motor vehicles have established financial responsibility;
- (c) An initial notice to an owner of a motor vehicle who is shown to not have established or maintained financial responsibility for two (2) consecutive months. Such notice shall provide ~~thirty (30)~~ sixty (60) days for an owner to comply with the financial responsibility requirements or to notify the department of exemption before ~~suspension of an owner's registration will be effective~~;
- (d) ~~A final notice of immediate suspension of registration shall be mailed to an owner of a motor vehicle who does not establish financial responsibility after being given thirty (30) days to comply with such requirement~~ A final notice to an owner of a motor vehicle who is shown not to have established or maintained financial responsibility subsequent to the notice issued pursuant to paragraph (c) of this subsection. Such notice shall provide ten (10) days for an owner to comply with the financial responsibility requirements or to notify the department of exemption before suspension of an owner's registration will be effective;
- (e) That the department may offer, and that an owner may consent to, the sending of all eligible notices by e-mail in lieu of sending such notices through the mail;
- (f) The opportunity for an owner to provide a certificate or proof of liability insurance prior to any action taken against the registration;
- (g) That a registration may not be reinstated unless evidence of insurance is provided to the department and a reinstatement fee of seventy-five dollars (\$75.00) is paid to the department. These fees shall be deposited into the state highway account. These fees are in addition to any other applicable fines, penalties, and fees;
- (h) That an owner may lawfully suspend vehicle insurance pursuant to section 41-2516, Idaho Code; and
- (i) That an insurance company shall, if it has such capability, report data indicating that a vehicle's insurance has been lawfully suspended because such vehicle has been placed into storage by the owner; and
- ~~(j)~~ (j) That an owner may notify the department when exempt from the requirement to possess proof of vehicle financial responsibility for reasons allowed by Idaho Code or pursuant to rules promulgated by the department. If an exemption applies, the department shall mark the registration record as exempt and such registration shall not be suspended.
- (5) Peace officers shall access information from the online insurance verification system to verify the current validity of motor vehicle liability insurance. If insurance is verified, then the peace officer shall not issue a citation for an infraction violation of the provisions of section 49-1232, Idaho Code.
- (6) If an Idaho uniform citation is issued to a person for an infraction violation of the provisions of section 49-1232, Idaho Code, and it is subsequently found that the legally required motor vehicle insurance coverage was in force at the time of the issuance of the citation, then the court shall dismiss the citation without penalty and such citation shall not appear on the person's record.
- (7) This section shall not apply to any vehicle insured under commercial motor vehicle coverage and shall not apply to implements of husbandry and golf carts. As used in this section, "commercial motor vehicle coverage" means an insurance policy that covers a business's vehicles and employees.

(8) The department may promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, to carry out the provisions of this section.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 287
(H.B. No. 299)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE SECRETARY OF STATE; APPROPRIATING MONEYS TO THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING MONEYS TO THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2023; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Secretary of State the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. SECRETARY OF STATE:				
FROM:				
General				
Fund	\$3,348,400	\$11,343,200	\$20,000	\$14,711,600
II. COMMISSION ON UNIFORM STATE LAWS:				
FROM:				
General				
Fund		\$53,000		\$53,000
GRAND TOTAL	\$3,348,400	\$11,396,200	\$20,000	\$14,764,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Secretary of State is authorized no more than thirty-five and fifty-hundredths (35.50) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 204, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of the Secretary of State the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023, for the purpose of three new staff positions:

FOR:

Personnel Costs	\$72,600
Operating Expenditures	7,400
Capital Outlay	<u>1,400</u>
TOTAL	\$81,400

SECTION 4. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 204, Laws of 2022, the full-time equivalent position authorization provided to the Office of the Secretary of State is hereby increased by two (2.00) for the period July 1, 2022, through June 30, 2023.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the Secretary of State any unexpended and unencumbered balance appropriated to the Office of the Secretary of State for election integrity audits for fiscal year 2023 for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amounts, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 4, 2023

CHAPTER 288
(H.B. No. 237)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-708, IDAHO CODE, TO PROVIDE A POLICY FOR CERTAIN FUNDING OF LOCAL BRIDGES AND HIGHWAYS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-708, Idaho Code, be, and the same is hereby amended to read as follows:

40-708. POLICY OF LEGISLATURE ON EXPENDITURES. (1) It is the declared policy of the legislature that, except as otherwise provided, all highway-user revenues accruing to the state highway account be spent exclusively for the maintenance, construction and development of highways and bridges in the state highway system. By mutual cooperative written agreements, or in the event of emergencies or other unusual circumstances where the financial or general welfare of the people is concerned, two (2) or more units of government may, upon a showing of cause declared and entered upon the minutes of an official meeting of the board, the boards of county, highway district commissioners or the governing body of any cities involved, as the case may be, share jointly the costs of the maintenance, construction or development of highways and bridges in any state, county, district or city system.

(2) It is further the declared policy of the legislature that, except as otherwise provided, all highway-user revenues accruing to the state highway account and all ad valorem levies accruing pursuant to chapter 8, title 40, Idaho Code, shall be spent in support of the operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdiction. All moneys apportioned to the board, counties or highway districts, and cities from the proceeds from the imposition of tax on fuels and from any tax or fee for the registration or operation of motor vehicles for general highway construction and maintenance, bridge and culvert moneys, shall be accounted for as to the actual expenditure to the state controller, as dedicated funds by a certification of the governing unit receiving, budgeting and expending those dedicated funds. The certification shall list the actual funds received for the budgetary period in each category of dedicated funds and the actual expenditure of the used dedicated funds. Any balance of dedicated funds unexpended must be shown and accounted for as a beginning balance in the next regular budget. The certification shall be prepared by the director, county auditor or highway district treasurer or city clerk, and shall be signed by the elected county or highway district commissioners, mayor, council, or board members of the respective reporting governmental unit. The certification shall be made by ~~the 31st of~~ December 31 of each year for the preceding fiscal budget year, and shall be published once as a legal notice between January 1st and the ~~15th of~~ 1 and January 15. Failure to make certification, failure to publish or the making of false statements in the certification shall subject the person so doing to the penalties prescribed in section 40-207, Idaho Code, or be used as the grounds for removal from office of the offending officials. The state controller is empowered to withhold the distribution of funds for noncompliance with the provisions of this section, but upon compliance shall authorize the distribution to be made.

(3) Moneys remaining unexpended in dedicated funds shall not be budgeted and or expended for uses other than the limits of the dedicated fund.

(4) Highway districts may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the ensuing fiscal year sufficient to achieve or maintain highway district operations on a cash basis. A fund balance is the excess of the assets of a fund over its liabilities and reserves.

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

Approved April 4, 2023

CHAPTER 289
(H.B. No. 380)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC DEFENSE FUND FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2024; DIRECTING THE DISTRIBUTION OF FUNDS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SCHOOL DISTRICT FACILITIES FUND FOR FISCAL YEAR 2024; PROVIDING FOR A CONTINUOUS APPROPRIATION FOR THE SCHOOL DISTRICT FACILITIES FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SALES TAX DISTRIBUTION RESERVE ACCOUNT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FISCAL YEAR 2024 CASH TRANSFER TO THE PUBLIC DEFENSE FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$36,000,000 from the General Fund to the Public Defense Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 2. In addition to the any other appropriation provided by law, there is hereby appropriated to the State Tax Commission for the General Services Program \$36,000,000 from the Public Defense Fund to be expended for trustee and benefit payments for the period July 1, 2023, through June 30, 2024, for the purpose of public defense at the county level of government.

SECTION 3. DISTRIBUTION OF FUNDS. The state tax commission shall distribute funding in Section 2 of this act to the forty-four counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants.

SECTION 4. FISCAL YEAR 2024 CASH TRANSFER TO THE SCHOOL DISTRICT FACILITIES FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$20,000,000 from the General Fund to the School District Facilities Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 5. CONTINUOUS APPROPRIATION FOR THE SCHOOL DISTRICT FACILITIES FUND. The Office of the State Controller and the State Department of Education are hereby granted continuous appropriation authority for the School District Facilities Fund pursuant to Section 33-911(2), Idaho Code, for the period July 1, 2023, through June 30, 2024, for the purpose of paying property tax levies for existing school bonds and supplemental school levies, for the purpose of savings for future school facility construction or renovations, or for the purpose of securing and making payments on new school facilities bonds, which reduces property taxes for taxpayers.

SECTION 6. FISCAL YEAR 2024 CASH TRANSFER TO THE SALES TAX DISTRIBUTION RESERVE ACCOUNT. There is hereby appropriated and the Office of the State Controller shall transfer \$2,000,000 from the General Fund to the Sales Tax Distribution Reserve Account to be distributed to special purpose taxing districts pursuant to methodology in Section 63-3638(10)(c), Idaho Code, on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 290
(H.B. No. 288)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022D, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEDUCTION OF EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022D. DEDUCTION OF EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES. ~~Allowance of Deduction. In~~ There shall be allowed as a deduction, in the case of an individual who maintains a household which that includes as a member one (1) or more qualifying individuals, (as defined in section 21(b)(1) of the Internal Revenue Code), there shall be allowed as a deduction, the employment-related expenses, (as defined in section 21(b)(2) of the Internal Revenue Code, and as further specified and limited by section 21(e)(d) and (e) of the Internal Revenue Code), paid by such individual during the taxable year, not to exceed twelve thousand dollars (\$12,000).

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

Approved April 4, 2023

CHAPTER 291
(H.B. No. 330)

AN ACT

RELATING TO TOBACCO PRODUCTS TAXES; AMENDING SECTION 63-2552, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TOBACCO PRODUCTS TAX, TO REMOVE OBSOLETE LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-2552A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TOBACCO PRODUCTS ADDITIONAL TAX, TO REMOVE OBSOLETE LANGUAGE, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-2552, Idaho Code, be, and the same is hereby amended to read as follows:

63-2552. TAX IMPOSED -- RATE. ~~(1) From and after July 1, 1972, there~~ There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of thirty-five per cent percent (35%) of the wholesale sales price of such tobacco products; provided, however, that the combined tax on a cigar imposed by this section and section 63-2552A, Idaho Code, shall not exceed fifty cents (\$0.50) per cigar. Such tax shall be imposed at the time the distributor:

~~(a) brings (1) Brings,~~ or causes to be brought, into this state from without the state tobacco products for sale~~;~~;

~~(b) makes (2) Makes,~~ manufactures, or fabricates tobacco products in this state for sale in this state~~;~~; or

~~(c) ships (3) Ships~~ or transports tobacco products to retailers in this state, to be sold by those retailers.

~~(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of thirty-five per cent (35%) of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1972.~~

~~Each distributor, within twenty (20) days after July 1, 1972, shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1972, and the amount of tax due thereon.~~

~~The tax imposed by this subdivision shall be due and payable within twenty (20) days after July 1, 1972, and thereafter shall bear interest at the rate of one per cent (1%) per month.~~

SECTION 2. That Section 63-2552A, Idaho Code, be, and the same is hereby amended to read as follows:

63-2552A. ADDITIONAL TAX IMPOSED -- RATE. (1) In addition to the tax imposed in section 63-2552, Idaho Code, ~~from and after July 1, 1994,~~ there is levied and there shall be collected an additional tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of five percent (5%) of the wholesale sales price of such tobacco products; provided, however, that the combined tax on a cigar imposed by this section and section 63-2552, Idaho Code, shall not exceed fifty cents (\$0.50) per cigar. Such tax shall be imposed at the time the distributor:

- (a) Brings, or causes to be brought, into this state from without the state tobacco products for sale;
- (b) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or
- (c) Ships or transports tobacco products to retailers in this state to be sold by those retailers.

~~(2) Each distributor, within twenty (20) days after July 1, 1994, shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1994, and the amount of tax due thereon. The tax imposed in this subsection shall be due and payable within twenty (20) days after July 1, 1994, and thereafter shall bear interest at the rate of one percent (1%) per month.~~

~~(3) (2) Fifty percent (50%) of the tax collected pursuant to this section shall be subject to appropriation to the public school income fund to be utilized to develop and implement school safety improvements and to facilitate and provide substance abuse prevention programs in the public school system and the Idaho bureau of educational services for the deaf and the blind, less two hundred thousand dollars (\$200,000) that shall be remitted annually to the Idaho state police to increase toxicology lab capacity in the bureau of forensic services for drug testing of juveniles, and less eighty thousand dollars (\$80,000) that shall be remitted to the commission on Hispanic affairs to be used for substance abuse prevention efforts in collaboration with the state department of education. Fifty percent (50%) of the tax collected pursuant to this section shall be subject to appropriation to the department of juvenile corrections for distribution quarterly to the counties to be utilized for county juvenile probation services, based upon the percentage the population of the county bears to the population of the state as a whole. The moneys remitted to the Idaho state police shall be reviewed annually and any money in excess to the operations needs of the laboratory for juvenile drug testing will be deposited in the public school income fund for substance abuse prevention programs in the public school system. The laboratory may utilize this increased toxicology capacity for adult drug testing to the extent that timely testing for juveniles is not adversely impacted.~~

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 292

(H.B. No. 71, As Amended in the Senate)

AN ACT

RELATING TO THE VULNERABLE CHILD PROTECTION ACT; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1506C, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT CERTAIN PRACTICES UPON A CHILD, TO PROVIDE CERTAIN EXEMPTIONS, TO PROVIDE A PENALTY, AND TO PROVIDE SEVERABILITY; AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1506C, Idaho Code, and to read as follows:

18-1506C. VULNERABLE CHILD PROTECTION. (1) This section shall be known and may be cited as the "Vulnerable Child Protection Act."

(2) As used in this section:

(a) "Child" means any person under eighteen (18) years of age; and

(b) "Sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female.

(3) A medical provider shall not engage in any of the following practices upon a child for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex:

(a) Performing surgeries that sterilize or mutilate, or artificially construct tissue with the appearance of genitalia that differs from the child's biological sex, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or reconstruction of the fixed part of the urethra with or without metoidioplasty, phalloplasty, scrotoplasty, or the implantation of erection or testicular prostheses;

(b) Performing a mastectomy;

(c) Administering or supplying the following medications that induce profound morphologic changes in the genitals of a child or induce transient or permanent infertility:

(i) Puberty-blocking medication to stop or delay normal puberty;

(ii) Supraphysiological doses of testosterone to a female; or

(iii) Supraphysiological doses of estrogen to a male; or

(d) Removing any otherwise healthy or nondiseased body part or tissue.

(4) A surgical operation or medical intervention shall not be a violation of this section if the operation or intervention is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a surgical operation or medical intervention is never necessary to the health of the child on whom it is performed if it is for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex;

(b) For the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law; or

(c) Performed in accordance with the good faith medical decision of a parent or guardian of a child born with a medically verifiable genetic disorder of sex development, including:

(i) A child with external biological sex characteristics that are ambiguous and irresolvable, such as a child born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue; or

(ii) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the child does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(5) Any medical professional convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than ten (10) years.

(6) 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 section.

SECTION 2. That Section 19-5307, Idaho Code, be, and the same is hereby amended to read as follows:

19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in subsections (2) and (3) of this section.

The fine shall operate as a civil judgment against the defendant and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);
- Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
- Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
- Section 18-913, Idaho Code (Felonious administration of drugs);
- Section 18-918, Idaho Code (Felony domestic violence);
- Section 18-923, Idaho Code (Attempted strangulation);
- Section 18-1501, Idaho Code (Felony injury to children);
- Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
- Section 18-1506A, Idaho Code (Ritualized abuse of a child);
- Section 18-1506B, Idaho Code (Female genital mutilation of a child);

Section 18-1506C, Idaho Code (Vulnerable child protection);
 Section 18-1507, Idaho Code (Sexual exploitation of a child);
 Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
 Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or seventeen years of age);
 Section 18-4001, Idaho Code (Murder);
 Section 18-4006, Idaho Code (Felony manslaughter);
 Section 18-4014, Idaho Code (Administering poison with intent to kill);
 Section 18-4015, Idaho Code (Assault with intent to murder);
 Section 18-4502, Idaho Code (First degree kidnapping);
 Section 18-5001, Idaho Code (Mayhem);
 Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
 Section 18-6101, Idaho Code (Rape);
 Section 18-6501, Idaho Code (Robbery).

(3) Notwithstanding the provisions of section 18-306(4) and (5), Idaho Code, the fine created under this section may also be imposed up to five thousand dollars (\$5,000) for attempts of the felonies described in:

Section 18-4001, Idaho Code (Murder);
 Section 18-6101, Idaho Code (Rape).

SECTION 3. This act shall be in full force and effect on and after January 1, 2024.

Approved April 4, 2023

CHAPTER 293
 (H.B. No. 340)

AN ACT

RELATING TO VOTER IDENTIFICATION; AMENDING SECTION 34-404, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REGISTRATION OF ELECTORS; AMENDING SECTION 34-408, IDAHO CODE, TO REVISE A PROVISION REGARDING THE REGISTRATION OF ELECTORS; AMENDING SECTION 34-408A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTION DAY REGISTRATION; AMENDING SECTION 34-410, IDAHO CODE, TO REVISE PROVISIONS REGARDING MAIL REGISTRATION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPLICATION FOR ELECTOR REGISTRATION AND ELECTOR PROOF OF IDENTITY AND RESIDENCE; REPEALING SECTION 34-416, IDAHO CODE, RELATING TO REGISTRATION APPLICATIONS; AMENDING SECTION 49-315, IDAHO CODE, TO REVISE A PROVISION REGARDING DRIVER'S LICENSES; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR A CERTAIN NO-FEE IDENTIFICATION CARD, TO MAKE A CODIFIER'S CORRECTION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF ELECTORS -- POLITICAL PARTY AFFILIATION -- UNAFFILIATED DESIGNATION. (1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration application is and proof of identity and residence are received in the office of the county clerk or is received at the polls pursuant to section 34-408(3), 34-408A, or 34-1012, Idaho Code.

(2) Each elector may select on the registration application an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or may select to be designated as "unaffiliated." The county clerk shall record the party affiliation or "unaffiliated" designation so selected as part of the elector's registration record. If an elector shall fail or refuse to make such a selection, the county clerk shall enter on the registration records that such elector is "unaffiliated."

(3) In order to provide an elector with the appropriate primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

~~(4) In order to provide electors who are already registered to vote, and who remain registered electors, with an opportunity to select a party affiliation or to select their status as "unaffiliated," the poll book for the 2012 primary election shall include checkoff boxes by which the poll worker or other appropriate election personnel shall record such elector's choice of party affiliation or choice to be designated as "unaffiliated." After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected in the poll book as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.~~

~~(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not selected party affiliation or who have not selected to be designated as "unaffiliated," shall be designated as "unaffiliated" and the county clerk shall record that designation for each such elector within the voter registration system as provided for in section 34-437A, Idaho Code.~~

SECTION 2. That Section 34-408, Idaho Code, be, and the same is hereby amended to read as follows:

34-408. CLOSING OF REGISTER -- TIME LIMIT. (1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration application received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

~~(3) Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.~~ Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon completing a registration application and showing proof of identity and residence pursuant to section 34-411, Idaho Code, at the absent electors' polling place provided in section 34-1006, Idaho Code, or at an early voting station provided in section 34-1012, Idaho Code.

SECTION 3. That Section 34-408A, Idaho Code, be, and the same is hereby amended to read as follows:

34-408A. ELECTION DAY REGISTRATION. (1) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, showing proof of identity and residence pursuant to section 34-411, Idaho Code, and making an oath in the form prescribed by the secretary of state, and providing proof of residence. An individual may prove residence for purposes of registering by:

~~(1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or~~

~~(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or~~

~~(3) Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.~~

(2) Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

~~An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.~~

SECTION 4. That Section 34-410, Idaho Code, be, and the same is hereby amended to read as follows:

34-410. MAIL REGISTRATION. (1) Any elector may register by mail for any election. Any mail registration application must be received by the county clerk prior to the close of registration as provided in section 34-408, Idaho Code, provided that any mail registration application postmarked not later than twenty-five (25) days prior to an election shall be deemed timely.

(2) The secretary of state shall prescribe the form for the mail registration application.

(3) This The mail application form shall be available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(4) Any federal mail registration form adopted pursuant to the provisions of the national voter registration act of 1993 (P.L. 103-31) shall also be accepted as a valid registration, if such form is postmarked not later than twenty-five (25) days prior to an election.

(5) The county clerk shall prepare and issue by first class nonforwardable mail to each elector registering by mail a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides. A verification returned undeliverable shall cause the county clerk to remove the elector's card from the register of electors.

(6) As required by the help America vote act of 2002 (P.L. 107-252), a copy of proper identification will be required prior to issuance of a ballot to anyone who has registered by mail and has not previously voted in an election for federal office in the state. Proper identification consists of:

- ~~(1) A current and valid photo identification; or~~
- ~~(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.~~ shall meet the requirements of section 34-411(3) and (4), Idaho Code.

SECTION 5. That Section 34-411, Idaho Code, be, and the same is hereby amended to read as follows:

34-411. APPLICATION FOR REGISTRATION -- CONTENTS -- PROOF OF IDENTITY AND RESIDENCE. (1) Each elector who requests registration shall supply the following information under oath or affirmation: The secretary of state shall prescribe the form for the registration application consistent with the provisions of this section. Each elector who requests registration shall show proof of identity and residence in accordance with subsections (3) and (4) of this section and shall supply the following information under oath or affirmation:

- (a) Full name and sex;
- (b) Mailing address, residence Residence address or any other necessary information definitely locating the elector's residence;
- (c) Mailing address, if different from residence address;
- ~~(e)~~ (d) The period of time preceding the date of registration during which the elector has resided in the state;
- ~~(d)~~ (e) Whether or not the elector is a citizen;
- ~~(e)~~ (f) That the elector is under no legal disqualifications to vote;
- ~~(f)~~ (g) The county and state where the elector was previously registered, if any;
- ~~(g)~~ (h) Date of birth; and
- ~~(h)~~ (i) Current driver's license number or identification card issued by the Idaho transportation department. In the absence of an Idaho driver's license or state issued identification card, the last four (4) digits of the elector's social security number.

(2) As provided for in section 34-404, Idaho Code, each elector shall select an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or select to be designated as "unaffiliated." The selection of party affiliation or designation as "unaffiliated" shall be maintained within the voter registration system as provided for in section 34-437A, Idaho Code. If an elector shall fail or refuse to make such a selection, the county clerk shall record as "unaffiliated" such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

(3) An individual shall prove identity for the purpose of registering to vote by showing one (1) of the following forms of photo identification:

- (a) A current driver's license or identification card issued pursuant to title 49, Idaho Code;
- (b) A current passport or other identification card issued by an agency of the United States government;
- (c) A current tribal identification card; or
- (d) A current license or enhanced license to carry concealed weapons issued under section 18-3302, Idaho Code, or section 18-3302K, Idaho Code.

(4) (a) An individual shall prove residence for the purpose of registering to vote by showing one (1) of the following documents that displays the applicant's name and current Idaho physical address:

- (i) Any form of photo identification listed in subsection (3) (a), (c), or (d) of this section;
- (ii) A current proof of insurance;
- (iii) A deed of trust, mortgage, or lease or rental agreement;
- (iv) A property tax assessment, bill, or receipt;
- (v) A utility bill, excluding a cellular telephone bill;
- (vi) A bank or credit card statement;
- (vii) A paystub, paycheck, or government-issued check;
- (viii) An intake document from a residential care or assisted living facility licensed pursuant to the provisions of chapter 33, title 39, Idaho Code;
- (ix) Enrollment papers issued for the current school year by a high school or an accredited institution of higher education located within the state of Idaho; or
- (x) A communication on letterhead from a public or private social service agency registered with the secretary of state verifying the applicant is homeless and attesting to the applicant's residence for registration purposes.

(b) Any document that displays only a post office box address does not satisfy the requirements of this subsection.

(5) (a) The registration application shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(b) The elector shall read the warning set forth in this subsection and shall sign the elector's name in an appropriate place on the completed application.

(6) The registration application completed and signed as provided in this section constitutes the official registration application of the elector. The county clerk shall upload such applications to the statewide voter registration database. Such applications shall be considered confidential and unavailable for public inspection and copying except as provided by section 74-106(25), Idaho Code.

~~(3)~~ (7) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

~~(4)~~ (8) Each elector who requests registration may, at the elector's option, supply the elector's telephone number. If the telephone number is supplied by the elector, the telephone number shall be available to the public.

(9) The statewide voter registration database maintained by the office of the secretary of state shall constitute the register of electors.

SECTION 6. That Section 34-416, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's driver's license shall contain his or her alternative Idaho mailing address

in place of his or her Idaho residence address. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license shall be valid until it has been signed on the signature line of the license by the licensee. Driver's licenses for persons who are United States citizens may shall, where possible, include the notation "USA."

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, a driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR parts 383 and 384.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the driver's license by the imprinting of the word "donor" on the license. The provisions of this subsection shall apply to licensees fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with and the donor indicates this desire be placed on the license.

(6) A licensee who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the driver's license, provided the licensee presents written certification from a licensed physician verifying that the licensee's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(7) A licensee who is a veteran may request that his or her status as such be designated on the driver's license at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any class of driver's license issued pursuant to this section. Such designation shall be made upon original issuance or renewal of a driver's license. Designation shall also be made on any duplicate driver's license issued, provided that the fee for such duplicate driver's license is paid in accordance with section 49-306, Idaho Code.

Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any class of driver's license. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

SECTION 8. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR.

(1) The department shall issue a distinguishing identification card that shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers, or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color and shall ~~be issued~~ include a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant, which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

(2) No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

(3) Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four (4) year identification card issued to persons twenty-one (21) years of age or older shall be fifteen dollars (\$15.00), of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight (8) year identification card shall be twenty-five dollars (\$25.00), of which fifteen dollars (\$15.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (7) of this section. Every identification card issued to a

person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (7) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (7) of this section.

(4) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(5) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

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

(7) Every identification card issued to a person who is a citizen of the United States may shall, where possible, include the notation "USA." Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(8) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (7) of this section.

(9) (a) If an Idaho identification card has expired or will expire and the identification card holder is temporarily out of state, except on active military duty, the identification card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification card holder.

(b) Upon returning to the state of Idaho, the identification card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(10) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the card holder is released from active duty.

(11) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(12) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(13) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

(14) Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

(15) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(16) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(17) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(18) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(19) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(5), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(20) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (16) of this section.

~~(16)~~ (21) The department may issue an initial four (4) year no-fee identification card to an individual who is homeless. The department shall establish a form for verification of homelessness pursuant to this section. Such form shall require the signature of an outreach worker or service worker verifying that the individual is homeless and attesting to the individual's residency at an Idaho relief agency or shelter. An applicant issued an identification card under the provisions of this subsection shall be entitled to one (1) free replacement. Subsequent replacements and renewals of this identification card will be subject to the fees imposed in this section.

(22) The department shall issue a four (4) year no-fee identification card to any individual eighteen (18) years of age or older who has not possessed a current driver's license in the preceding six (6) months and who indicates on the application that an identification card is needed to comply with voter registration or voting requirements. An applicant issued an identification card under this subsection shall be entitled to one (1) free replacement. Such applicants are entitled to no-fee renewals as long as the applicant meets the requirements of this subsection at the time of renewal.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 294
(H.B. No. 348)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SALARIES OF JUDGES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, ~~2021~~ 2023, the salary of the justices of the supreme court shall be ~~one hundred sixty thousand four hundred dollars (\$160,400)~~ one hundred sixty-five thousand two hundred twelve dollars (\$165,212) per annum.

(2) Commencing on July 1, ~~2018~~ 2023, judges of the court of appeals shall receive an annual salary in an amount of ~~ten eight thousand dollars (\$10,000)~~ (\$8,000) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2017, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2017 2023, magistrate judges shall receive an annual salary in an amount of ~~twelve~~ eight thousand dollars (~~\$12,000~~) (\$8,000) less than the annual salary of a district judge.

(5) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

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

Approved April 3, 2023

CHAPTER 295
(S.B. No. 1173, As Amended)

AN ACT

RELATING TO PREVENTION OF PUBLIC OFFENSES; AMENDING SECTION 19-202, IDAHO CODE, TO PROVIDE FOR THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM AND TO PROVIDE THAT THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM SHALL NOT BE REQUIRED IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-202, Idaho Code, be, and the same is hereby amended to read as follows:

19-202. RESISTANCE BY THREATENED PARTY. (1) Resistance sufficient to prevent the offense may be made by the person about to be injured:

(a) To prevent an offense against his person, or his family, or some member thereof; or

(b) To prevent an illegal attempt by force to take or injure property in his lawful possession.

(2) The defensive display or declaration of a firearm by a person is justified when and to the extent a reasonable person would believe that physical force is necessary to protect the person or another person against the use or attempted use of unlawful physical force, including deadly force. The provisions of this subsection do not apply to someone who intentionally provokes another person to use or attempt to use unlawful physical force or deadly physical force. For purposes of this section, "defensive display or declaration of a firearm" shall include:

(a) Verbally informing another person that the person possesses or has available a firearm; and

(b) Exposing, displaying, or placing a person's hand on a firearm while the firearm is contained in a holster, pocket, purse, or other means of containment or transport in a manner that a reasonable person would understand was meant to protect the person or another against an unlawful use or attempted use of physical force or deadly physical force.

(3) The provisions of this section do not require a defensive display or declaration of a firearm before the use of physical force or deadly physical force, or threat of physical force or deadly physical force, by a person who is otherwise justified in the use or threatened use of physical force or deadly physical force.

~~(2)~~ (4) A person acting pursuant to this section may use such degree and extent of force as would appear to be reasonably necessary to prevent the threatened injury. Reasonableness is to be judged from the viewpoint of a reasonable person placed in the same position and seeing and knowing what the person then saw and knew without the benefit of hindsight.

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

Approved April 4, 2023

CHAPTER 296
(H.B. No. 350)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SUBSTANCE ABUSE TREATMENT AND PREVENTION, MENTAL HEALTH SERVICES, AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; REQUIRING A REPORT REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; PROVIDING EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF MENTAL HEALTH SERVICES; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF PSYCHIATRIC HOSPITALIZATION; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION; REQUIRING A REPORT ON SUBSTANCE ABUSE PREVENTION ACTIVITIES; DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of 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, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUBSTANCE ABUSE TREATMENT & PREVENTION:					
FROM:					
Prevention of Minors' Access to Tobacco					
Fund		\$43,800			\$43,800
Cooperative Welfare (Dedicated)					
Fund		438,300			438,300
Liquor Control					
Fund				\$650,000	650,000
Idaho Millennium Income					
Fund		160,000			160,000
Cooperative Welfare (Federal)					
Fund	<u>\$1,330,600</u>	<u>5,959,200</u>		<u>18,628,400</u>	<u>25,918,200</u>
TOTAL	\$1,330,600	\$6,601,300		\$19,278,400	\$27,210,300
II. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$6,010,800	\$1,239,700		\$1,787,800	\$9,038,300
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>3,376,200</u>	<u>1,931,700</u>		<u>1,812,600</u>	<u>7,120,500</u>
TOTAL	\$9,387,000	\$3,171,400		\$3,764,900	\$16,323,300
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$17,283,300	\$2,404,000		\$9,243,800	\$28,931,100
Cooperative Welfare (Dedicated)					
Fund	67,900			350,000	417,900
Cooperative Welfare (Federal)					
Fund	2,655,400	4,151,200		778,700	7,585,300
ARPA State Fiscal Recovery					
Fund	<u>118,900</u>	<u>5,881,100</u>		<u>0</u>	<u>6,000,000</u>
TOTAL	\$20,125,500	\$12,436,300		\$10,372,500	\$42,934,300
DIVISION TOTAL	\$29,512,500	\$15,607,700		\$14,137,400	\$59,257,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$4,964,000	\$4,964,000
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$9,402,300	\$966,000	\$2,671,700	\$45,600	\$13,085,600
Cooperative Welfare (Dedicated)					
Fund	185,200				185,200
State Hospital North Endowment Income					
Fund	600,600	1,174,100		104,400	1,879,100
Cooperative Welfare (Federal)					
Fund	<u>1,700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,700,000</u>
TOTAL	\$11,888,100	\$2,140,100	\$2,671,700	\$150,000	\$16,849,900
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$4,679,500	\$186,100	\$524,100		\$5,389,700
Cooperative Welfare (Dedicated)					
Fund	11,065,500	3,359,400		\$900	14,425,800
Mental Hospital Endowment Income					
Fund	5,091,900	2,208,700	26,000	284,700	7,611,300
Cooperative Welfare (Federal)					
Fund	<u>6,398,700</u>	<u>925,000</u>	<u>0</u>	<u>25,600</u>	<u>7,349,300</u>
TOTAL	\$27,235,600	\$6,679,200	\$550,100	\$311,200	\$34,776,100
D. STATE HOSPITAL WEST:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,022,100	\$894,200	\$588,700	\$8,300	\$3,513,300
Cooperative Welfare (Dedicated)					
Fund	215,400				215,400
Cooperative Welfare (Federal)					
Fund	<u>2,681,400</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,681,400</u>
TOTAL	\$4,918,900	\$894,200	\$588,700	\$8,300	\$6,410,100
DIVISION TOTAL	\$44,042,600	\$9,713,500	\$3,810,500	\$5,433,500	\$63,000,100
GRAND TOTAL	\$74,885,700	\$31,922,500	\$3,810,500	\$38,849,300	\$149,468,000

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 following number of full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Adult Mental Health	209.56
Children's Mental Health	95.67
State Hospital North	131.60
State Hospital South	286.25
State Hospital West	49.33
Substance Abuse Treatment and Prevention	16.00

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2024.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, Cooperative Welfare (General) Fund moneys appropriated to the Divisions of Mental Health Services and Psychiatric Hospitalization 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. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT. No later than July 16, 2023, the Children's Mental Health Program shall 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, 2023, through June 30, 2024.

SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The seven behavioral health community crisis centers shall submit records that indicate the levels of funding support by fund source. The format of the report and the information included therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division. The contents of these reports shall aid in providing a clearer understanding of the financial situations of the behavioral health community crisis centers. These reports shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than December 31, 2023.

SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Community Hospitalization Program is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers into the Community Hospitalization Program from other programs within the Department of Health and Welfare for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024.

SECTION 11. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 12. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF MENTAL HEALTH SERVICES. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Mental Health Services shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 13. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF PSYCHIATRIC HOSPITALIZATION. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Psychiatric Hospitalization shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 14. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Substance Abuse Treatment and Prevention shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 15. REPORT ON FUNDS FOR SUBSTANCE ABUSE PREVENTION. The Division of Substance Abuse Treatment and Prevention shall provide a report on any funds appropriated in Section 1 of this act used for substance abuse prevention. This report shall include the total dollar amount spent on substance abuse prevention versus treatment and should highlight activities undertaken by the Department of Health and Welfare for substance abuse prevention. The report shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than January 22, 2024.

SECTION 16. DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT. Of the funds appropriated in Section 1 of this act for the State Opioid Response Grant, funds available for naloxone and needles shall be available only to first responders in the State of Idaho.

SECTION 17. In addition to the appropriation made in Section 1, Chapter 127, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Substance Abuse Treatment and Prevention \$8,000,000 from the Cooperative Welfare (Federal) Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

SECTION 18. An emergency existing therefor, which emergency is hereby declared to exist, Section 17 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 297
(H.B. No. 369)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFER OF APPROPRIATIONS BETWEEN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING COST-SHARING FOR SERVICES; PROVIDING REQUIREMENTS FOR BUDGET INTEGRITY; LIMITING THE TRANSFER OF APPROPRIATIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MEDICAID FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$7,936,600	\$11,300,100	\$5,779,000	\$25,015,700
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Idaho Millennium Income				
Fund	107,100	642,300		749,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund	<u>12,232,400</u>	<u>46,780,500</u>	<u>19,518,700</u>	<u>78,531,600</u>
TOTAL	\$20,276,100	\$67,606,700	\$25,297,700	\$113,180,500
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund		\$165,000	\$229,947,000	\$230,112,000
Hospital Assessment				
Fund			28,563,000	28,563,000
Cooperative Welfare (Dedicated)				
Fund			41,445,100	41,445,100
Cooperative Welfare (Federal)				
Fund		<u>165,000</u>	<u>461,664,900</u>	<u>461,829,900</u>
TOTAL		\$330,000	\$761,620,000	\$761,950,000
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$307,721,000	\$307,721,000
Hospital Assessment				
Fund			2,363,500	2,363,500
Cooperative Welfare (Dedicated)				
Fund			240,458,800	240,458,800
Idaho Millennium Income				
Fund			13,451,900	13,451,900
Cooperative Welfare (Federal)				
Fund			<u>914,679,300</u>	<u>914,679,300</u>
TOTAL			\$1,478,674,500	\$1,478,674,500
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$222,674,200	\$222,674,200
Hospital Assessment				
Fund			40,089,000	40,089,000
Cooperative Welfare (Dedicated)				
Fund			140,523,000	140,523,000
Cooperative Welfare (Federal)				
Fund			<u>696,214,000</u>	<u>696,214,000</u>
TOTAL			\$1,099,500,200	\$1,099,500,200

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
V. EXPANSION MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$70,844,000	\$70,844,000
Hospital Assessment				
Fund			13,017,200	13,017,200
Cooperative Welfare (Dedicated)				
Fund			144,413,300	144,413,300
Idaho Millennium Income				
Fund			1,886,100	1,886,100
Cooperative Welfare (Federal)				
Fund			<u>856,451,200</u>	<u>856,451,200</u>
TOTAL			\$1,086,611,800	\$1,086,611,800
GRAND TOTAL	\$20,276,100	\$67,936,700	\$4,451,704,200	\$4,539,917,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Medicaid Administration and Medical Management Program of the Department of Health and Welfare is authorized no more than two hundred thirteen (213.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2024.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding appropriated and available resources for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Division of Medicaid and Division of Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expense class in the Division of Medicaid may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, Expansion Medicaid Plan, and the Medicaid Administration and Medical Management Programs, but shall not be transferred to any other budgeted program or expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Division of Medicaid shall provide a report to the Legislative Services Office and the Division of Financial Management on progress in integrating managed care approaches into the state Medicaid system. The format of the report and information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 1, 2023.

SECTION 9. COST-SHARING REQUIREMENT. The Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required by Section 56-257, Idaho Code, to the maximum extent that is federally allowable for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit (FPL), for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 10. BUDGET INTEGRITY. Notwithstanding any other provision of law to the contrary, and consistent with its cost containment strategy, the Department of Health and Welfare's Division of Medicaid shall submit its budget request in accordance with applicable Idaho law as of the date of submission. This section does not prohibit the agency from making requests of the Legislature that would impact any portion of the department's budget. However, any proposed changes to Idaho Code with an anticipated budgetary impact shall be identified in narrative form only, without numerical entries. Further, the department shall submit its budget request based on the forecasted amount for the most recent month available from the report identified in Section 6 of this act and for the estimated needs of maintaining operations of the division.

SECTION 11. TRANSFER OF APPROPRIATIONS. Pursuant to Section 67-3511(4), Idaho Code, funding provided for the personnel costs expense class in the Division of Medicaid shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 12. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 13. In addition to the appropriation made in Section 1, Chapter 252, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Enhanced Medicaid Plan the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Cooperative Welfare (General)

Fund

\$1,858,000

Cooperative Welfare (Federal)

Fund

4,358,100

TOTAL

\$6,216,100

SECTION 14. 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, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 298
(H.B. No. 374)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-622, IDAHO CODE, TO REVISE THE SECTION CAPTION, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT CERTAIN ABORTIONS AND ATTEMPTS ARE NOT CRIMINAL ABORTIONS, TO PROVIDE THAT CERTAIN PERSONS SHALL BE ENTITLED TO RECEIVE A CERTAIN REPORT UPON REQUEST AND TO MAKE A TECHNICAL CORRECTION; PROVIDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-604, Idaho Code, be, and the same is hereby amended to read as follows:

18-604. DEFINITIONS. As used in this act chapter:

(1) "Abortion" means the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the:

(a) The use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization, or the implantation of a fertilized ovum within the uterus;

(b) The removal of a dead unborn child;

(c) The removal of an ectopic or molar pregnancy; or

(d) The treatment of a woman who is no longer pregnant.

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

(3) "Down syndrome" means a chromosomal disorder associated either with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21. Down syndrome is sometimes referred to as "trisomy 21."

(4) "Emancipated" means any minor who has been married or is in active military service.

(5) "Fetus" and "unborn child." Each term means an individual organism of the species Homo sapiens from fertilization until live birth.

(6) "First trimester of pregnancy" means the first thirteen (13) weeks of a pregnancy.

(7) "Hospital" means an acute care general hospital in this state, licensed as provided in chapter 13, title 39, Idaho Code.

(8) "Informed consent" means a voluntary and knowing decision to undergo a specific procedure or treatment. To be voluntary, the decision must be made freely after sufficient time for contemplation and without coercion by any person. To be knowing, the decision must be based on the physician's accurate and substantially complete explanation of:

(a) A description of any proposed treatment or procedure;

(b) Any reasonably foreseeable complications and risks to the patient from such procedure, including those related to reproductive health; and

(c) The manner in which such procedure and its foreseeable complications and risks compare with those of each readily available alternative to such procedure, including childbirth and adoption.

The physician must provide the information in terms that can be understood by the person making the decision, with consideration of age, level of maturity and intellectual capability.

(9) "Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(10) "Minor" means a woman under eighteen (18) years of age.

(11) "Pregnant" and "pregnancy." Each term shall mean the reproductive condition of having a developing fetus in the body and commences with fertilization.

(12) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state as provided in chapter 18, title 54, Idaho Code.

(13) "Second trimester of pregnancy" means that portion of a pregnancy following the thirteenth week and preceding the point in time when the fetus becomes viable, and there is hereby created a legal presumption that the second trimester does not end before the commencement of the twenty-fifth week of pregnancy, upon which presumption any licensed physician may proceed in lawfully aborting a patient pursuant to section 18-608, Idaho Code, in which case the same shall be conclusive and un rebuttable in all civil or criminal proceedings.

(14) "Third trimester of pregnancy" means that portion of a pregnancy from and after the point in time when the fetus becomes viable.

(15) Any reference to a viable fetus shall be construed to mean a fetus potentially able to live outside the mother's womb, albeit with artificial aid.

SECTION 2. That Section 18-622, Idaho Code, be, and the same is hereby amended to read as follows:

18-622. CRIMINAL ABORTION DEFENSE OF LIFE ACT. ~~(1) Notwithstanding any other provision of law, this section shall become effective thirty (30) days following the occurrence of either of the following circumstances:~~

~~(a) The issuance of the judgment in any decision of the United States supreme court that restores to the states their authority to prohibit abortion; or~~

~~(b) Adoption of an amendment to the United States constitution that restores to the states their authority to prohibit abortion.~~

~~(2) Every (1) Except as provided in subsection (2) of this section, every person who performs or attempts to perform an abortion as defined in this chapter commits the crime of criminal abortion. Criminal abortion shall be a felony punishable by a sentence of imprisonment of no less than two (2) years and no more than five (5) years in prison. The professional license of any health care professional who performs or attempts to perform an abortion or who assists in performing or attempting to perform an abortion in violation of this subsection shall be suspended by the appropriate licensing board for a minimum of six (6) months upon a first offense and shall be permanently revoked upon a subsequent offense.~~

~~(3) It shall be an affirmative defense to prosecution under subsection (2) of this section and to any disciplinary action by an applicable licensing authority, which must be proven by a preponderance of the evidence, that:~~

(2) The following shall not be considered criminal abortions for purposes of subsection (1) of this section:

~~(a) (i) The abortion was performed or attempted by a physician as defined in this chapter; and:~~

~~(ii) (i) The physician determined, in his good faith medical judgment and based on the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman. No abortion shall be deemed necessary to prevent the death of the pregnant woman because the physician believes that the woman may or will take action to harm herself; and~~

~~(iii) (ii) The physician performed or attempted to perform the abortion in the manner that, in his good faith medical judgment and based on the facts known to the physician at the time, provided the best opportunity for the unborn child to survive, unless, in his good faith medical judgment, termination of the pregnancy in that manner would have posed a greater risk of the death of the pregnant woman. No such greater risk shall be deemed to exist because the physician believes that the woman may or will take action to harm herself; or~~

~~(b) (i) The abortion was performed or attempted by a physician as defined in this chapter; during the first trimester of pregnancy and:~~

~~(ii) (i) If the woman is not a minor or subject to a guardianship, then, prior to the performance of the abortion, the woman has reported the act of rape or incest to a law enforcement agency that she is the victim of an act of rape or incest and provided a copy of such report to the physician who is to perform the abortion; The copy of the report shall remain a confidential part of the woman's medical record subject to applicable privacy laws; or~~

~~(iii) (ii) If the woman is a minor or subject to a guardianship, then, prior to the performance of the abortion, the woman or her parent or guardian has reported the act of rape or incest to a law enforcement agency or child protective services that she is the victim of an act of rape or incest and a copy of such report has been provided to the physician who is to perform the abortion; and. The copy of the report shall remain a confidential part of the woman's medical record subject to applicable privacy laws.~~

~~(iv) The physician who performed the abortion complied with the requirements of paragraph (a) (iii) of this subsection regarding the method of abortion.~~

(3) If a report concerning an act of rape or incest is made to a law enforcement agency or child protective services pursuant to subsection (2) (b) of this section, then the person who made the report shall, upon request, be entitled to receive a copy of such report within seventy-two (72) hours of the report being made, provided that the report may be redacted as necessary to avoid interference with an investigation.

(4) Medical treatment provided to a pregnant woman by a health care professional as defined in this chapter that results in the accidental death of, or unintentional injury to, the unborn child shall not be a violation of this section.

(5) Nothing in this section shall be construed to subject a pregnant woman on whom any abortion is performed or attempted to any criminal conviction and penalty.

SECTION 3. Section 2 of this act shall apply retroactively to any pending claim or defense, whether or not asserted, as of July 1, 2023.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 4, 2023

CHAPTER 299

(H.B. No. 212, As Amended in the Senate)

AN ACT

RELATING TO DAYCARE LICENSES; AMENDING SECTION 39-1103, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-1103, Idaho Code, be, and the same is hereby amended to read as follows:

39-1103. LICENSING AUTHORITY. The department is hereby authorized and directed to issue "basic daycare licenses" as provided in this chapter. The department is authorized to establish procedures for issuing licenses to daycare facilities which shall be maintained and operated in conformity with the standards authorized in this chapter. Nothing in this chapter shall be construed to limit or restrict the teaching of religious doctrines, values, or tenets in a facility licensed under the provisions of this chapter. The provisions of this chapter shall not apply to:

(1) The occasional care of a neighbor's, relative's or friend's child or children by a person not ordinarily in the business of providing daycare;

(2) The operation of a ~~private school or religious~~ school for educational purposes for children over four (4) years of age or a religious kindergarten;

(3) The provision of occasional care exclusively for children of parents who are simultaneously in the same building;

(4) The operation of day camps, programs, and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week and after school programs for children over four (4) years of age or in kindergarten; or

(5) The provision of care for children of a family within the second degree of relationship.

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

Approved April 4, 2023

CHAPTER 300

(H.B. No. 193, As Amended in the Senate)

AN ACT

RELATING TO ESSENTIAL CAREGIVERS; AMENDING CHAPTER 97, TITLE 39, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 134, LAWS OF 2022, TO REDESIGNATE THE CHAPTER, TO REVISE DEFINITIONS, TO REVISE AND CLARIFY PROVISIONS REGARDING THE RIGHT TO ESSENTIAL CAREGIVERS, AND TO PROVIDE FOR APPROVAL OF CERTAIN VISITATION REQUESTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 97, Title 39, Idaho Code, as enacted by Section 1, Chapter 134, Laws of 2022, be, and the same is hereby amended to read as follows:

CHAPTER 97 98
ESSENTIAL CAREGIVERS

~~39-9701~~ ~~39-9801~~. DEFINITIONS. As used in this chapter:

- (1) "Assistance" means aid in meeting daily living needs.
- (2) "Essential caregiver" means a person or persons designated by a patient or resident to visit the patient or resident in person at a facility.
- (3) "Facility" means an institution providing health care services, a health care setting, or a setting in which to receive assistance, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, nursing facilities, skilled nursing centers, residential treatment centers, rehabilitation and other therapeutic health settings, ~~certified family homes, group homes,~~ or assisted living facilities.
- (4) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (5) "Patient" means a person receiving health care services at a facility.
- (6) "Resident" means a person receiving assistance at a facility.

~~39-9702~~ ~~39-9802~~. LEGISLATIVE INTENT. In enacting this chapter, it is the intent of the legislature to guarantee and protect the right of Idahoans to be visited by essential caregivers of their choosing when staying in a health care or assistance facility.

~~39-9703~~ ~~39-9803~~. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resident has the right to in-person visitation from an essential caregiver while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit and the number of essential caregivers who may visit at the same time. For purposes of this subsection, a restriction is reasonable if the restriction:

- (a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and
- (b) Does not interfere with the patient's or resident's general right to visitation by essential caregivers.

(2) A facility that provides or intends to provide health care services or assistance must:

- (a) When practicable, notify a potential patient or resident of the right to designate essential caregivers prior to admission to the facility;
- (b) Provide each patient or resident an opportunity to designate essential caregivers; and
- (c) Accommodate a patient's or resident's request to have essential caregivers visit within the limits prescribed by this section. If the patient or resident is a minor or incapacitated, visitation requests must be approved by a person with legal authority to make decisions on behalf of the patient or resident, such as a parent, guardian, or conservator.

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

Approved April 4, 2023

CHAPTER 301

(H.B. No. 192, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-269, IDAHO CODE, TO PROVIDE THAT CHANGES IN FINANCIAL ELIGIBILITY REQUIREMENTS FOR PUBLIC ASSISTANCE PROGRAMS MUST BE PROVIDED IN STATUTE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-269, Idaho Code, and to read as follows:

56-269. CHANGES IN FINANCIAL ELIGIBILITY CRITERIA TO BE PROVIDED IN STATUTE. Effective July 1, 2023, any change in financial eligibility criteria for a public assistance program must be provided in statute and may not be provided in rule.

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

Approved April 4, 2023

CHAPTER 302
(H.B. No. 361)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; PROVIDING FOR THE USE OF FUNDS FOR LARGE WATER PROJECTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER POLLUTION CONTROL FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CONFINED ANIMAL FEEDING OPERATIONS FUND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER TO THE WATER MANAGEMENT FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$150,000,000 from the General Fund to the Water Management Fund as soon as practicable for the period July 1, 2022, through June 30, 2023, for large water projects.

SECTION 2. USES OF LARGE WATER PROJECT FUNDS. Of the moneys appropriated in Section 1 of this act for large water projects, funding shall be used for expenditures, loans, or grants for large water projects, including studies, to address water sustainability, enhance and modernize surface water delivery systems, rehabilitate or improve aging water infrastructure, or support flood management. No more than one-third (1/3) of these moneys shall be used for grants. The Idaho Water Resource Board shall use criteria that takes into account the public's input for the expenditures of money for grants, that is competitive, and that prioritizes projects based on the public benefits they provide. Considerations of public benefits should include the protection of existing water rights and the uses identified in Section 42-1760(2)(d), Idaho Code, as well as consideration of the value of existing hydropower to the state's economy, providing water for future development, and addressing aging water storage and/or delivery infrastructure for projects that provide environmental, safety, or recreational benefits. For any project receiving grants issued pursuant to the criteria developed under this provision, the \$50,000 grant limitation of Section 42-1760(2)(b), Idaho Code, shall not apply.

SECTION 3. CASH TRANSFER TO THE WATER POLLUTION CONTROL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$92,000,000 from the General Fund to the Water Pollution Control Fund as soon as practicable for the period July 1, 2022, through June 30, 2023, to be used for drinking water and wastewater infrastructure grants.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Water Quality Program \$23,000,000 from the ARPA State Fiscal Recovery Fund to be expended for the period July 1, 2022, through June 30, 2023, to be used for drinking water and wastewater infrastructure grants.

SECTION 5. CASH TRANSFER TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$2,000,000 from the General Fund to the Agricultural Best Management Practices Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 6. CASH TRANSFER TO THE CONFINED ANIMAL FEEDING OPERATIONS FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$5,000,000 from the General Fund to the Confined Animal Feeding Operations Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

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

Approved April 5, 2023

CHAPTER 303

(H.B. No. 295, As Amended in the Senate)

AN ACT

RELATING TO FIREARMS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3326, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3326A, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS PROHIBITING CERTAIN RECORDS AND REGISTRIES, TO ESTABLISH PROVISIONS PROHIBITING CERTAIN DISCRIMINATORY ACTS BY PAYMENT NETWORKS, TO AUTHORIZE THE ATTORNEY GENERAL TO TAKE CERTAIN ACTIONS, AND TO PROVIDE FOR REMEDIES AND PENALTIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3326, Idaho Code, and to read as follows:

18-3326. SECOND AMENDMENT FINANCIAL PRIVACY ACT -- LEGISLATIVE INTENT. (1) The legislature finds that:

(a) The second amendment to the United States constitution guarantees the people the right to keep and bear arms;

(b) Section 11, article I of the constitution of the state of Idaho provides that the "people have the right to keep and bear arms, which right shall not be abridged; . . . No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition";

(c) In September 2022, the world's three (3) largest payment card networks publicly announced they would assign a unique merchant category code to firearm retailers accepting payment cards for purchases, after twenty-eight (28) members of congress sent a public letter to networks, pressuring them to adopt the new code;

(d) In the letter to payment card networks, federal lawmakers stated that the new merchant category code for firearms retailers would be "the first step towards facilitating the collection of valuable financial data that could help law enforcement in countering the financing of terrorism efforts," expressing a clear government expectation that networks will utilize the new merchant category code to conduct mass surveillance of constitutionally protected firearms and ammunition purchases in cooperation with law enforcement;

(e) The new merchant category code will allow payment card networks, acquirers, and other entities involved in payment card processing to identify and separately track lawful payment card purchases at firearms retailers in Idaho, paving the way for both unprecedented surveillance of second amendment activity and unprecedented information sharing between payment networks and the government; and

(f) This potential for cooperative surveillance and tracking of lawful firearm and ammunition purchases will have a significant chilling effect on citizens wishing to exercise their federal and state constitutional rights to keep and bear arms in Idaho.

(2) Based on the findings described in subsection (1) of this section, it is the intent of the legislature to prohibit the misuse of payment card processing systems to surveil, report, or otherwise discourage constitutionally protected firearm, firearm accessories or components, and ammunition purchases and sales within Idaho's jurisdiction.

(3) This section and section 18-3326A, Idaho Code, shall be construed as generally applicable consumer financial protection law and shall not prevent or significantly interfere with the duly authorized powers of any bank or directly or indirectly discriminate against any bank based on its charter or structure. This section and section 18-3326A, Idaho Code, shall not apply to any financial institution as defined in section 18-3326A, Idaho Code, or any person, company, entity, or organization regulated by the Idaho department of finance or otherwise subject to the jurisdiction, rules, or regulations of the federal deposit insurance corporation.

SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3326A, Idaho Code, and to read as follows:

18-3326A. SECOND AMENDMENT FINANCIAL PRIVACY ACT. (1) For purposes of this section:

(a) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm;

(b) "Assign" or "assignment" means a payment network's policy, process, or practice that labels, links, or otherwise associates a firearms code with a merchant or payment card transaction in a manner that allows the payment network or any other entity facilitating or processing the payment card transaction to identify whether a merchant is a firearms retailer or whether a transaction involves the sale of firearms or ammunition;

(c) "Customer" means any person engaged in a payment card transaction that a financial institution facilitates or processes and any person or the person's duly authorized representative who has transacted business with or has used the services of a financial institution or for whom a financial institution has acted as a fiduciary in relation to an account maintained in such person's name;

(d) "Disclosure" means the transfer, publication, or distribution of protected financial information to another person for any purpose other than to process or facilitate a payment card transaction;

- (e) "Financial institution" means:
- (i) A bank, savings and loan association, trust company, or credit union chartered pursuant to any state or federal law, a regulated consumer lender, a money service business, payment card issuer, or other institutions that are by law under the jurisdiction and supervision of the department of finance or the federal deposit insurance corporation; and
 - (ii) An entity involved in facilitating or processing a payment card transaction, including but not limited to a bank, acquirer, gateway, payment card network, or payment card issuer;
- (f) "Financial record" means:
- (i) The original or a copy of any record or document held by a payment network pertaining to a customer of a financial institution utilizing the payment network, including any record of a transaction conducted by means of a customer bank communication terminal or other electronic device;
 - (ii) A financial record held by a payment network related to a payment card transaction that the financial institution has processed or facilitated; and
 - (iii) Any information derived from such records or documents;
- (g) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
- (h) "Firearm accessory or component" means:
- (i) Any device specifically adapted to enable the wearing or carrying about one's person or the storage or mounting in or on any conveyance of a firearm and any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm;
 - (ii) Any item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, braces, ammunition carriers, and lights for target illumination; and
 - (iii) Any component for making ammunition, reloading materials and equipment, machinery, and tools for manufacturing ammunition;
- (i) "Firearms code" means any code or other indicator a payment network assigns to a merchant or to a payment card transaction that identifies whether a merchant is a firearms retailer or whether the payment card transaction involves the purchase of a firearm, firearm accessories or components, or ammunition. The term includes but is not limited to a merchant category code assigned to a retailer by a payment card network or other financial institution;
- (j) "Firearms dealer" means any person engaged in the lawful business of selling or trading firearms or antique firearms, as those terms are defined in 18 U.S.C. 921, or ammunition to be used in firearms or antique firearms;
- (k) "Government entity" means any state or local government agency or instrumentality thereof located in Idaho;
- (l) "Merchant" means a person or entity that accepts payment cards from customers for the purchase of goods or services. The term includes a firearms retailer that accepts payment cards for the lawful purchase of firearms, firearm accessories or components, or ammunition;
- (m) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to purchase goods or services from a merchant;

(n) "Payment network" means a debit or credit network through which funds may be transferred, such as credit card associations, electronic funds transfer networks, or other organizations, or associations, that issue or sponsor a financial transaction device. A payment network does not include any financial institution as defined in this section; and

(o) "Protected financial information" means any record of a sale, purchase, return, or refund involving a payment card that is retrieved, characterized, generated, labeled, sorted, or grouped based on the assignment of a firearms code. A customer's protected financial information refers to protected financial information appearing in the financial records of a customer.

(2) Except for those records kept during the regular course of a criminal investigation and prosecution or as otherwise required by law, a state government entity or local government, special district, or other political subdivision or official, agent, or employee of the state or other government entity or any other person, public or private, other than the owner or owner's representative, may not knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.

(3) A payment network or its agent may not require the usage of a firearms code in a way that distinguishes a firearms retailer physically located in the state of Idaho from Idaho general merchandise retailers or sporting goods retailers.

(4) A payment network may not discriminate against a firearms retailer by:

(a) Declining a lawful payment card transaction based solely on the assignment or non-assignment of a firearms code to the merchant or transaction;

(b) Limiting or declining to do business with a customer, potential customer, or merchant based on the assignment or non-assignment of a firearms code to previous lawful transactions involving the customer, potential customer, or merchant;

(c) Charging a higher transaction or interchange fee to any merchant or for a lawful transaction based on the assignment or non-assignment of a firearms code; or

(d) Otherwise taking any action against a customer or merchant that is intended to suppress lawful commerce involving firearms, firearm accessories or components, or ammunition, which action is based solely or in part on the customer's or merchant's business involving firearms, firearm accessories or components, or ammunition.

(5) Except as otherwise required by law, a payment network may not disclose a financial record, including a firearms code that was collected in violation of this section.

(6) The attorney general may investigate alleged violations of this section and, upon finding a violation, shall provide written notice to any individual or entity, public or private, believed to be in violation of this section. Written notice to any commercial entity shall be made to the entity's registered agent. Upon receipt of such written notice from the attorney general, the entity shall have thirty (30) calendar days to cease the requirement for usage of the firearms code. At the attorney general's discretion, an entity may be granted up to an additional one hundred twenty (120) days to cease the requirement for usage of the firearms code.

(7)(a) Either a firearms retailer physically located within Idaho whose business was the subject of an alleged violation of this section or a customer who transacted at a firearms retailer physically located in Idaho whose business was the subject of an alleged violation of this section may petition the attorney general to investigate the alleged violation.

(b) If the attorney general does not commence an action within ninety (90) days of receiving the petition pursuant to this subsection, then the firearms retailer or customer may file an action in a court of competent jurisdiction to enjoin the individual or entity from requiring the firearms code in violation of this section.

(8) If an individual or entity is found to be requiring the usage of a firearms code by any merchant physically located in Idaho in violation of this section and fails to cease the requirement for usage of the firearms code by any firearms retailer physically located in Idaho after the expiration of thirty (30) calendar days from the receipt of written notice by the attorney general's office, the attorney general shall pursue an injunction against any individual or entity, public or private, alleged to be in violation of this section. The attorney general shall pursue an injunction pursuant to this section in a court of competent jurisdiction in the judicial district where the alleged violation occurred against the individual or entity in alleged violation of this section.

(a) If a court finds that an individual or entity continues to be in violation of this section after thirty (30) calendar days from receiving written notice from the attorney general or from a finding by the court of a violation of this section, then the court shall enjoin the individual or entity from continuing to require the usage of the firearms code.

(b) If an individual or entity knowingly and willfully fails to comply with an injunction as provided in this section within thirty (30) days after being served with the injunction, then the court shall impose a civil penalty in a sum not to exceed ten thousand dollars (\$10,000) per violation of an injunction issued pursuant to this section, committed after the expiration of the thirty (30) calendar day period after the entity or individual, public or private, was served with the injunction. In assessing such a penalty, the court shall consider factors including the financial resources of the violator and the harm or risk of harm to second amendment rights resulting from the violation. Any order assessing a penalty for violation of this section shall be stayed pending appeal of the order.

(c) In addition to the remedies provided in this section, the attorney general or a petitioner who prevails in an action under this section shall recover costs, reasonable attorney's fees, and any other remedy the court deems appropriate.

(9) It shall not be a defense to an action filed pursuant to this section that such information was disclosed to a federal government entity, unless such disclosure or action was made based on a good faith conclusion that the disclosure or action was required by federal law or regulation.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 5, 2023

CHAPTER 304
(S.B. No. 1203)

AN ACT

RELATING TO APPROPRIATIONS; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2023; PROVIDING FOR THE USE OF FUNDS; DIRECTING REPORTING REQUIREMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Welfare in Section 1, Chapter 190, Laws of 2022, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$14,394,000 for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 190, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Welfare \$28,025,000 from the Cooperative Welfare (Federal) Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 188, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Labor for the Administrative Services Program the following amounts to be expended from the Miscellaneous Revenue Fund to be expended for the designated expense classes for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$25,000
Trustee and Benefit Payments	<u>28,000,000</u>
TOTAL	\$28,025,000

SECTION 4. DIRECTING USE OF FUNDS. Of the amount appropriated in Section 2 of this act, the Department of Health and Welfare shall subgrant the entire amount to the Department of Labor to be used for child care grants to eligible providers for provider grants, wage enhancements, and eligible community partner providers pursuant to Section 6 of House Bill No. 764 as enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature.

SECTION 5. REPORTING REQUIREMENTS. The Department of Labor shall follow all applicable guidance from the Department of Health and Welfare to ensure correct reporting on any grants distributed with moneys appropriated in Section 3 of this act.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 5, 2023

CHAPTER 305
(H.B. No. 326)

AN ACT

RELATING TO THE LEGISLATURE; AMENDING SECTION 67-465, IDAHO CODE, TO REVISE A PROVISION REGARDING INTERVENTION BY THE LEGISLATURE IN AN ACTION REGARDING AN IDAHO STATUTE, TO PROVIDE FOR THE AUTHORITY TO INTERVENE IN CERTAIN INSTANCES, AND TO PROVIDE APPLICABILITY; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-465, Idaho Code, be, and the same is hereby amended to read as follows:

67-465. INTERVENTION IN ACTIONS REGARDING CONSTITUTIONALITY OF A AN IDAHO STATUTE. (1) When a party to an action challenges in state or federal court the constitutionality of an Idaho statute, facially or as applied, challenges an Idaho statute as violating or being preempted by federal law, or otherwise challenges the construction or validity of an Idaho statute, either or both houses of the legislature may seek to intervene, at the sole discretion of the senate president pro tempore or the speaker of the house of representatives, or both, in the action as agents of the state of Idaho and as a matter of right, or permissively, by serving filing a motion upon the parties in the court as provided in state or federal rules of civil procedure, whichever is applicable.

(2) The authority to intervene pursuant to the provisions of subsection (1) of this section:

(a) Does not require evidence that the intervenor's interests differ from any branch, department, office, or official of the state of Idaho; and

(b) Operates regardless of whether the state of Idaho itself is a named party.

(3) The provisions of this section shall apply to any litigation that is pending on or after the effective date of this act.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

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 5, 2023

CHAPTER 306
(H.B. No. 310)

AN ACT

RELATING TO SINGLE COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1406, IDAHO CODE, TO PROVIDE THAT A SINGLE COUNTY-WIDE HIGHWAY DISTRICT MAY OPERATE AND EXPAND AN ESTABLISHED PUBLIC VAN AND CARPOOLING PROGRAM, RIDESHARE PLATFORM, OR PARK-AND-RIDE FACILITY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-1406, Idaho Code, be, and the same is hereby amended to read as follows:

40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS -- ONE HIGHWAY DISTRICT IN COUNTY -- HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED -- LAWS IN CONFLICT SUPERSEDED. The highway commissioners of a county-wide highway district shall exercise all of the powers and duties provided in chapter 13 ~~of this title, title 40, Idaho Code~~, and are empowered to make highway ad valorem tax levies as provided by chapter 8, ~~of this title 40, Idaho Code~~. Only one (1) county-wide highway district shall be operative within a county where the electorate has voted affirmatively for the formation of a county-wide highway district. The district shall specifically be responsible for all county secondary and city highways and is hereby recognized as a body politic of this state. Notwithstanding any other provision of Idaho Code, the highway district may operate and expand an established public van and carpooling program, rideshare platform, or park-and-ride facility. No city included within a county-wide highway district shall maintain or supervise any city highways, or levy any ad valorem taxes for the construction, repair or maintenance of city highways. No highway district included within a county-wide highway district, shall maintain any secondary highways or levy any ad valorem taxes for the construction, repair or maintenance of highways. Wherever any provisions of the existing laws of the state of Idaho are in conflict with the provisions of this chapter, the provisions of this chapter shall control and supersede all such laws. However, within the limits of any city, the city may expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants, ~~which that~~ are located within the rights-of-way of any highway of the county-wide highway district.

The commissioners of a county-wide highway district may pass ordinances, and rules, and make all regulations, not repugnant to law, as necessary, for carrying into effect or discharging all powers and duties conferred to a county-wide highway district pursuant to this chapter and chapter 13 ~~of this title, title 40, Idaho Code~~. All ordinances created or passed by the commissioners of a county-wide highway district shall require the affirmative vote of two-thirds (2/3) of the members of the full county-wide highway district commission. The style of all ordinances shall be: "BE IT ORDAINED by the board of highway district commissioners of (.....) County, Idaho." All ordinances passed shall, before they take effect and within one (1) month after they are passed, be published in at least one (1) issue of a newspaper published in the county or, if no paper be published in the county, then in some paper having general circulation therein. After such publication and before its effective date, such proposed ordinance shall not thereafter be amended ~~in any particular~~ wherein the amendment shall impose terms, conditions or privileges less favorable to the county-wide highway district than the proposed ordinance as published; but amendment favorable to the county-wide highway district may

be made at any time and after publication. All ordinances passed pursuant to this section by the board of county-wide highway district commissioners may be proved by a certificate of the secretary of the county-wide highway district under the seal of the board of the county-wide highway district commissioners and shall be read and received in evidence in all courts and administrative proceedings without further proof. If ordinances duly passed are printed or published in book or pamphlet form by authority of the county-wide highway district commissioners, the printed or published book or pamphlet shall also be read and received in evidence in all courts and administrative proceedings without further proof. The commissioners of the county-wide highway district may enforce such ordinances by all appropriate administrative or judicial proceedings.

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

Approved April 5, 2023

CHAPTER 307
(H.B. No. 223)

AN ACT

RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; AMENDING SECTION 39-4501, IDAHO CODE, TO REVISE PROVISIONS REGARDING PURPOSES AND APPLICATION; AMENDING SECTION 39-4502, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SECTION 39-4503, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONSENT TO CARE; AMENDING SECTION 39-4504, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONSENT TO CARE ON SOMEONE ELSE'S BEHALF; AMENDING SECTION 39-4505, IDAHO CODE, TO REVISE PROVISIONS REGARDING BLOOD TESTING; AMENDING SECTION 39-4506, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUFFICIENCY OF CONSENT; AMENDING SECTION 39-4507, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-4508, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE TERMINOLOGY; REPEALING SECTION 39-4510, IDAHO CODE, RELATING TO LIVING WILLS AND DURABLE POWERS OF ATTORNEY FOR HEALTH CARE; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4510, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ADVANCE CARE PLANNING DOCUMENTS; AMENDING SECTION 39-4511A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4511B, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUSPENSION OF AN ADVANCE CARE PLANNING DOCUMENT; AMENDING SECTION 39-4512, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXECUTION OF AN ADVANCE CARE PLANNING DOCUMENT; AMENDING SECTION 39-4512A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN ORDER; AMENDING SECTION 39-4512B, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADHERENCE TO POST PROTOCOLS; AMENDING SECTION 39-4512C, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-4513, IDAHO CODE, TO REVISE PROVISIONS REGARDING IMMUNITY; AMENDING SECTION 39-4514, IDAHO CODE, TO REVISE GENERAL PROVISIONS; AMENDING SECTION 39-4515, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HEALTH CARE DIRECTIVE REGISTRY; AMENDING SECTION 39-4516, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 74-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HEALTH CARE DIRECTIVE REGISTRY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-4501, Idaho Code, be, and the same is hereby amended to read as follows:

39-4501. PURPOSES -- APPLICATION. (1) The primary purposes of this chapter are:

(a) To provide and codify Idaho law concerning consent for the furnishing of hospital, medical, dental, surgical, and other health care, ~~treatment or procedures,~~ services and concerning what constitutes an informed consent for such health care, ~~treatment or procedures~~ services; and

(b) To provide certainty and clarity in the law of medical consent in the furtherance of high standards of health care services and its their ready availability in proper cases.

(2) Nothing in this chapter shall be deemed to amend or repeal the provisions of chapter 3 or chapter 4, title 66, Idaho Code, as those provisions pertain to hospitalization or commitment of people with mental illness or developmental disability or the powers of guardians of developmentally disabled persons, nor the provisions of chapter 6, title 18, Idaho Code, pertaining to the provision of examinations, prescriptions, devices, and informational materials regarding prevention of pregnancy or pertaining to therapeutic abortions and consent to the performance thereof.

(3) Nothing in this chapter shall be construed to permit or require the provision of health care services for a patient in contravention of the patient's stated or implied objection thereto upon religious grounds nor shall anything in this chapter be construed to require the granting of permission for or on behalf of any patient who is not able to act for himself by his parent, spouse, or guardian in violation of the religious beliefs of the patient or the patient's parent or spouse.

SECTION 2. That Section 39-4502, Idaho Code, be, and the same is hereby amended to read as follows:

39-4502. DEFINITIONS. As used in this chapter:

(1) "Advance care planning document," "advance directive," "directive," or "health care directive" means a document that:

(a) Substantially meets the requirements of section 39-4510(1), Idaho Code;

(b) Is a POST form; or

(c) Is another document that represents a competent person's authentic expression of such person's wishes concerning health care services.

~~(1)~~ (2) "Advanced practice professional nurse" (APPN) registered nurse" means a professional nurse licensed in this state who has gained additional specialized knowledge, skills, and experience through a nationally accredited program of study as defined by section 54-1402, Idaho Code, and is authorized to perform advanced nursing practice, which may include direct client care such as assessing, diagnosing, planning, and prescribing pharmacologic and nonpharmacologic therapeutic and corrective measures, health promotion, and preventive care as defined by rules of the board of nursing. The advanced practice professional registered nurse collaborates with other health professionals in providing health care services.

~~(2)~~ (3) "Artificial life-sustaining procedure treatment" means any medical procedure or intervention that utilizes mechanical means to sustain or supplant a vital function which, when applied to a qualified patient, would serve only to artificially prolong life. "Artificial life-sustaining procedure treatment" does not include the administration of pain management medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

~~(3)~~ (4) "Artificial nutrition and hydration" means supplying food and water through a conduit, such as a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily, but does not include assisted feeding, such as spoon feeding or bottle feeding.

~~(4)~~ (5) "Attending physieian licensed independent provider" means the physician licensed by the state board of medicine licensed independent practitioner who is selected by, or assigned to, the patient and who has primary responsibility for the treatment and care of the patient.

~~(5)~~ (6) "Cardiopulmonary resuscitation" or "CPR" means measures to restore cardiac function and/or to support ventilation in the event of cardiac or respiratory arrest.

~~(6)~~ (7) "Comfort care" means treatment and care to provide comfort and cleanliness. "Comfort care" includes: that may include oxygen and medicine to relieve pain and symptoms but does not include artificial life support, artificial hydration, and artificial nutrition. Comfort care may be provided in any setting.

~~(a) Oral and body hygiene;~~

~~(b) Reasonable efforts to offer food and fluids orally;~~

~~(c) Medication, positioning, warmth, appropriate lighting and other measures to relieve pain and suffering; and~~

~~(d) Privacy and respect for the dignity and humanity of the patient.~~

~~(7)~~ (8) "Consent to care" treatment means the agreement an individual makes to receive health care services. Consent to treatment also includes refusal:

(a) Refusal to consent to care and/or withdrawal of care treatment; and

(b) Consent to withholding or withdrawal of health care services.

~~(8)~~ "Directive," "advance directive" or "health care directive" means a document that substantially meets the requirements of section 39-4510(1), Idaho Code, or is a "Physician Orders for Scope of Treatment" (POST) form or is another document which represents a competent person's authentic expression of such person's wishes concerning his or her health care.

(9) "Emergency medical services personnel" means personnel engaged in providing initial emergency medical assistance including, but not limited to, first responders, emergency medical technicians, and paramedics.

(10) "Health care agent" means a person named in an advance care planning document to make medical decisions for another person.

~~(10)~~ (11) "Health care provider" or "provider" means any person or entity licensed, certified, or otherwise authorized by law to administer health care services in the ordinary course of business or practice of a profession, including emergency or other medical services personnel.

(12) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease. Health care services may include hospital, medical, dental, surgical, or other services.

(13) "Licensed independent practitioner" means:

(a) An individual licensed as a physician or physician assistant pursuant to chapter 18, title 54, Idaho Code; or

(b) A person licensed as an advanced practice registered nurse pursuant to chapter 14, title 54, Idaho Code.

(14) "Nonbeneficial medical treatment" means treatment:

(a) For a patient whose death, according to the reasonable medical judgment of a licensed independent practitioner, is imminent within hours or a few days regardless of whether the treatment is provided; or

(b) That, according to the reasonable medical judgment of a licensed independent practitioner, will not benefit the patient's condition.

~~(11)~~ (15) "Persistent vegetative state" means an irreversible state that has been medically confirmed by a neurological specialist who is an expert in the examination of nonresponsive individuals in which the person has intact brain stem function but no higher cortical function and no awareness of self or environment a condition in which a patient:

(a) Is in a state of partial arousal rather than true awareness;

(b) Is completely unresponsive to psychological or physical stimuli;
and

(c) Displays no sign of higher brain function.

~~(12)~~ (16) "Physician" means a person who holds a current active license to practice medicine and surgery or osteopathic medicine and surgery in Idaho and is in good standing with no restriction upon or actions taken against his or her license shall have the same meaning as provided in section 54-1803, Idaho Code.

~~(13)~~ (17) "Physician assistant" (PA) means any person, as defined in section 54-1803, Idaho Code, who is qualified by specialized education, training, experience and personal character and who has been licensed by the board of medicine to render patient services under the direction of a supervising and alternate supervising physician shall have the same meaning as provided in section 54-1803, Idaho Code.

~~(14)~~ (18) "Physician orders for scope of treatment (POST) "POST form" means a form that satisfies the requirements of section 39-4512A, Idaho Code.

~~(15)~~ (19) "Physician orders for scope of treatment (POST) "POST identification device" means standardized jewelry which can be worn around the wrist, neck, or ankle, and which has been approved by the department of health and welfare. Such jewelry shall be issued only to persons who have representing that the wearer has a POST form complying with section 39-4512A, Idaho Code, stating and that such person has chosen "Do Not Resuscitate: Allow Natural Death (No Code/DNR/DNAR): No CPR or advanced cardiac life support interventions" or the equivalent choice.

~~(16)~~ (20) "Surrogate decision-maker" means the person authorized to consent to or refuse health care services for another person as specified in section 39-4504(1), Idaho Code.

~~(17)~~ "Terminal condition" means an incurable or irreversible condition which, without the administration of life-sustaining procedures, will, in the opinion of a physician, result in death if it runs its usual course.

SECTION 3. 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 health care services 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 4. That Section 39-4504, Idaho Code, be, and the same is hereby amended to read as follows:

39-4504. PERSONS WHO MAY GIVE CONSENT TO CARE FOR OTHERS. (1) Consent for the furnishing of ~~hospital, medical, dental, surgical or other health care, treatment or procedures~~ health care services to any person who is not then capable of giving such consent as provided in this chapter or who is a minor may be given or refused in the order of priority set forth hereafter; provided however, that the surrogate decision-maker shall have sufficient comprehension as required to consent to his or her own health care services pursuant to the provisions of section 39-4503, Idaho Code; and provided further that the surrogate decision-maker shall not have authority to consent to or refuse health care services contrary to such person's ~~advance directives, POST~~ advance care planning document or wishes expressed by such person while the person was capable of consenting to his or her own health care services:

- (a) The court-appointed guardian of such person;
- (b) The person named in another person's "~~Living Will and Durable Power of Attorney for Health Care~~" advance care planning document as the health care agent of such person pursuant to section 39-4510, Idaho Code, or a similar document authorized by this chapter if the conditions in such ~~living will~~ advance care planning document for authorizing the agent to act have been satisfied;
- (c) If married, the spouse of such person;
- (d) An adult child of such person;
- (e) A parent of such person;
- (f) The person named in a delegation of parental authority executed pursuant to section 15-5-104, Idaho Code;
- (g) Any relative of such person ~~who represents himself or herself to be an appropriate, responsible person to act under the circumstances~~;
- (h) Any other competent individual representing himself or herself to be responsible for the health care of such person; or
- (i) If the person presents a medical emergency or there is a substantial likelihood of his or her life or health being seriously endangered by withholding or delay in the rendering of ~~such hospital, medical, dental, surgical or other~~ health care services to such person and the person has not communicated and is unable to communicate his or her ~~treatment~~ wishes, the attending health care provider may, in his or her discretion, authorize and/or provide such health care services, as he or she deems appropriate, and all persons, agencies, and institutions thereafter furnishing the same, including such health care provider, may proceed as if informed, valid consent therefor had been otherwise duly given.

(2) No person who, in good faith, gives consent or authorization for the provision of ~~hospital, medical, dental, surgical or other health care, treatment or procedures~~ health care services to another person as provided by this chapter shall be subject to civil liability therefor.

(3) No health care provider who, in good faith, obtains consent from a person pursuant to either section 39-4503 or 39-4504(1), Idaho Code, shall be subject to civil liability therefor.

SECTION 5. That Section 39-4505, Idaho Code, be, and the same is hereby amended to read as follows:

39-4505. BLOOD TESTING. (1) A physician licensed independent practitioner may consent to ordering tests of a patient's or a deceased person's blood or other body fluids for the presence of blood-transmitted or body fluid-transmitted viruses or diseases without the prior consent of the patient if:

(a) There has been or is likely to be a significant exposure to the patient's or a deceased person's blood or body fluids by a person providing emergency or medical services to such patient which may result in the transmittal of a virus or disease; and

(b) The patient is unconscious or incapable of giving informed consent and the physician licensed independent practitioner is unable to obtain consent pursuant to section 39-4504, Idaho Code.

(2) The department of health and welfare shall promulgate rules identifying the blood-transmitted or body fluid-transmitted viruses or diseases for which blood tests or body fluid tests can be ordered under this section and defining the term "significant exposure" as provided in this section.

(3) Results of tests conducted under this section ~~which~~ that confirm the presence of a blood-transmitted or body fluid-transmitted virus or disease shall be reported to the director of the department of health and welfare in the name of the patient or deceased person. The department records containing such test results shall be used only by public health officials who must conduct investigations. The exposed person shall only be informed of the results of the test and shall not be informed of the name of the patient or deceased person. Protocols shall be established by hospitals to maintain confidentiality while disseminating the necessary test result information to persons who may have a significant exposure to blood or other body fluids and to maintain records of such tests to preserve the confidentiality of the test results.

(4) Any person who willfully or maliciously discloses the results of a test conducted under this section, except pursuant to a written authorization by the person whose blood was tested or by such person's authorized representative, or as otherwise authorized by law, shall be guilty of a misdemeanor.

SECTION 6. That Section 39-4506, Idaho Code, be, and the same is hereby amended to read as follows:

39-4506. SUFFICIENCY OF CONSENT. Consent, or refusal to consent, for the furnishing of health care, ~~treatment or procedures~~ services shall be valid in all respects if the person giving or refusing the consent is sufficiently aware of pertinent facts respecting the need for, the nature of, and the significant risks ordinarily attendant upon such a person receiving such ~~care~~ services, as to permit the giving or withholding of such consent to be a reasonably informed decision. Any such consent shall be deemed valid and so informed if the health care provider to whom it is given or by whom it is secured has made such disclosures and given such advice respecting pertinent facts and considerations as would ordinarily be made and given under the same or similar circumstances, ~~by a like health care provider of good standing practicing in the same community.~~ As used in this section, the term "in the same community" refers to that geographic area ordinarily served by the licensed general hospital at or nearest to which such consent is given.

SECTION 7. That Section 39-4507, Idaho Code, be, and the same is hereby amended to read as follows:

39-4507. FORM OF CONSENT. It is not essential to the validity of any consent for the furnishing of ~~hospital, medical, dental or surgical care, treatment or procedures~~ health care services that the consent be in writing or any other specific form of expression; provided however, when the giving of such consent is recited or documented in writing and expressly authorizes the ~~care, treatment or procedures~~ health care services to be furnished, and when such writing or form has been executed or initialed by a person competent to give such consent for himself or another, such written consent, in the absence of convincing proof that it was secured maliciously or by fraud,

is presumed to be valid for the furnishing of such care, ~~treatment or procedures~~ health care services, and the advice and disclosures of the attending physician licensed independent practitioner or dentist, as well as the level of informed awareness of the giver of such consent, shall be presumed to be sufficient.

SECTION 8. That Section 39-4508, Idaho Code, be, and the same is hereby amended to read as follows:

39-4508. RESPONSIBILITY FOR CONSENT AND DOCUMENTATION. Obtaining sufficient consent for health care services is the duty of the attending ~~health care provider~~ licensed independent practitioner upon whose order or at whose direction the contemplated health care, ~~treatment or procedure~~ is services are rendered; provided however, a licensed hospital and any employee of a health care provider, acting with the approval of such an attending licensed independent practitioner or other individual health care provider, may perform the ministerial act of documenting such consent by securing the completion and execution of a form or statement in which the giving of consent for such care is documented by or on behalf of the person. In performing such a ministerial act, the hospital or health care provider employee shall not be deemed to have engaged in the practice of medicine or dentistry.

SECTION 9. That Section 39-4509, Idaho Code, be, and the same is hereby amended to read as follows:

39-4509. STATEMENT OF POLICY -- DEFINITION. For purposes of sections 39-4509 through 39-4515, Idaho Code:

(1) The legislature recognizes the established common law and the fundamental right of competent persons to control the decisions relating to the rendering of their medical health care, including the decision to have artificial life-sustaining procedures treatment withheld or withdrawn. The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits. The legislature further finds that persons are sometimes unable to express their desire to withhold or withdraw such artificial life-prolongation procedures which provide life-sustaining treatment that provides nothing medically necessary or beneficial to the person because of the person's inability to communicate with the ~~health care provider~~ attending licensed independent practitioner.

(2) In recognition of the dignity and privacy ~~which that~~ that persons have a right to expect, the legislature hereby declares that the laws of this state shall recognize the right of a competent person to have his or her wishes for medical treatment health care services and for the withdrawal of artificial life-sustaining procedures treatment carried out even though that person is no longer able to communicate with the ~~health care provider~~ attending licensed independent practitioner.

(3) It is the intent of the legislature to establish an effective means for such communication. It is not the intent of the legislature that the procedures described in sections 39-4509 through 39-4515, Idaho Code, are the only effective means of such communication, and nothing in sections 39-4509 through 39-4515, Idaho Code, shall impair or supersede any legal right or legal responsibility ~~which that~~ that a person may have to effect the withholding or withdrawal of artificial life-sustaining procedures treatment in any lawful manner, provided that this sentence shall not be construed to authorize any violation of section 39-4514(3), Idaho Code. Any authentic expression of a person's wishes with respect to health care services should be honored.

(4) "Competent person" means any person who meets the requirements of section 39-4503, Idaho Code.

SECTION 10. That Section 39-4510, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Chapter 45, 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 39-4510, Idaho Code, and to read as follows:

39-4510. ADVANCE CARE PLANNING DOCUMENT. (1) Any competent person aged eighteen (18) years or older may execute an advance care planning document (ACPD). Such document must contain the mandatory elements set forth in this section. Any provisions of an ACPD that are left blank by a person executing the document shall be deemed intentional and shall not invalidate the document. The department of health and welfare may create and promulgate an optional form for the ACPD. Such form is not mandatory. To be considered a valid ACPD, a document must include:

- (a) The person's name, date of birth, telephone number, and mailing address;
 - (b) The signature of the person for whom the ACPD is created or the authorized agent of such person; and
 - (c) The date on which the document was signed.
- (2) An ACPD may but is not required to include the following:
- (a) The electronic mail address of the person executing the ACPD;
 - (b) Nomination of one (1) or more persons to act as a health care agent;
 - (c) The name, mailing address, electronic mail address, and telephone number of any person nominated as a health care agent, as well as such person's relationship to the person executing the ACPD;
 - (d) Resuscitation instructions;
 - (e) Instructions regarding pregnancy;
 - (g) Instructions for the release of information protected by the federal health insurance portability and accountability act;
 - (h) Instructions for end-of-life care;
 - (i) A description of treatment objectives;
 - (j) The names and contact information of witnesses to the execution of the ACPD; and
 - (k) Notarization.

SECTION 12. That Section 39-4511A, Idaho Code, be, and the same is hereby amended to read as follows:

39-4511A. REVOCATION OF ~~ADVANCE DIRECTIVE~~ ADVANCE CARE PLANNING DOCUMENT. (1) ~~A living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form or other advance directive~~ An advance care planning document (ACPD) 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 by the maker thereof expressing his intent to revoke;
- (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~~ ACPD.

(2) The maker of the revoked ~~advance directive~~ ACPD is responsible for notifying his health care providers 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~~ ACPD 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~~ an ACPD made pursuant to this chapter unless that person has actual knowledge of the revocation.

SECTION 13. That Section 39-4511B, Idaho Code, be, and the same is hereby amended to read as follows:

39-4511B. ~~SUSPENSION OF ADVANCE DIRECTIVE~~ ADVANCE CARE PLANNING DOCUMENT. (1) ~~A living will and durable power of attorney for health care, physician orders for scope of treatment (POST) form or other advance directive~~ An advance care planning document (ACPD) 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;
- (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~~ ACPD.

(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~~ ACPD as though it had not been suspended.

(3) There shall be no criminal or civil liability on the part of any person for the failure to act upon a suspension of an ACPD made pursuant to this chapter unless that person has actual knowledge of the suspension.

~~(3)~~ (4) Upon meeting the termination terms of the suspension, if any, 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 advance directive~~ ACPD will resume.

SECTION 14. That Section 39-4512, Idaho Code, be, and the same is hereby amended to read as follows:

39-4512. ~~EXECUTION OF LIVING WILL AND DURABLE POWER OF ATTORNEY FOR HEALTH CARE~~ ADVANCE CARE PLANNING DOCUMENT. A ~~"Living Will and Durable Power of Attorney for Health Care"~~ An advance care planning document shall be effective from the date of execution ~~unless otherwise revoked~~ until it is revoked or replaced. Nothing in this chapter shall be construed to prevent a competent person from reexecuting a ~~"Living Will and Durable Power of Attorney for Health Care"~~ an advance care planning document at any time.

SECTION 15. That Section 39-4512A, Idaho Code, be, and the same is hereby amended to read as follows:

39-4512A. PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST). (1) ~~A physician orders for scope of treatment (POST) form is a health care provider order signed by a physician or by a PA or by an APPN. The POST form must also be signed by the person, or it must be signed by the person's~~ A POST form is an order regarding scope of treatment signed by a licensed independent practitioner and a person or the person's surrogate decision-maker, provided that the POST form is not shall not be contrary to the person's last known expressed wishes or directions.

(2) The POST form shall be effective from the date of execution ~~unless suspended or~~ except while suspended or unless it is revoked.

(3) ~~The attending physician, APPN or PA shall,~~ A licensed independent practitioner must, upon request of the person or the person's surrogate decision-maker, provide the person or the person's surrogate decision-maker with a copy of the POST form, discuss with the person or the person's surrogate decision-maker the form's content and ramifications and treatment options, and assist the person or the person's surrogate decision-maker in the completion of the form.

~~(4) The attending physician, APPN or PA shall review the POST form:~~

~~(a) Each time the physician, APPN or PA examines the person, or at least every seven (7) days, for persons who are hospitalized; and~~

~~(b) Each time the person is transferred from one (1) care setting or care level to another; and~~

~~(c) Any time there is a substantial change in the person's health status; and~~

~~(d) Any time the person's treatment preferences change.~~

~~Failure to meet these review requirements does not affect the POST form's validity or enforceability. As conditions warrant, the physician, APPN or PA may issue a superseding POST form. The physician, APPN or PA shall, whenever practical, consult with the person or the person's surrogate decision-maker.~~

~~(5) (4)~~ A person who has completed a POST form pursuant to the provisions of this section or for whom a POST form has been completed at the request of his or her surrogate decision-maker may wear a POST identification device as provided in section 39-4502~~(15)~~, Idaho Code.

~~(6) (5)~~ The department of health and welfare shall develop the, promulgate, and revise as needed a recommended POST form.

SECTION 16. That Section 39-4512B, Idaho Code, be, and the same is hereby amended to read as follows:

39-4512B. ~~ADHERENCE TO PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) POST~~ PROTOCOL. (1) Health care providers and emergency medical services personnel shall comply with a person's physician orders for scope of treatment ~~(POST) POST~~ instruction when presented with a POST form that meets the requirements of section 39-4512A, Idaho Code, or when a person is wearing a proper POST identification device pursuant to section 39-4512A~~(5)~~, Idaho Code.

(2) A POST form that meets the requirements of section 39-4512A, Idaho Code, is deemed to meet the requirements of "Do Not Resuscitate (DNR)" orders at all Idaho health care facilities. Health care providers and emergency medical services personnel shall not require the completion of other forms in order for the person's wishes to be respected.

(3) Nothing in this chapter is intended to nor shall it prevent ~~physicians or other health care providers~~ licensed independent practitioners from executing or utilizing DNR orders consistent with their licensure; provided however, that if the person or person's surrogate decision-maker chooses to utilize the POST form, the health care provider licensed independent practitioner shall accept and comply with the POST form and shall not require the completion of a DNR order in addition to a valid POST form.

SECTION 17. That Section 39-4512C, Idaho Code, be, and the same is hereby amended to read as follows:

39-4512C. DUTY TO INSPECT. Health care providers and emergency medical services personnel shall make reasonable efforts to inquire as to whether the patient has completed a physician orders for scope of treatment ~~(POST) POST~~ form and inspect the patient for a POST identification device when presented with a situation calling for artificial life-sustaining treatment not caused by severe trauma or involving mass casualties and with no indication of homicide or suicide.

SECTION 18. That Section 39-4513, Idaho Code, be, and the same is hereby amended to read as follows:

39-4513. IMMUNITY. (1) No licensed independent practitioner, emergency medical services personnel, other health care provider, facility, or individual employed by, acting as the agent of, or under contract with any such health care provider or facility shall be civilly or criminally liable or subject to discipline for unprofessional conduct for acts or omissions carried out or performed in good faith pursuant to the directives in a facially valid ~~POST form, living will~~ advance care planning document, DNR order, or other health care directive, or pursuant to a POST identification device as provided for in section 39-4512A(5), Idaho Code.

(2) Any physician licensed independent practitioner or other health care provider who for ethical or professional reasons is ~~incapable or unwilling to conform to the desires of the person who may give consent to care for the patient under section 39-4504, Idaho Code, as expressed by the procedures set forth in this chapter~~ patient or the patient's surrogate decision-maker may, subject to the requirements of section 39-4514(3), Idaho Code, withdraw without incurring any civil or criminal liability provided the physician licensed independent practitioner or other health care provider, before withdrawal of his or her participation, makes a good faith effort to assist the person patient in obtaining the services of another physician licensed independent practitioner or other health care provider who is willing to provide care for the person patient in accordance with the person's patient's expressed or documented wishes.

(3) No person who exercises the responsibilities of a ~~durable power of attorney for health care agent~~ in good faith shall be subject to civil or criminal liability as a result.

(4) Neither the registration of a ~~health care directive~~ an advance care planning document in the health care directive registry under section 39-4515, Idaho Code, nor the revocation or replacement of such a ~~directive~~ an advance care planning document requires a licensed independent practitioner or other health care provider to request information from that registry. The decision of a licensed independent practitioner or other health care provider to request or not to request a ~~health care directive~~ an advance care planning document from the registry shall be immune from civil or criminal liability. A licensed independent practitioner or other health care provider who in good faith acts in reliance on a facially valid ~~health care directive~~ advance care planning document received from the health care directive registry shall be immune from civil or criminal liability for those acts done in such reliance.

(5) ~~Health Licensed independent practitioners and other health care providers and emergency medical services personnel~~ may disregard the POST form or a POST identification device or a DNR order:

- (a) If they believe in good faith that the order has been revoked; or
- (b) To avoid oral or physical confrontation; or
- (c) If ordered to do so by ~~the attending physician~~ a licensed independent practitioner.

SECTION 19. 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 in this section, 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~~ an advance care planning document 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 health care services~~; 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~~ advance care planning document under section 39-4510, Idaho Code, or by a patient's surrogate decision-maker in accordance with section 39-4504, Idaho Code. Health care services 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~~ advance care planning document under section 39-4510, Idaho Code, or by a patient's surrogate 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~~ nonbeneficial medical treatment. Except as specifically provided in chapters 3 and 4, title 66, Idaho Code, health care services, 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~~ advance care planning document 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~~ advance care planning document.

(4) Comfort care. Persons caring for a person for whom artificial life-sustaining ~~procedures~~ treatment 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) CPR is contrary to the person's ~~advance directive and/or POST~~ care planning document;

(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 CPR and those conditions have been met;

(d) The person has a proper POST identification device pursuant to section 39-4502~~(15)~~, Idaho Code; or

(e) The ~~attending health care provider~~ licensed independent practitioner 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 Nonbeneficial medical treatment. Nothing in this chapter shall be construed to require nonbeneficial 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 advance care planning documents. 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, Any advance care planning document 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 services.~~

~~(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, an advance care planning document or a 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 treatment from an insured person, notwithstanding any term of the policy to the contrary.~~

~~(b) No physician licensed independent practitioner, 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, an advance care planning document or a 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) 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 or suspension pursuant to section 39-4511A, Idaho Code, or new orders are issued by a physician, APPN or PA licensed independent practitioner.~~

~~(b) A photostatic, facsimile, or electronic copy of a valid physieian orders for scope of treatment (POST) POST form may be treated as an original by a licensed independent practitioner or other health care provider or by an institution receiving or treating a person.~~

(10) Registration. ~~A directive~~ An advance care planning document or the revocation or replacement of a directive an advance care planning document meeting the requirements of this chapter may be registered with the department of health and welfare pursuant to section 39-4515, Idaho Code. Failure to register the ~~health care directive~~ advance care planning document shall not affect the validity of the ~~health care directive~~ advance care planning document.

(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 20. That Section 39-4515, Idaho Code, be, and the same is hereby amended to read as follows:

39-4515. HEALTH CARE DIRECTIVE REGISTRY. (1) The department of health and welfare shall create and maintain a health care directive registry. The health care directive registry shall be accessible through a web-based platform. The information contained in such registry shall include: the full name of the person executing the ~~health care directive~~ advance care planning document as stated in the ~~directive~~ such document, ~~a file identification number unique to the person executing the directive,~~ the person's date of birth, telephone number, and mailing address, and the date the ~~directive~~ advance care planning document was executed. The registry shall be made available twenty-four (24) hours a day, seven (7) days a week and shall incorporate ~~directives~~ advance care planning documents previously submitted to the secretary of state. A person may register with the department of health and welfare a ~~health care directive~~ an advance care planning document or a revocation of a ~~health care directive~~ an advance care planning document by submitting the ~~directive~~ document or revocation, completing and submitting an informational registration form as required by the department of health and welfare, and paying the department the fee that the department may require for registering a ~~health care directive~~ an advance care planning document. The person may register either online or by submitting the registration form in the mail. The person who submits a document for registration pursuant to this section by mail shall provide a return address. The department of health and welfare may charge and collect a fee not to exceed ten dollars (\$10.00) for the filing of a ~~health care directive~~ an advance care planning document. All fees collected for the filing of a ~~health care directive~~ an advance care planning document shall be deposited into the health care directive registry fund. No fee shall be charged for revoking a ~~health care directive~~ an advance care planning document.

~~(2) The registry established under this section shall be accessible only by entering the identification file number and the assigned password on the health care directive registry.~~

~~(3)~~ (2) The department of health and welfare and those granted access to the health care directive registry shall use information contained in the registry only for purposes prescribed in this section. No person granted access to the registry shall use the information for commercial solicitations or in any fraudulent or improper way. Any commercial solicitation or fraudulent or improper use of information contained in the registry shall constitute a violation of this section and a violation of the Idaho consumer protection act.

~~(4)~~ (3) The department of health and welfare is not required to review a ~~health care directive~~ an advance care planning document or ~~revocation replacement~~ thereof to ensure that the document complies with any applicable and statutory requirements. Entry of a document into the health care directive registry pursuant to this section does not create a presumption favoring the validity of the document.

~~(5)~~ (4) The department of health and welfare shall delete a ~~health care directive~~ an advance care planning document and the informational registration form from the health care directive registry when the department of health and welfare receives:

(a) Written notification to remove a ~~health care directive~~ an advance care planning document signed by the maker thereof or that person's ~~legal representative along with the identification file number and assigned password surrogate decision-maker~~; or

(b) Verification from the bureau of vital records and health statistics of the department of health and welfare that the person who executed the ~~health care directive~~ advance care planning document is deceased. The deletion under this paragraph shall be performed not less than once every two (2) years.

~~(6)~~ (5) Neither the department of health and welfare nor the state of Idaho shall be subject to civil liability for any claims or demands arising out of the administration or operation of the health care directive registry.

~~(7)~~ (6) There is hereby created in the state treasury the health care directive registry fund, the moneys of which shall be continuously appropriated, administered by the department of health and welfare, and used to support, promote, and maintain the health care directive registry. The fund shall consist of fees paid by persons registering ~~health care directives~~ advance care planning documents under this section and income from investment from the fund, gifts, grants, bequests, and other forms of voluntary donations. On notice from the department of health and welfare, the state treasurer shall invest and divest moneys in the fund, and moneys earned from such investment shall be credited to the fund.

SECTION 21. That Section 39-4516, Idaho Code, be, and the same is hereby amended to read as follows:

39-4516. LIFE-SUSTAINING TREATMENT FOR UNEMANCIPATED MINORS. (1) This section shall be known and may be cited as "Simon's Law."

(2) As used in this section:

(a) "Order not to resuscitate" means a physician's licensed independent practitioner's order that resuscitative measures shall not be provided to a person under a physician's licensed independent practitioner's care in the event the person is found to have cardiopulmonary cessation. "Order not to resuscitate" shall include but is not limited to physician orders written as "do not resuscitate," "do not allow resuscitation," "do not allow resuscitative measures," "DNAR," "DNR," "allow natural death," or "AND";

(b) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent ~~health care provider~~ licensed independent practitioner who is knowledgeable about a patient's case and the treatment possibilities with respect to the medical conditions involved; and

(c) "Unemancipated minor" means a minor who is not married or is not in active military service.

(3) An order not to resuscitate, an order to withhold artificial life-sustaining ~~procedures~~ treatment, an order to withhold artificial nutrition and hydration, and a similar ~~physician's~~ licensed independent practitioner's order shall not be instituted, either orally or in writing, unless at least one (1) parent or legal guardian of an unemancipated minor who is a patient or resident of a hospital or health care facility under whose care the unemancipated minor has been admitted has first been notified of the ~~physician's~~ licensed independent practitioner's intent to institute such an order, and reasonable attempts have been made to notify any other parent or legal guardian, provided such parent or guardian is reasonably available and has custodial or visitation rights. Such notification must be provided both orally and in writing to at least one (1) parent or legal guardian of the unemancipated minor patient unless, in the ~~physician's~~ licensed independent practitioner's reasonable medical judgment, the urgency of the decision requires reliance on only providing the information orally. Such notification must also include informing the parent or legal guardian of the forty-eight (48) hour provision in subsection (5) of this section. Unless the parent or legal guardian agrees with the implementation of the following orders, an order not to resuscitate, an order to withhold artificial life-sustaining ~~procedures~~ treatment, an order to withhold artificial nutrition and hydration, or a similar ~~physician's~~ licensed independent practitioner's order shall not be instituted, either orally or in writing, until at least forty-eight (48) hours after oral and written notice have been provided to at least one (1) parent or legal guardian in accordance with this section. The provision of such notification must be contemporaneously recorded in the patient's medical record, specifying by whom and to whom the notification was given, the date and time of its provision, and whether it was provided in writing as well. When only one (1) parent or guardian has been notified, the nature of reasonable attempts to inform another parent or guardian, or the reason why such attempts were not made, must also be contemporaneously recorded in the unemancipated minor patient's medical record.

(4) The requirements of subsection (3) of this section shall not apply after seventy-two (72) hours of diligent efforts have been made by the health care provider, without success, to contact and notify at least one (1) known parent or legal guardian of the unemancipated minor patient of the intent to implement an order not to resuscitate, an order to withhold artificial life-sustaining ~~procedures~~ treatment, an order to withhold artificial nutrition and hydration, or a similar ~~physician's~~ licensed independent practitioner's order.

(5) Within forty-eight (48) hours of being notified of the intent to institute an order not to resuscitate, an order to withhold artificial life-sustaining ~~procedures~~ treatment, an order to withhold artificial nutrition and hydration, or a similar ~~physician's~~ licensed independent practitioner's order according to subsection (3) of this section, a parent or legal guardian shall be entitled to request a transfer of the unemancipated minor patient or resident to another facility or discharge. If a transfer is requested by a parent or legal guardian, the hospital or health care facility under whose care the unemancipated minor is admitted must continue provision of artificial life-sustaining ~~procedures~~ treatment and life-sustaining artificial nutrition and hydration for a minimum of fifteen (15) days after the transfer request has been made known and make every reasonable effort to assist the requesting parent or legal guardian in the transfer process. The hospital or health care facility's duties and financial obligations regarding transfer shall be governed by existing state law, applicable rules or regulations, hospital policy, and relevant third-party payment contracts.

(6) If a transfer cannot be arranged and executed within fifteen (15) days from the parent's or guardian's request to transfer, an order not to resuscitate, an order to withhold artificial life-sustaining procedures treatment, an order to withhold artificial nutrition and hydration, or a similar physician's licensed independent practitioner's order may be instituted.

(7) Nothing in this section shall be construed to limit the rights pursuant to section 39-4503, 39-4504, 39-4509, or 39-4510, Idaho Code.

SECTION 22. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

- (a) Records of personal debt filed with a public agency pursuant to law;
- (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records;

(f) Military records as described in and pursuant to section 65-301, Idaho Code;

(g) Social security numbers; and

(h) The following personal data identifiers for an individual may be disclosed only in the following redacted format:

(i) The initials of any minor children of the individual;

(ii) A date of birth in substantially the following format: "XX/XX/birth year";

(iii) The last four (4) digits of a financial account number in substantially the following format: "XXXXX1234";

(iv) The last four (4) digits of a driver's license number or state-issued personal identification card number in substantially the following format: "XXXXX350F"; and

(v) The last four (4) digits of an employer identification number or business's taxpayer identification number.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency that has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section that specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

- (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
- (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;
- (c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time sensitive emergency registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) ~~File numbers, passwords and information~~ Information in the files of the health care directive registry maintained by the department of health and welfare under section 39-4515, Idaho Code, ~~are is~~ confidential and shall not be disclosed to any person other than to the person who executed the ~~health care directive~~ an advance care planning document or the revocation thereof and that person's ~~legal representatives surrogate decision-maker,~~ to the person who registered ~~the health care directive~~ an advance care planning document or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted ~~file number and password~~ access to the documents ~~within that specific file in the registry.~~

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;

(b) If requested by a law enforcement agency, to the law enforcement agency;

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code, except campaign contact phone numbers for candidates or committees, which shall be publicly available upon request; and any notification email addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

SECTION 23. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

CHAPTER 308
(H.B. No. 328)

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2903, IDAHO CODE, TO PROVIDE FOR THE TREATMENT OF CERTAIN PROPERTY LOCATED WITHIN A REVENUE ALLOCATION AREA, TO REMOVE OBSOLETE LANGUAGE REGARDING THE AGRICULTURAL TAX EXEMPTION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 50-2903, Idaho Code, be, and the same is hereby amended to read as follows:

50-2903. DEFINITIONS. The following terms used in this chapter shall have the following meanings, unless the context otherwise requires:

- (1) "Act" or "this act" means this revenue allocation act.
- (2) "Agency" or "urban renewal agency" means a public body created pursuant to section 50-2006, Idaho Code.
- (3) "Authorized municipality" or "municipality" means any county or incorporated city which that has established an urban renewal agency, or by ordinance has identified and created a competitively disadvantaged border community.

- (4) Except as provided in section 50-2903A, Idaho Code, "base assessment roll" means the equalized assessment rolls, for all classes of taxable property, on January 1 of the year in which the local governing body of an authorized municipality passes an ordinance adopting or modifying an urban renewal plan containing a revenue allocation financing provision, except that the base assessment roll shall be adjusted as follows: the equalized assessment valuation of the taxable property in a revenue allocation area as shown upon the base assessment roll shall be reduced by the amount by which the equalized assessed valuation as shown on the base assessment roll exceeds the current equalized assessed valuation of any taxable property located in the revenue allocation area, and by the equalized assessed valuation of taxable property in such revenue allocation area that becomes exempt from taxation subsequent to the date of the base assessment roll. The equalized assessed valuation of the taxable property in a revenue allocation area as shown on the base assessment roll shall be increased by the equalized assessed valuation, as of the date of the base assessment roll, of taxable property in such revenue allocation area that becomes taxable after the date of the base assessment roll, ~~provided any increase in valuation caused by the removal of the agricultural tax exemption from undeveloped agricultural land in a revenue allocation area shall be added to the base assessment roll.~~ Any increase in valuation due to property owned, leased, or used in the operation of a business entity that makes capital investments in one (1) or more data centers, as defined in section 63-3622VV(2)(f), Idaho Code, after July 1, 2020, in amounts of at least two hundred fifty million dollars (\$250,000,000) in the aggregate within the first five (5) years after commencement of construction, that creates and maintains at least thirty (30) new jobs at the data center within two (2) calendar years after the commencement of operations, and that is located in a revenue allocation area for which no bonds have been issued pursuant to section 50-2909, Idaho Code, as of March 16, 2023, shall be added to the base assessment roll in the current tax year. An urban renewal plan containing a revenue allocation financing provision adopted or modified prior to July 1, 2016, is not subject to section 50-2903A, Idaho Code. For plans adopted or modified prior to July 1, 2016, and for subsequent modifications of those urban renewal plans, the

value of the base assessment roll of property within the revenue allocation area shall be determined as if the modification had not occurred.

(5) "Budget" means an annual estimate of revenues and expenses for the following fiscal year of the agency. An agency shall, by September 1 of each calendar year, adopt and publish, as described in section 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend its adopted budget using the same procedures as used for adoption of the budget. For the fiscal year that immediately predates the termination date for an urban renewal plan involving a revenue allocation area or will include the termination date, the agency shall adopt and publish a budget specifically for the projected revenues and expenses of the plan and make a determination as to whether the revenue allocation area can be terminated before the January 1 of the termination year pursuant to the terms of section 50-2909(4), Idaho Code. In the event that the agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1 the agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist. The agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho state tax commission as provided in section 63-215, Idaho Code. Upon notification of revenues sufficient to cover expenses as provided herein, the increment value of that revenue allocation area shall be included in the net taxable value of the appropriate taxing districts when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code.

(6) "Clerk" means the clerk of the municipality.

(7) "Competitively disadvantaged border community area" means a parcel of land consisting of at least forty (40) acres ~~which~~ that is situated within the jurisdiction of a county or an incorporated city and within twenty-five (25) miles of a state or international border, which the governing body of such county or incorporated city has determined by ordinance is disadvantaged in its ability to attract business, private investment, or commercial development, as a result of a competitive advantage in the adjacent state or nation resulting from inequities or disparities in comparative sales taxes, income taxes, property taxes, population or unique geographic features.

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions ~~which~~ that endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of con-

ditions which that endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Facilities" means land, rights in land, buildings, structures, machinery, landscaping, extension of utility services, approaches, roadways and parking, handling and storage areas, and similar auxiliary and related facilities.

(10) "Increment value" means the total value calculated by summing the differences between the current equalized value of each taxable property in the revenue allocation area and that property's current base value on the base assessment roll, provided such difference is a positive value.

(11) "Local governing body" means the city council or board of county commissioners of a municipality.

(12) "Plan" or "urban renewal plan" means a plan, as it exists or may from time to time be amended, prepared and approved pursuant to sections 50-2008 and 50-2905, Idaho Code, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Project" or "urban renewal project" or "competitively disadvantaged border areas" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;

(b) Demolition and removal of buildings and improvement;

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, open space, off-street parking facilities, public facilities, public recreation and entertainment facilities or buildings and other improvements necessary for carrying out, in the urban renewal area or competitively disadvantaged border community area, the urban renewal objectives of this act in accordance with the urban

renewal plan or the competitively disadvantaged border community area ordinance.

(d) Disposition of any property acquired in the urban renewal area or the competitively disadvantaged border community area (including sale, initial leasing or retention by the agency itself) or the municipality creating the competitively disadvantaged border community area at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(f) Acquisition of real property in the urban renewal area or the competitively disadvantaged border community area which that, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) Acquisition of any other real property in the urban renewal area or competitively disadvantaged border community area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities or where necessary to accomplish the purposes for which a competitively disadvantaged border community area was created by ordinance;

(h) Lending or investing federal funds; and

(i) Construction of foundations, platforms and other like structural forms.

(14) "Project costs" includes, but is not limited to:

(a) Capital costs, including the actual costs of the construction of public works or improvements, facilities, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; and the clearing and grading of land;

(b) Financing costs, including interest during construction and capitalized debt service or repair and replacement or other appropriate reserves;

(c) Real property assembly costs, meaning any deficit incurred from the sale or lease by a municipality of real or personal property within a revenue allocation district;

(d) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(e) Direct administrative costs, including reasonable charges for the time spent by city or county employees in connection with the implementation of a project plan;

(f) Relocation costs; and

(g) Other costs incidental to any of the foregoing costs.

(15) "Revenue allocation area" means that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at any time ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

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

(17) "Tax" or "taxes" means all property tax levies upon taxable property.

(18) "Taxable property" means taxable real property, personal property, operating property, or any other tangible or intangible property included on the equalized assessment rolls.

(19) "Taxing district" means a taxing district as defined in section 63-201, Idaho Code, as that section now exists or may hereafter be amended.

(20) "Termination date" means a specific date no later than twenty (20) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every urban renewal plan shall have a termination date that can be modified or extended subject to the twenty (20) year maximum limitation. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to March 16, 2023.

Approved April 5, 2023

CHAPTER 309

(H.B. No. 25, As Amended in the Senate)

AN ACT

RELATING TO THE CAPITOL BUILDING AND GROUNDS; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1605A, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION TO CONTROL VEHICULAR USE OF THE ROADWAYS ADJOINING THE CAPITOL BUILDING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 16, 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 67-1605A, Idaho Code, and to read as follows:

67-1605A. DIRECTOR'S AUTHORITY -- ROADWAYS. Notwithstanding any other provision of law, including the provisions of sections 40-1310 and 50-1330, Idaho Code, the director of the department of administration shall have authority to control vehicular use of the roadways adjoining the capitol building and Steunenberg monument park. The Idaho state capitol commission shall adopt policies and procedures to implement the provisions of this section. The director shall consult with the governor, the presiding officers of the legislature, and the Idaho state capitol commission prior to granting or withholding approval of an alteration of the use of the roadways exceeding seven (7) days. The director may also close any or all of the roadways adjoining the capitol building to vehicular traffic in the best interest of the state, including but not limited to security interests. Actions of the director under this section shall be discretionary and not subject to the provisions of chapter 52, title 67, Idaho Code. The control granted in this section does not limit statutory obligations for maintenance, operation, or law enforcement of the roadways in any other provision of law or the exercise of any constitutional right by a citizen. The roadways adjoining the capitol for purposes of this section shall mean State Street, Jefferson Street, Eighth Street, and Sixth Street where such streets are adjacent to block one (1) as shown on the Boise City original townsite plat filed in the Ada county recorder's office in book 1 on page 1. The roadways adjoining Steunenberg monument park shall mean the portions of Capitol

Boulevard adjoining block fifty-four (54) and block fifty-five (55) as shown on the Boise City original townsite plat filed in the Ada County recorder's office in book 1 on page 1.

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 5, 2023

CHAPTER 310

(H.B. No. 242, As Amended in the Senate)

AN ACT

RELATING TO ABORTION; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-623, IDAHO CODE, TO PROVIDE FOR THE CRIME OF ABORTION TRAFFICKING, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE, TO PROVIDE THAT IT SHALL NOT BE AN AFFIRMATIVE DEFENSE THAT AN ABORTION PROVIDER IS LOCATED IN ANOTHER STATE, TO AUTHORIZE THE ATTORNEY GENERAL TO PROSECUTE CERTAIN PERSONS, AND TO PROVIDE A PENALTY; AMENDING SECTION 18-8807, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS AND RESTRICTIONS ON A CIVIL ACTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-623, Idaho Code, and to read as follows:

18-623. ABORTION TRAFFICKING. (1) An adult who, with the intent to conceal an abortion from the parents or guardian of a pregnant, unemancipated minor, either procures an abortion, as described in section 18-604, Idaho Code, or obtains an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within this state commits the crime of abortion trafficking. As used in this subsection, the terms "procure" and "obtain" shall not include the providing of information regarding a health benefit plan.

(2) It shall be an affirmative defense to a prosecution under subsection (1) of this section that a parent or guardian of the pregnant minor consented to trafficking of the minor.

(3) It shall not be an affirmative defense to a prosecution under subsection (1) of this section that the abortion provider or the abortion-inducing drug provider is located in another state.

(4) The Idaho attorney general has the authority, at the attorney general's sole discretion, to prosecute a person for a criminal violation of this section if the prosecuting attorney authorized to prosecute criminal violations of this section refuses to prosecute violations of any of the provisions of this section by any person without regard to the facts or circumstances.

(5) Any person who commits the crime of abortion trafficking, as provided in subsection (1) of this section, shall be punished by imprisonment in the state prison for no less than two (2) years and no more than five (5) years.

SECTION 2. That Section 18-8807, Idaho Code, be, and the same is hereby amended to read as follows:

18-8807. CIVIL CAUSES OF ACTION. (1) Any female upon whom an abortion has been attempted or performed, the father of the preborn child, a grandparent of the preborn child, a sibling of the preborn child, or an aunt or uncle of the preborn child may maintain an action for:

(a) All damages from the medical professionals who knowingly or recklessly attempted, performed, or induced the abortion in violation of this chapter;

(b) Notwithstanding any other provision of law, statutory damages in an amount not less than twenty thousand dollars (\$20,000) from the medical professionals who knowingly or recklessly attempted, performed, or induced an abortion in violation of this chapter; and

(c) Costs and attorney's fees. [8803 8804]

(2) Notwithstanding any other provision of law, a person may bring an action under this section not later than four (4) years following the date the cause of action accrues.

~~(3) Notwithstanding any other provision of law, a civil cause of action under this section may not be brought by a person who impregnated the mother through an act of rape or incest.~~

~~(4) (3)~~ Notwithstanding any other provision of law, including chapter 1, title 12, Idaho Code, a court may not award costs or attorney's fees to a defendant in an action brought under this section unless the defendant has complied with the applicable requirements of sections 18-8803 and 18-8804, Idaho Code.

~~(5) (4)~~ The civil causes of action provided for in this section exist independently of any criminal action commenced pursuant to this chapter. A civil cause of action may be pursued under the provisions of this chapter even if a criminal prosecution is not pursued.

~~(6) (5)~~ Notwithstanding any other provision of law, including chapters 14, 17, and 18, title 54, Idaho Code, the requirements of this section shall be enforced exclusively through the private civil causes of action described. No enforcement of this section may be taken or threatened against any person by this state, a political subdivision of this state, a prosecuting attorney, or an executive or administrative officer or employee of this state or a political subdivision of this state.

~~(7) (6)~~ Notwithstanding any other provision of law, this state, a state official, or a prosecuting attorney may not intervene in an action brought under this section. Nothing in this subsection shall prohibit a person described in this subsection from filing an amicus curiae brief in the action.

~~(8) (7)~~ Nothing in this section shall be deemed to affect any familial rights or responsibilities or any proceedings conducted under Idaho law.

~~(8) In an action brought under this section, a court may not award compensatory or punitive damages if a person demonstrates that the person paid, or has been ordered to pay, compensatory or punitive damages, respectively, in a previous civil action for that particular violation of this chapter.~~

~~(9) Notwithstanding any other law to the contrary, a civil action may not be brought under this section by a person who, through an act of rape, sexual assault, incest, or other criminal conduct, impregnated the pregnant woman seeking an abortion in violation of this chapter.~~

~~(10) Notwithstanding any other law to the contrary, the following shall not be defenses to an action brought under this section:~~

~~(a) That the pregnant woman or, if the pregnant woman is a minor, a parent or guardian consented to an unlawful abortion;~~

~~(b) Ignorance or mistake of law;~~

~~(c) A person's belief that any provision of this section is or was unconstitutional;~~

~~(d) A person's reliance on a state or federal court decision that is not binding on the court in which the action has been brought;~~

~~(e) Non-mutual issue preclusion or non-mutual claim preclusion;~~

~~(f) Contributory or comparative negligence;~~

(g) Assumption of risk; or

(h) A claim that an action brought under the section will violate a constitutional right of a third party.

(11) Notwithstanding any other law to the contrary, a court may:

(a) Not award attorney's fees or costs to a person subject to an action brought under this section unless the action is frivolous, without foundation, or brought in bad faith or for the sole reason for delay;

(b) Not award attorney's fees or costs to a person who prevails in challenging the constitutionality of this section under state law, unless the defense of this section is frivolous, without foundation, or brought in bad faith or for the sole reason for delay; and

(c) Award attorney's fees or costs to a person who prevails in defending the constitutionality of this section under state law, even though the challenge to the constitutionality of this section was not frivolous, without foundation, or brought in bad faith or for the sole reason for delay.

(12) The provisions of this section shall not be construed to impose liability on speech or conduct protected by the first amendment of the United States constitution or by section 9, article I of the constitution of the state of Idaho.

SECTION 3. 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 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect thirty days after its passage and approval.

Approved April 5, 2023

CHAPTER 311

(H.B. No. 341, As Amended in the Senate)

AN ACT

RELATING TO CRIMES AND PUNISHMENT; AMENDING SECTION 18-5601, IDAHO CODE, TO REVISE A PROVISION REGARDING INTERSTATE TRAFFICKING IN PROSTITUTION AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 18-5606, IDAHO CODE, RELATING TO ACCEPTING EARNINGS OF A PROSTITUTE; AMENDING CHAPTER 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5606, IDAHO CODE, TO PROVIDE FOR THE CRIME OF RECEIVING PROCEEDS OF ILLEGAL SEXUAL ACTIVITY, TO PROVIDE A PENALTY, TO DEFINE TERMS, AND TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE CRIMINALLY LIABLE; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8605, IDAHO CODE, TO PROVIDE FOR HUMAN TRAFFICKING VICTIM PROTECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-5601, Idaho Code, be, and the same is hereby amended to read as follows:

18-5601. INTERSTATE TRAFFICKING IN PROSTITUTION. Any person who imports a person or persons into this state, or who exports a person or persons from this state, for the purpose of prostitution, or any person who induces, entices, or procures such activity, shall be guilty of a felony punishable by imprisonment for a period of not less than two (2) years ~~nor~~ and not more than twenty (20) years, or by a fine of not less than one thousand dollars (\$1,000), nor more than fifty thousand dollars (\$50,000), or by both such fine and imprisonment.

SECTION 2. That Section 18-5606, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 56, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-5606, Idaho Code, and to read as follows:

18-5606. RECEIVING PROCEEDS OF ILLEGAL SEXUAL ACTIVITY. (1) Any person who knowingly receives or accepts any proceeds, or the benefits of such proceeds, derived from another person engaging in sexual contact shall be guilty of a felony punishable by imprisonment for a period of not more than twenty (20) years, or by a fine of not more than fifty thousand dollars (\$50,000), or by both such fine and imprisonment.

(2) As used in this section:

(a) "Benefits of such proceeds" includes but is not limited to any real or personal property obtained with or by use of proceeds as defined in this subsection; any debt, rent, or other contractual obligation paid with proceeds as defined in this subsection; and any service obtained in exchange for proceeds as defined in this subsection.

(b) "Proceeds" means any money, services, item of real or personal property, contraband, or thing of value paid or exchanged for sexual contact.

(c) "Sexual contact" means any touching of the sexual organs or other intimate body parts of another person for the purpose of arousing or gratifying the sexual desire of either party, including but not limited to sexual intercourse, oral-genital contact, manual genital contact, genital-anal contact, oral-anal contact, and other physical-genital contact.

(3) The person who provides sexual contact in exchange for proceeds, as set forth in subsection (1) of this section, and such person's minor children or legal dependents incapable of self-support shall not be criminally liable pursuant to this section.

SECTION 4. That Chapter 86, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8605, Idaho Code, and to read as follows:

18-8605. HUMAN TRAFFICKING VICTIM PROTECTION. (1) The attorney general shall, not later than January 1, 2024, issue a report outlining how existing state criminal laws protect or fail to protect human trafficking victims and recommending areas of improvement and modifications in existing laws and rules.

(2) The Idaho criminal justice commission, in consultation with the attorney general, shall, not later than January 1, 2024, issue and deliver a report to the germane committees of the Idaho legislature outlining how existing social service programs respond or fail to respond to the needs of human trafficking victims and the interplay of such existing programs with federally funded victim service programs and suggesting areas of improvement or modification. Such inquiry shall include but not be limited to the

ability of state programs and licensing bodies to recognize federal nonimmigrant status for the purpose of benefits, programs, and licenses.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect thirty days following signature by the Governor.

Approved April 5, 2023

CHAPTER 312
(S.B. No. 1175)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; PROHIBITING TRANSFERS FOR PERSONNEL COSTS PAYMENTS; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING FOR ACCOUNTABILITY REPORTS FOR COMMUNITY PARTNER GRANTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$18,190,600	\$5,682,600		\$23,873,200
Cooperative Welfare (Dedicated)				
Fund	814,300	3,539,000		4,353,300
Cooperative Welfare (Federal)				
Fund	<u>30,258,500</u>	<u>17,483,300</u>		<u>47,741,800</u>
TOTAL	\$49,263,400	\$26,704,900		\$75,968,300
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,329,100	\$22,329,100
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>79,154,500</u>	<u>79,154,500</u>
TOTAL			\$101,983,600	\$101,983,600
GRAND TOTAL	\$49,263,400	\$26,704,900	\$101,983,600	\$177,951,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Welfare Division of the Department of Health and Welfare is authorized no more than six hundred thirteen and five-tenths (613.50) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2024.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. PERSONNEL COSTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Welfare shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 7. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 8. ACCOUNTABILITY REPORT FOR COMMUNITY PARTNER GRANTS. As provided for in Section 67-702(1)(c), Idaho Code, the Legislative Audits Division of the Legislative Services Office will perform a review of the Department of Health and Welfare for fiscal years 2022 and 2023. This review will be included in an accountability report and will include an evaluation of the Community Partners Grant for compliance with requirements provided in House Bill No. 400, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature. Specifically, the review will evaluate if the Community Partners Grant applications and expenditures were in compliance with the guidelines and if they were used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs. Further, that these grants shall be used for serving school-aged participants ages 5-13 years, as allowable

by federal guidance. The report will also indicate if grant award amounts were in compliance with the limits for providers that serve a statewide, regional, or local presence.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved April 5, 2023

CHAPTER 313
(S.B. No. 1130)

AN ACT

RELATING TO CORONAVIRUS; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 73, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT CORONAVIRUS VACCINATION REQUIREMENTS, AND TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. The coronavirus, as defined in this act, and its vaccinations are relatively new medical developments. It is the public policy of the State of Idaho that the decision to receive such a coronavirus vaccination is a very personal and individual decision. Individuals should not be treated differently or discriminated against because they have or have not received a coronavirus vaccination.

The Legislature recognizes that Section 10, Article I of the United States Constitution and Section 16, Article I of the Constitution of the State of Idaho provide that the state cannot pass laws impairing the obligation of contracts. Due to these constitutional provisions, the Legislature acknowledges that the provisions of this act do not apply to contracts existing prior to the effective date of this act. The Legislature intends that the provisions of this act apply to contracts and any applicable coronavirus provisions entered into after the effective date of this act. The Legislature further acknowledges that Idaho is an "at-will" employment state and, as such, the terms of "at-will" employment come into play anew each time an employee works. The Legislature intends this act to apply to "at-will" employment going forward from the effective date of this act.

SECTION 2. That Title 73, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 73, Idaho Code, and to read as follows:

CHAPTER 5
CORONAVIRUS STOP ACT

73-501. SHORT TITLE. This chapter shall be known and may be cited as the "Coronavirus Stop Act."

73-502. DEFINITIONS. As used in this chapter:

(1) "Business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not-for-profit. "Business entity" shall include but not be limited to:

(a) Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in Idaho, business trusts, and any business entity that registers with the secretary of state; and

(b) Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state; any business entity exempt by law from obtaining such a business license; and any business entity operating unlawfully without such a business license.

(2) "Coronavirus" means:

(a) Severe acute respiratory syndrome coronavirus 2;

(b) The disease caused by severe acute respiratory syndrome coronavirus 2; or

(c) Any subsequently identified mutation, modification, or strain of severe acute respiratory syndrome coronavirus 2 if the transmission of said virus among humans rises to the level of an epidemic or pandemic and qualifies for an emergency declaration under applicable Idaho law.

(3) "Coronavirus vaccination" means the introduction of a coronavirus vaccine into the human body.

(4) "Foreign jurisdiction" means any state, commonwealth, country, or nation outside the state of Idaho.

(5) "Ticket issuer" means an individual or entity providing tickets to an entertainment event, including any of the following:

(a) The operator of the venue where an entertainment event occurs;

(b) The sponsor or promoter of an entertainment event;

(c) A sports team participating in an entertainment event or a league whose teams are participating in an entertainment event;

(d) A theater company, musical group, or similar participant in an entertainment event; or

(e) An agent of any individual or entity described in this subsection.

73-503. CORONAVIRUS VACCINATION REQUIREMENTS PROHIBITED. (1) A business entity doing business in the state of Idaho shall not refuse to provide any service, product, admission to a venue, or transportation to a person because that person has or has not received a coronavirus vaccination.

(2) A business entity doing business in the state of Idaho shall not require a coronavirus vaccination as a term of employment unless required by federal law or in such cases where the terms of employment include travel to foreign jurisdictions requiring coronavirus vaccinations as the only coronavirus-related means of entry or where the terms of employment require entry into a place of business or facility in a foreign jurisdiction and such place of business or facility requires a coronavirus vaccination as the only coronavirus-related means of entry. In any such instance where an employee is required to obtain a coronavirus vaccination due to travel to a foreign jurisdiction or entry into a place of business or facility in a foreign jurisdiction, said requirement shall either be included in a valid written employment contract between the employer and the employee or, when a written employment contract does not exist, advance written notice shall be provided to an impacted employee no less than fourteen (14) days prior to such employee being required to receive a coronavirus vaccination. Business entities that receive medicare or medicaid funding shall be exempt from the requirements of this subsection.

(3) A ticket issuer shall not penalize, discriminate against, or deny access to an entertainment event to a ticket holder because the ticket holder has or has not received a coronavirus vaccination.

(4) Unless required by federal law, no state, county, or local government entity or official in Idaho shall require any person to receive a coronavirus vaccination.

(5) Unless required by federal law, no state, county, or local government entity or official in Idaho shall require any person to receive a coronavirus vaccination as a condition for:

- (a) Receipt of any government benefit;
- (b) Receipt of any government services;
- (c) Receipt of any government-issued license or permit;
- (d) Entrance into any public building;
- (e) Use of public transportation; or
- (f) A term of employment, provided that such entities that receive medicare or medicaid funding shall be exempt from the requirements of this paragraph.

(6) No state, county, local government, or business entity in Idaho shall provide or offer any different salary, hourly wage, or other ongoing compensation or benefits to an employee based on whether the employee has or has not received a coronavirus vaccination. However, it shall not be unlawful for such entities to offer onetime incentives related to coronavirus vaccinations that do not result in any different salary, hourly wage, or ongoing compensation or benefits being provided to an employee based on whether they have or have not received a coronavirus vaccination. A business entity may permit its employees to be released from work for the purpose of receiving a coronavirus vaccination.

(7) The ability to require a coronavirus vaccination under this chapter is subject to other statutory or constitutional provisions regarding requests for coronavirus vaccination exemptions and requirements to provide reasonable accommodation.

(8) The provisions of this chapter may be enforced and injunctive relief may be pursued by either the attorney general or the prosecuting attorney for the county where a violation occurs. If a business entity, state, county, city, or local government entity in Idaho is found to have violated the provisions of this chapter, the attorney general or prosecuting attorney, as applicable, shall be awarded attorney's fees and costs incurred in pursuing the enforcement action.

73-504. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 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 6, 2023

CHAPTER 314

(H.B. No. 206, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5201, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 67-5206, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PROMULGATION OF RULES IMPLEMENTING THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5222, IDAHO CODE, TO PROVIDE REQUIREMENTS REGARDING PUBLIC PARTICIPATION IN AGENCY RULEMAKING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5224, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADMINISTRATIVE RULES AND TO REMOVE PROVISIONS REGARDING THE EFFECTIVE DATE OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5226, IDAHO CODE, TO REVISE PROVISIONS REGARDING TEMPORARY RULES AND TO REMOVE A PROVISION REGARDING TEMPORARY RULES; REPEALING SECTION 67-5291, IDAHO CODE, RELATING TO LEGISLATIVE REVIEW OF RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5291, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE REVIEW OF RULES; AMENDING SECTION 67-5292, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE EXPIRATION OF ADMINISTRATIVE RULES AND TO PROVIDE FOR THE PERIODIC REVIEW OF ADMINISTRATIVE RULES; AMENDING SECTION 20-212, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-107, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5201, Idaho Code, be, and the same is hereby amended to read as follows:

67-5201. DEFINITIONS. As used in this chapter:

(1) "Administrative code" means the Idaho administrative code established in this chapter.

(2) "Adopt" means that an agency has, under the regular rulemaking process, promulgated a temporary rule, a new rule chapter, or an amendment or repeal of a final rule that will be submitted for review by the legislature as either a temporary rule or a pending rule.

~~(2)~~ (3) "Agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases, but does not include the legislative or judicial branches, executive officers listed in section 1, article IV of the constitution of the state of Idaho in the exercise of powers derived directly and exclusively from the constitution, the state militia or the state board of correction.

~~(3)~~ (4) "Agency action" means:

(a) The whole or part of a rule or order;

(b) The failure to issue a rule or order; or

(c) An agency's performance of, or failure to perform, any duty placed on it by law.

~~(4)~~ (5) "Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law.

~~(5)~~ (6) "Bulletin" means the Idaho administrative bulletin established in this chapter.

~~(6)~~ (7) "Chief administrative hearing officer" means the administrator of the office of administrative hearings created pursuant to section 67-5280, Idaho Code.

~~(7)~~ (8) "Contested case" means a proceeding that results in the issuance of an order.

~~(8)~~ (9) "Coordinator" means the administrative rules coordinator prescribed in section 67-5202, Idaho Code.

~~(9)~~ (10) "Document" means any executive order, notice, rule or statement of policy of an agency.

~~(10)~~ (11) "Final rule" means a rule that has been adopted by an agency under the regular rulemaking process and is in effect rule that has been approved by the legislature and is in effect.

~~(11)~~ (12) "Hearing officer" means the chief administrative hearing officer and any hearing officers appointed by him pursuant to sections 67-5281 through 67-5283, Idaho Code, or a person appointed by an agency or board to hear a contested case.

~~(12)~~ (13) "License" means the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of authorization required by law, but does not include a license required solely for revenue purposes.

~~(13)~~ (14) "Official text" means the text of a document issued, prescribed, or promulgated by an agency in accordance with this chapter and is the only legally enforceable text of such document. Judicial notice shall be taken of all documents issued, prescribed, or promulgated in accordance with this chapter.

~~(14)~~ (15) "Order" means an agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons.

~~(15)~~ (16) "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

(17) "Pending fee rule" means any pending rule all or a portion of which imposes or increases a fee or charge.

(18) "Pending non-fee rule" means any pending rule that is not a pending fee rule.

~~(16)~~ (19) "Pending rule" means a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review proposed rule that an agency has adopted under the regular rulemaking process but remains subject to legislative review, is not a final rule, and is not in effect.

~~(17)~~ (20) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character.

~~(18)~~ (21) "Proposed rule" means a rule published in the bulletin as provided in section 67-5221, Idaho Code an agency proposal that has been adopted and remains subject to review by the legislature.

~~(19)~~ (22) "Provision of law" means ~~the whole~~ all or a part of the state or federal constitution, or of any state or federal:

- (a) Statute; or
- (b) Rule or decision of court.

~~(20)~~ (23) "Publish" means to bring before the public by publication in the bulletin or administrative code, by electronic means or as otherwise specifically provided by law.

~~(21)~~ (24) "Rule" means ~~the whole~~ all or a part of an agency statement of general applicability that has been promulgated in compliance with the provisions of this chapter and that implements, interprets, enforces, or prescribes:

- (a) Law ~~or policy~~; or
- (b) The procedure or practice requirements of an agency. The term includes the amendment, repeal, or suspension of an existing rule, but does not include:
 - (i) Statements concerning only the internal management or internal personnel policies of an agency and not affecting private rights of the public or procedures available to the public; or

- (ii) Declaratory rulings issued pursuant to section 67-5232, Idaho Code; or
- (iii) Intra-agency memoranda; or
- (iv) Any written statements given by an agency that pertain to an interpretation of a rule or to the documentation of compliance with a rule.

(25) "Rule chapter" means the numeric designation of a grouping of related agency rules by the coordinator.

~~(22) (26) "Rulemaking" means the process for formulation, and adoption, amendment or repeal of a rule.~~

~~(23) (27) "Standard" means a manual, guideline, criterion, specification, requirement, measurement or other authoritative principle providing a model or pattern in comparison with which the correctness or appropriateness of specified actions, practices or procedures may be determined.~~

~~(24) (28) "Submitted for review" means that a rule has been provided to the legislature for review at a regular or special legislative session as provided in section 67-5291, Idaho Code.~~

~~(25) (29) "Temporary rule" means a rule authorized by the governor to become effective before it has been submitted to the legislature for review and that expires by its own terms or by operation of law no later than the conclusion of the next succeeding regular legislative session unless extended or replaced by a final rule as provided in section 67-5226, Idaho Code.~~

SECTION 2. That Section 67-5206, Idaho Code, be, and the same is hereby amended to read as follows:

67-5206. PROMULGATION OF RULES IMPLEMENTING ADMINISTRATIVE PROCEDURE ACT. ~~(1) In accordance with the rulemaking requirements of this chapter, the administrative rules coordinator shall promulgate rules implementing the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code. The rules shall:~~

- ~~(a) Establish a uniform numbering system applicable to rules adopted by all agencies;~~
- ~~(b) Establish a uniform style and format applicable to rules adopted by all agencies;~~
- ~~(c) Establish a publication schedule for the bulletin and the administrative code, including deadlines for the submission of documents to be included within each publication;~~
- ~~(d) Establish a uniform indexing system for agency orders; and~~
- ~~(e) Include such other rules as the coordinator deems necessary to implement the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code, and this section.~~

~~(2) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules of procedure appropriate for use by as many agencies as possible. The rules shall deal with all general functions and duties performed in common by several agencies.~~

~~(3) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5220 through 67-5232, Idaho Code. The rules shall specify:~~

- ~~(a) The form and content for petitions requesting an opportunity for an oral presentation in a substantive rulemaking;~~
- ~~(b) Procedures for the creation of a record of comments received at any oral presentation;~~
- ~~(c) The standards by which exemptions from regular rulemaking requirements will be authorized to correct typographical errors, transcription errors, or clerical errors;~~
- ~~(d) The form and content for a petition for the adoption of rules and the procedure for its submission, consideration and disposition;~~
- ~~(e) Procedures to facilitate negotiated rulemaking;~~

~~(f) The form and content of a petition for a declaratory ruling on the applicability of statutes or regulations; and~~

~~(g) Such other provisions as may be necessary or useful.~~

~~(4)~~ (1) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5240 through 67-5255, Idaho Code. The rules shall specify:

(a) Form and content to be employed in giving notice of a contested case;

(b) Procedures and standards required for intervention in a contested case;

(c) Procedures for prehearing conferences;

(d) Format for pleadings, briefs, and motions;

(e) The method by which service shall be made;

(f) Procedures for the issuance of subpoenas, discovery orders, and protective orders if authorized by other provisions of law;

(g) Qualifications for persons seeking to act as a representative for parties to contested cases;

(h) Procedures to facilitate informal settlement of matters; and

(i) Procedures for placing ex parte contacts on the record.

~~(5)~~ (2) (a) After July 1, 1993, the rules promulgated by the attorney general under this section shall apply to all agencies that do not affirmatively promulgate alternative procedures after the promulgation of the rules by the attorney general. The rules promulgated by the attorney general shall supersede the procedural rules of any agency in effect on June 30, 1993, unless that agency promulgates its own procedures as provided in paragraph (b) of this subsection.

(b) After July 1, 1993, an agency that promulgates its own procedures shall include in the rule adopting its own procedures a finding that states the reasons why the relevant portion of the attorney general's rules were inapplicable to the agency under the circumstances.

~~(6)~~ (3) With respect to contested cases and other proceedings conducted by the office of administrative hearings as authorized by this chapter, rules promulgated by the attorney general or any agency pursuant to subsection ~~(4)~~ (1) of this section shall remain in full force and effect, except with respect to hearing officer qualifications, until such time as the office of administrative hearings promulgates replacement rules, and thereafter such rules of the office of administrative hearings shall govern unless otherwise required by governing federal law.

SECTION 3. That Section 67-5222, Idaho Code, be, and the same is hereby amended to read as follows:

67-5222. PUBLIC PARTICIPATION. (1) Prior to the adoption, ~~amendment,~~ or ~~repeal~~ of a rule, the agency shall afford all interested persons reasonable opportunity to submit data, views and arguments, orally or in writing. The agency shall receive comments for not less than twenty-one (21) days after the date of publication of the notice of proposed rulemaking in the bulletin.

(2) When promulgating substantive rules, the agency shall provide an opportunity for oral presentation if requested by twenty-five (25) persons, a political subdivision, or an agency. The request must be made in writing and be within fourteen (14) days of the date of publication of the notice of proposed rulemaking in the bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later. An opportunity for oral presentation need not be provided when the agency has no discretion as to the substantive content of a proposed rule because the proposed rule is intended solely to comply:

- (a) ~~with~~ With a controlling judicial decision or court order; or
- (b) ~~with~~ With the provisions of a statute or federal rule that has been amended since the adoption of the agency rule.

(3) Every agency must allow oral presentation through video conference or telephone. Beginning July 1, 2026, all agencies must post a video or audio recording of any oral presentation and public hearing on a rule within fifteen (15) days after the meeting and retain such recording and post the recording on the agency's website, if any, for not less than three (3) years.

SECTION 4. That Section 67-5224, Idaho Code, be, and the same is hereby amended to read as follows:

67-5224. ~~PENDING RULE -- FINAL RULE -- EFFECTIVE DATE.~~ (1) Prior to the adoption, ~~amendment, or repeal~~ of a rule, the agency shall consider fully all written and oral submissions respecting the proposed rule.

(2) Subject to the provisions of subsection (3) of this section, the agency shall publish the text of a pending rule and a notice of adoption of the pending rule in the bulletin. The notice of adoption of the pending rule shall consist of a concise explanatory statement containing:

- (a) Reasons for adopting the rule;
- (b) ~~A statement of any change~~ Any changes between the text of the proposed rule and the text of the pending rule with ~~an explanation of the reasons for any changes;~~
- (c) The date on which the pending rule will become final and effective, as provided in subsection 67-5291 (5) of this section, Idaho Code, and a statement that the pending rule ~~may be rejected~~ must be approved by concurrent resolution of the legislature;
- (d) An identification of any ~~portion of the pending fee rule imposing or increasing a fee or charge~~ and a statement that this ~~portion of the pending fee rule~~ shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) The specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) Except as otherwise required in paragraph (g) of this subsection, a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this paragraph shall not affect the validity or the enforceability of the rule; or
- (g) If a notice of proposed rulemaking of the Idaho state tax commission, a specific description of any negative or positive fiscal impact greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this paragraph shall not affect the validity or the enforceability of the rule.

(3) With the permission of the coordinator, the agency need not publish in full the text of the pending rule if no significant changes have been made from the text of the proposed rule as published in the bulletin, but the notice of adoption of the pending rule must cite the volume of the bulletin where the text is available and note all changes that have been made.

(4) An agency shall not publish a pending rule until at least seven (7) days after the close of all public comment.

~~(5) (a) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a pending rule shall become final and effective upon the conclusion of the legislative session at which the rule was submitted to the legislature for review, or as provided in the rule, but no pending rule adopted by an agency shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. A rule which is final and effective may be applied retroactively, as provided in the rule.~~

~~(b) When the legislature approves a pending rule pursuant to section 67-5291, Idaho Code, the rule shall become final and effective upon adoption of the concurrent resolution or such other date specified in the concurrent resolution.~~

~~(c) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, no pending rule or portion thereof imposing a fee or charge of any kind shall become final and effective until it has been approved by concurrent resolution.~~

~~(6) (5) Each agency shall provide the administrative rules coordinator with a description of any pending fee rule or portion thereof imposing a new fee or charge or increasing an existing fee or charge, along with a citation of the specific statute authorizing the imposition or increase of the fee or charge. The administrative rules coordinator shall provide the legislature with a compilation of the descriptions provided by the agencies.~~

~~(7) (6) At the conclusion of the legislative session Upon adjournment sine die of the legislature or as soon thereafter as is practicable, the coordinator shall publish the date upon which the legislature adjourned sine die of adjournment and the date rules became effective and a list of final rules becoming effective on a different date, as provided in section 67-5224(5) 67-5291, Idaho Code, and temporary rules remaining in effect as provided in section 67-5226(3) 67-5291, Idaho Code.~~

SECTION 5. That Section 67-5226, Idaho Code, be, and the same is hereby amended to read as follows:

67-5226. TEMPORARY RULES. (1) If the governor finds that:

- (a) Protection of the public health, safety, or welfare; or
- (b) Compliance with deadlines in amendments to governing law or federal programs; or
- (c) Conferring a benefit;

requires a rule to become effective before it has been submitted to the legislature for review, the agency may proceed with such notice as is practicable and adopt a temporary rule, except as otherwise provided in section 67-5229(1) (d), Idaho Code. The agency may make the temporary rule immediately effective. The agency shall incorporate the required finding and a concise statement of its supporting reasons in each rule adopted in reliance upon the provisions of this subsection.

(2) A pending fee rule adopted pursuant to subsection (1) of this section which imposes a fee or charge may become effective under this section before it has been approved by concurrent resolution only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

~~(3) In no case shall a rule adopted pursuant to this section remain in effect beyond the conclusion of the next succeeding regular session of the legislature unless the rule is approved by concurrent resolution, in which case the rule may remain in effect until the time specified in the resolution or until the rule has been replaced by a final rule which has become effective as provided in section 67-5224(5), Idaho Code.~~

~~(4) (3) Temporary rules shall be published in the first available issue of the bulletin.~~

~~(5)~~ (4) Temporary rules are not subject to the requirements of section 67-5223, Idaho Code, provided that the ~~administrative rules~~ coordinator sends a copy of the temporary rules to the director of the legislative services office.

~~(6)~~ (5) Concurrently with the promulgation of a rule under this section, or as soon as reasonably possible thereafter, an agency shall commence the promulgation of a proposed rule in accordance with the rulemaking requirements of this chapter, unless the temporary rule adopted by the agency will expire by its own terms or by operation of law before the proposed rule could become final.

SECTION 6. That Section 67-5291, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5291, Idaho Code, and to read as follows:

67-5291. LEGISLATIVE REVIEW OF RULES. (1) A standing committee of the legislature shall review any temporary, pending, or final rule that is germane to its committee and has been published in the bulletin or in the administrative code to determine if the rule is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. If a reviewed rule is approved, the standing committee that approves the rule shall report its findings and recommendations to the body. If ordered by the presiding officer, the committee's report shall be printed in the journal.

(2) (a) All temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the legislature. The concurrent resolution shall state the effective date of the approval or rejection.

(b) The legislature may reject a rule, in whole or in part, where the legislature determines that the rule, or part of the rule, is not consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. When rejecting a rule, the legislature shall make a finding of facts as to why the rule does not meet the legislative intent of the enabling statute by identifying how the rule is inconsistent with the authority granted by or the requirements of the corresponding section of Idaho Code. For purposes of this section, "part of the rule" means a provision in a rule that is designated either numerically or alphabetically or the entirety of any new or amended language contained therein. The rejection of a rule in whole or in part shall terminate the rule, in whole or in part, as of the effective date of the rejection. An agency shall not, subsequent to the rejection, issue a proposed rule that is substantially similar to the rejected rule unless it is consistent with the legislative intent of the statute as expressed in the concurrent resolution.

(c) The secretary of state shall immediately notify the affected agency of the filing and effective date of any concurrent resolution enacted to approve or reject, in whole or in part, an agency rule. When an agency rule has been partially rejected, the secretary of state shall transmit a copy of the concurrent resolution to the director of the agency for promulgation of the rule as amended.

(d) The agency shall be responsible for implementing legislative intent as expressed in the concurrent resolution, including, as appropriate, the reinstatement of the prior rule in whole or in part, if any, in the case of a resolution rejecting a rule in whole or in part. The agency shall publish notice of rejection of a rule in whole or in part in the bulletin.

(3) A temporary rule that is not approved by a concurrent resolution shall expire by its own terms or at adjournment sine die of the next succeeding regular session of the legislature, whichever date is earlier.

(4) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a pending fee rule that is not approved by a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending fee rule to the legislature for review.

(5) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a pending non-fee rule that is not approved by a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the legislature for review.

SECTION 8. That Section 67-5292, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-5292. EXPIRATION PERIODIC REVIEW OF ADMINISTRATIVE RULES. (1) Notwithstanding any other provision of this chapter to the contrary, every rule adopted and becoming effective after June 30, 1990, shall automatically expire on July 1 of the following year unless the rule is extended by statute. Extended rules shall then continue to expire annually on July 1 of each succeeding year unless extended by statute in each such succeeding year.~~

~~(2) All rules adopted prior to June 30, 1990, shall expire on July 1, 1991, unless extended by statute. Thereafter, any rules which are extended shall then continue to expire annually on July 1 of each succeeding year unless extended by statute in each succeeding year.~~

~~(3) This section is a critical and integral part of this chapter. If any portion of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall be deemed to affect all rules adopted subsequent to the effective date of this act and such rules shall be deemed null, void and of no further force and effect.~~

Each rule chapter that is in effect on July 1, 2026, shall be reviewed by the legislature on a staggered, periodic schedule between July 1, 2026, and June 30, 2034, and on a similar schedule each eight (8) years thereafter.

SECTION 9. That Section 20-212, Idaho Code, be, and the same is hereby amended to read as follows:

20-212. RULES -- AUTHORITY OF BOARD. (1) The state board of correction shall make all necessary rules to carry out the provisions of this chapter not inconsistent with express statutes or the state constitution and to carry out those duties assigned to the department of correction pursuant to the provisions of chapter 8, title 20, Idaho Code. The board shall fix the time and place of meetings, the order of business, the form of records to be kept, the reports to be made, and all other rules necessary to the efficient management and control of the state penitentiary and all properties used in connection therewith. All rules of the board shall be subject to review of the legislature pursuant to sections 67-454~~7~~ and 67-5291 and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the board, except as otherwise specifically provided by statute. When making rules required by this section, the board or the department shall submit the rules to the office of the state administrative rules coordinator~~7~~ in a format suitable to the office of the state administrative rules coordinator as provided in section 67-5202, Idaho Code, and the board or department shall pay all the fees provided in section 67-5205, Idaho Code. The office of the state administrative rules coordinator is authorized and shall publish the board or department's rules in the administrative bulletin. Additionally, whenever the board or department desires to amend, modify or repeal any of its rules, it shall follow the procedure provided in this section. All rules~~7~~ or the amendment or repeal of rules shall be

effective thirty (30) days after the date of publication by the office of the administrative rules coordinator. If the board determines that the rules need to be effective at a sooner date, they shall issue a proclamation indicating that the public health, safety and welfare is in jeopardy and, if the governor agrees, the rules shall be effective upon the governor signing the proclamation.

(2) "Rule" as used in this section means the whole or a part of the board of correction or department of correction's statement of general applicability that has been promulgated in compliance with the provisions of this section and that implements, interprets or prescribes:

(a) Law or policy; or

(b) The procedure or practice requirements of the board or department. The term includes the amendment, repeal, or suspension of an existing rule, but does not include:

(i) Statements concerning only the internal management or internal personnel policies of an agency and not affecting private rights of the public or procedures available to the public; or

(ii) Declaratory rulings issued pursuant to statute or the board's rules; or

(iii) Intra-department memoranda; or

(iv) Any written statements given by the department or board which that pertain to an interpretation of a rule or to the documentation of compliance with a rule.

(3) At the same time that the proclamation of rulemaking is filed with the coordinator, the board or department shall provide the same notice, ~~accompanied by~~ the full text of the rule under consideration in legislative format, ~~as well as~~ and a statement of the substance of the intended action, to the director of legislative services. If the rulemaking is based upon on a requirement of federal law or regulation, a copy of that specific federal law or regulation shall accompany the submission to the director of legislative services. The director of legislative services shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code.

(4) The board or department shall prepare and deliver to the germane joint subcommittee a statement of economic impact with respect to a rule if the germane joint subcommittee files a written request with the board or department for such a statement. The statement shall contain an evaluation of the costs and benefits of the rule, including any health, safety, or welfare costs and benefits. The adequacy of the contents of the statement of economic impact is not subject to judicial review.

SECTION 10. That Section 39-107, Idaho Code, be, and the same is hereby amended to read as follows:

39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES.

(1) (a) 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 their knowledge of 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 of and interest in water quality; and one (1) member shall be chosen with due regard for his knowledge of and interest in air, water and solid waste is-

sues. At least four (4) of the board members shall represent the public's interest and not derive any significant portion of their income from persons subject to air quality permits or enforcement orders.

(b) The members of the board of environmental quality shall be appointed for a term of four (4) years. In appointing members whose terms begin in 2000, the governor shall designate three (3) members to be appointed for a term of three (3) years, two (2) members appointed for a term of four (4) years, and two (2) members appointed for a term of two (2) years. Successors to the members appointed for a term of less than four (4) years shall be appointed for a term of four (4) years thereafter.

(2) The board annually shall elect a chairman, a vice chairman, and a secretary and shall hold such meetings as may be necessary for the orderly conduct of its business, and such meetings shall be held from time to time on seventy-two (72) hours' notice of the chairman or a majority of the members. Five (5) members shall be necessary to constitute a quorum at any regular or special meeting, and the action of the majority of members present shall be the action of the board. The members of the board shall be compensated as provided in section 59-509(h), Idaho Code.

(3) The board, in furtherance of its duties under this act and under its rules, shall have the power to administer oaths, certify to official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The board may, if a witness refuses to attend or testify or to produce any papers required by such subpoenas, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses or the production of said papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board or has refused to answer questions propounded to him in the course of said proceedings, and ask an order of said court compelling the witness to attend and testify and produce said papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced said papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the board and regularly served, the court shall thereupon order that said witness appear before the board at the time and place fixed in said order and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with for contempt of court.

(4) The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

(5) Any person aggrieved by an action or inaction of the department shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules promulgated thereunder. In those cases where the board has been granted the authority to hold such a hearing pursuant to a provision of the Idaho Code, the hearing may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or a hearing officer designated by it

shall have the power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

(6) Any person adversely affected by a final determination of the board may secure judicial review by filing a petition for review as prescribed under the provisions of chapter 52, title 67, Idaho Code. The petition for review shall be served upon the chairman of the board, the director of the department, and upon the attorney general of the state of Idaho. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal.

(7) The board, by the affirmative vote of four (4) of its members, may adopt, amend or repeal the rules, codes, and standards of the department that are necessary and feasible in order to carry out the purposes and provisions of this act and to enforce the laws of this state. The rules and orders so adopted and established shall have the force and effect of law and may deal with any matters deemed necessary and feasible for protecting the environment of the state.

(8) All rulemaking proceedings and hearings of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(9) The board shall adopt contested case rules consistent with the rules adopted by the attorney general under section 67-5206-~~(4)~~(1), Idaho Code, the provisions of this act and other statutory authority of the department.

(10) All rules, permits and other actions heretofore adopted, issued or taken by the board of health and welfare pertaining to the environmental protection functions administered by the division of environmental quality shall remain in full force and effect until superseded.

(11) The board of environmental quality shall be the successor to all rights, powers and duties of the board of health and welfare regarding all rulemaking proceedings, administrative proceedings, contested cases, civil actions, contracts, delegations, authority and other matters pertaining to environmental protection functions administered by the division of environmental quality.

(12) Upon creation of the board of environmental quality, all pending business before the board of health and welfare relating to environmental protection functions administered by the division of environmental quality shall be transferred to and determined by the board of environmental quality.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Law without signature.

HOUSE JOINT MEMORIALS

(H.J.M. No. 2)

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-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in 1973 the United States Supreme Court decided the case *Roe v. Wade*, 410 U.S. 113 (1973), wherein the United States Supreme Court found in the Constitution a "right to privacy" that the Court alleged gave women a constitutional right to abortion; and

WHEREAS, since the *Roe v. Wade* decision of 1973, "Roe certainly did not succeed in ending the division on the issue of abortion. On the contrary, Roe 'inflamed' a national issue that has remained bitterly divisive for the past half century." *Dobbs v. Jackson Women's Health Organization*, 597 U.S. ____, 68 (2022); and

WHEREAS, the *Roe v. Wade* decision "short-circuited the democratic process by closing it to the large number of Americans who dissented in any respect from *Roe*. 'Roe fanned into life an issue that has inflamed our national politics...' Together, *Roe* and *Casey* represent an error that cannot be allowed to stand." *Dobbs*, at 44; and

WHEREAS, on June 24, 2022, the United States Supreme Court decided the case of *Dobbs v. Jackson Women's Health Organization* where the Court said in part that "procuring an abortion is not a fundamental constitutional right because such a right has no basis in the Constitution's text or in our Nation's history. It follows that the States may regulate abortion for legitimate reasons, and when such regulations are challenged under the Constitution, courts cannot 'substitute their social and economic beliefs for the judgment of legislative bodies.'" *Dobbs*, at 77; and

WHEREAS, the Supreme Court also found in *Dobbs*, "The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. *Roe* and *Casey* arrogated that authority. We now overrule those decisions and return that authority of the people and their elected Representatives." *Dobbs*, at 79; and

WHEREAS, the Supreme Court also stated in *Dobbs*, "Our decision returns the issue of abortion to those legislative bodies, and it allows women on both sides of the abortion issue to seek to affect the legislative process by influencing public opinion, lobbying legislators, voting, and running for office." *Dobbs*, at 65; and

WHEREAS, the inferior federal courts are the creation of Congress, and the Constitution gives Congress the power to limit the jurisdiction of the lower federal courts. "Congress may confer jurisdiction upon such courts as it creates. Only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the general government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold or restrict such jurisdiction at its discretion." *Kline v. Burke Construction Co.*, 260 U.S. 226, 234 (1922); and

WHEREAS, there have been cases filed, and there are expected to be additional cases filed, in federal courts concerning the *Dobbs* decision that have the effect of delaying the implementation of the Supreme Court's *Dobbs* ruling. Post *Dobbs*, abortion is now a state matter for the states to decide and regulate.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho, both the House of Representatives and the Senate, call on Congress to restrict the jurisdiction of the federal courts from hearing cases regarding state legislative authority to legislate on the abortion issue.

BE IT FURTHER RESOLVED that the *Dobbs* decision settled the issue that abortion cases appropriately belong in the courts of the several states.

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 7, 2023

Adopted by the Senate March 28, 2023

(H.J.M. No. 4)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE GOVERNOR OF THE STATE OF IDAHO, AND TO THE ATTORNEY GENERAL OF THE STATE OF IDAHO.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho submitted new and revised Human Health Water Quality Criteria (HHWQC) rules (docket number 58-0102-1201) to the United States Environmental Protection Agency (EPA) on December 16, 2016, after years of extensive engagement with stakeholders, data collection, and final approval of the Idaho Legislature; and

WHEREAS, on April 4, 2019, the EPA approved Idaho's new HHWQC for toxics and other water quality standards criteria; and

WHEREAS, Idaho is the only state in the union to complete a comprehensive longitudinal study funded by the state to determine the actual fish consumption rate (FCR) of its citizens, which was conducted by Boise State University; and

WHEREAS, Idaho acted in accordance with the United States Clean Water Act in utilizing the best available scientific data to apply a FCR within the water quality formula to establish its HHWQC as part of its overall water quality standards (WQS); and

WHEREAS, the EPA recently published new proposed nationwide regulations (at 87 Fed Reg. 74361 (December 5, 2022)) that would effectively establish an unrealistic and unattainable WQS for state waters that are not based on actual FCR but on Indian treaties approved in the 19th century; and

WHEREAS, the federal regulation notice completely ignores the requirement of Executive Order 13132 for Federalism implications, instead stating that the rule will not have substantial direct effects on the states, on the relationship between the federal government and the states, or on the distribution of power and responsibilities among levels of government; and

WHEREAS, the federal regulation notice economic analysis states that there will potentially be only incremental administrative burdens and costs, but it does not establish any requirements for regulated entities. However, it could lead to additional compliance costs with new permit limits, which the EPA is unable to provide cost estimates for; and

WHEREAS, it is clear that the EPA-proposed rules will circumvent and undo the scientifically established WQS in Idaho, require the establishment of unattainable standards in an effort to take control of Idaho's waters in violation of the Clean Water Act's directive that states retain primary responsibility to control pollution and develop land and water resources for state waters, and violate the long-established principle of federalism.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the people of the State of Idaho oppose the EPA-proposed rules that circumvent science and invalidate Idaho's WQS based on the flawed and elusive premise of 19th century water quality standards for Idaho waters in 2023. Idaho will defend its scientifically based standards in court if necessary.

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 Governor of the State of Idaho, and to the Attorney General of the State of Idaho.

Adopted by the House March 14, 2023

Adopted by the Senate March 28, 2023

(H.J.M. No. 5)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF THE INTERIOR, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND THE CONGRESSIONAL DELEGATIONS REPRESENTING THE STATES OF IDAHO, MONTANA, AND WYOMING 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-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the provisions of this Joint Memorial reflect declarations provided in the March 9, 2022, petition to delist grizzly bear submitted by the Honorable Brad Little, Governor of the State of Idaho, as well as those declarations asserted in a letter to the United States Fish and Wildlife Service submitted by Idaho's congressional delegation on November 17, 2022; and

WHEREAS, grizzly bears number approximately 60,000, with approximately 2,000 in Idaho, Montana, Washington, and Wyoming; and

WHEREAS, grizzly bear (*Ursus arctos horribilis*) is a subspecies of the brown bear species (*Ursus arctos*), and both the species and subspecies are secure and do not warrant protection under the federal Endangered Species Act (ESA); and

WHEREAS, grizzly bears in the lower 48 states are not a species as defined by the ESA; and

WHEREAS, grizzly bears in Idaho and adjacent states form the southern extension of grizzly bears ranging northward across western Canada to Alaska, with bears in northern Idaho being a portion of a population crossing international and state boundaries; and

WHEREAS, grizzly bears in Idaho and adjacent states have rebounded and recovered from their historically low numbers and limited distribution in northern Idaho and the Greater Yellowstone area; and

WHEREAS, grizzly bear population recovery and conservation success can be directly attributed to the support and efforts of the State of Idaho and its citizens; and

WHEREAS, grizzly bears in Idaho and adjacent states are protected by state and local regulatory and conservation measures, and suitable grizzly bear habitat is protected by regulatory and conservation measures on federal, state, and private lands; and

WHEREAS, grizzly bear distribution has expanded such that they now occur regularly in unsuitable habitats in rural agricultural lands and communities, where they pose risks to public safety, livestock and other domestic animals, and property; and

WHEREAS, successful conflict management is paramount to maintaining public support in Idaho for grizzly bear conservation; and

WHEREAS, a recent and significant increase in human-bear conflicts has caused serious public safety issues for Idaho citizens; and

WHEREAS, each year people are injured or killed by grizzly bear attacks in Idaho and adjacent states and provinces; and

WHEREAS, each year grizzly bears cause significant property damage, with residents in four Idaho counties losing more than 60 head of livestock to grizzly bear depredations in 2022 alone; and

WHEREAS, continued grizzly bear conservation, including conflict management and prevention, is best accomplished outside of the ESA framework under state management; and

WHEREAS, the United States Fish and Wildlife Service has ignored federal legal standards and best available science to find that Idaho's March 9, 2022, petition to delist grizzly bear in the lower 48 states does not warrant further action; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature calls upon Congress to act promptly to delist grizzly bear (*Ursus arctos horribilis*) in the lower 48 states from the list of endangered and threatened wildlife, including where listed as an experimental population.

BE IT FURTHER RESOLVED that the Legislature calls upon the United States Department of the Interior and the United States Fish and Wildlife Service to, consistent with federal law, policy, and science, reverse the United States Fish and Wildlife Service's determination on Idaho's delisting petition and to proceed with delisting grizzly bear in the lower 48 states.

BE IT FURTHER RESOLVED that the Legislature will continue to support proactive state and local actions to: manage grizzly bears as a species in need of management and to prioritize and ensure public safety; manage grizzly bear populations at levels to maintain their recovered status, to include the management of mortalities from all sources; prevent and promptly respond to grizzly bear conflict and nuisance situations, through the use of all available tools and methods, including but not limited to public education, aversive bear conditioning, and lethal removal of bears; and bring or otherwise participate in litigation to protect Idaho's sovereign interests regarding the appropriate delisting and management of grizzly bears.

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 United States Department of the Interior, the United States Fish and Wildlife Service, and the congressional delegations representing the states of Idaho, Montana, and Wyoming in the Congress of the United States.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF HEALTH AND WELFARE DEVELOP DRAFT LEGISLATION ESTABLISHING A STATEWIDE PLANNING, COORDINATION, AND FUNDING SYSTEM FOR EMERGENCY MEDICAL SERVICES.

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

WHEREAS, emergency medical services (EMS) are an essential pillar of a well-functioning health system that can provide a range of services, including life-saving treatment for acute illnesses and injuries, patient transport, and community health outreach and follow-up; and

WHEREAS, the existence of a reliable EMS response throughout Idaho is vital to the well-being of all those who live, work, and recreate in Idaho; and

WHEREAS, Idaho does not have a statewide EMS planning, coordination, and funding system that ensures reasonable availability of EMS throughout the state; and

WHEREAS, EMS in Idaho's rural communities is often provided by volunteer personnel; and

WHEREAS, demand for EMS is rapidly increasing across the state due to population growth, changing demographics, and increasing travel and tourism; and

WHEREAS, the rising cost of meeting increased EMS demand and readiness for residents and visitors is exceeding the resources and capabilities of local EMS agencies across the state, especially in rural areas served by volunteer EMS personnel; and

WHEREAS, the Legislature requested that the Office of Performance Evaluations (OPE) study the availability of EMS in rural Idaho in 2010 and 2020, resulting most recently in OPE's 2021 report, "Volunteer Providers of Emergency Medical Services"; and

WHEREAS, the Department of Health and Welfare convened the EMS Sustainability Task Force in June 2022 to seek policy solutions that provide a sustainable EMS system capable of appropriate, reliable response to medical emergencies throughout Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests that the Department of Health and Welfare continue to convene the EMS Sustainability Task Force and, in cooperation with the Legislative Services Office, draft legislation for the 2024 regular legislative session that recognizes EMS as an essential service and establishes a statewide EMS planning, coordination, and funding system to ensure reasonable availability of EMS across the state.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Health and Welfare facilitate planning activities with county officials to develop proposed EMS operational plans for each county that support the findings of the EMS Sustainability Task Force and identify current capabilities, proposed response structures, and resource needs.

Adopted by the Senate February 21, 2023

Adopted by the House March 23, 2023

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING FEE RULES OF THE DEPARTMENT OF AGRICULTURE, THE IDAHO SHEEP AND GOAT HEALTH BOARD, AND THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE SENATE AGRICULTURAL AFFAIRS COMMITTEE AND HOUSE AGRICULTURAL AFFAIRS COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee reviewed fee rules adopted by the Department of Agriculture, the Idaho Sheep and Goat Health Board, and the Division of Occupational and Professional Licenses; 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-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that all fee rules adopted by the Department of Agriculture, the Idaho Sheep and Goat Health Board, and the Division of Occupational and Professional Licenses pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the Senate Agricultural Affairs Committee and House Agricultural Affairs Committee, be, and the same are approved.

Adopted by the Senate March 16, 2023

Adopted by the House March 23, 2023

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING, HONORING, AND COMMENDING GLENN HARRIS FOR HIS YEARS OF SERVICE TO THE IDAHO LEGISLATURE, ITS EMPLOYEES, AND THE PEOPLE OF THE STATE OF IDAHO, AND WISHING HIM WELL IN HIS RETIREMENT.

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

WHEREAS, Glenn Harris has worked for the Legislature since 1990 and will be retiring July 17, 2023; and

WHEREAS, in 1979, Glenn received a bachelor's degree in mathematics from Tulane University. In 1987, Glenn then earned a master's degree in computer science from Eastern Washington University. Prior to joining the Legislative Services Office, Glenn was employed by IBM as a systems analyst; and

WHEREAS, Glenn was initially hired by the State of Idaho on October 15, 1990, as a Data Processing Manager with what was then known as the Legislative Auditor. His first session was in 1991; and

WHEREAS, Glenn was soon promoted to the position of Legislative Network Supervisor and, when the IT Division was created, Glenn's title became IT Division Manager. Glenn has overseen or personally implemented all of the technology the Legislative Services Office now has in place; and

WHEREAS, Glenn manages a team that is responsible for the Legislature's network and bill drafting software, as well as computer and AV support for all meeting rooms in the Capitol; and

WHEREAS, Glenn designed, installed, and managed the Legislature's first true PC network as well as designed and wrote the first computer-based voting system for the Idaho House of Representatives. Glenn also developed the Legislature's first help desk system; and

WHEREAS, as an example of Glenn's dedicated service, some will recall that in the very early 2000s, on the Saturday morning before session convened on Monday, an alarm associated with the Novelle network went off. Glenn and another IT coworker rushed to the Capitol to discover the server had crashed and there was nothing on it. They retrieved the backup tapes and went through three sets of them only to find absolutely nothing. They contacted Novelle support in Los Angeles and worked together to no avail until the facility closed for the day. Novelle had Glenn and his coworker contact the support facility in Australia. They worked with Australia through the night until Sunday morning when that facility also closed. The problem was not resolved. They were then referred to a facility in India and they tried to restore the system through Sunday evening when the facility in India closed. They were then referred to London, and a miracle occurred. London knew how to fix the problem. London had them perform three tasks and everything was recovered. The effort was one that ultimately involved roughly 36 hours and three foreign countries, but everything was restored for the start of session the next day; and

WHEREAS, Glenn's staff characterize his leadership as being one of example, empowerment, and encouraging of innovation. Glenn exemplifies what it means to be a dedicated public servant; and

WHEREAS, Glenn will be enjoying the company of his wife and his two sons and their families, including a ten-year-old granddaughter and a one-year-old grandson. In his leisure time, Glenn enjoys music, bicycling, gardening, and golf.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize, honor, and commend Glenn Harris for his years of service to the Idaho Legislature, for his positive contributions to the Legislature, its employees, and the people of the State of Idaho, and wish him well in his retirement.

Adopted by the Senate March 23, 2023

Adopted by the House March 28, 2023

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF EDUCATION RELATING TO REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the State Board of Education relating to Registration of Postsecondary Educational Institutions and Proprietary Schools is 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-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.01.11, Section 200, Subsection 03.a, relating to Registration of Postsecondary Educational Institutions and Proprietary Schools, Rules of the State Board Education, adopted as a pending rule under Docket Number 08-0111-2201, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 28, 2023

Adopted by the House March 30, 2023

(S.C.R. No. 108)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING FEE RULES OF THE DEPARTMENT OF FISH AND GAME, THE DEPARTMENT OF LANDS, AND THE IDAHO DEPARTMENT OF WATER RESOURCES/IDAHO WATER RESOURCE BOARD REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE RESOURCES AND CONSERVATION COMMITTEE WITH AN EXCEPTION.

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

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Senate Resources and Environment Committee and the House Resources and Conservation Committee reviewed rules that impose a fee or charge adopted by the Department of Fish and Game, the Department of Lands, and the Idaho Department of Water Resources/Idaho Water Resource Board; and

WHEREAS, it is the finding of the Legislature that rules of the Idaho Department of Water Resources/Idaho Water Resource Board, Water Supply Bank Rules, 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-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that pending fee rules adopted by the Department of Fish and Game, the Department of Lands, and the Idaho Department of Water Resources/Idaho Water Resource Board, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee, be, and the same are hereby approved, with the exception of the following enumerated pending fee rule.

BE IT FURTHER RESOLVED that Rules of the Idaho Department of Water Resources/Idaho Water Resource Board, Water Supply Bank Rules, IDAPA 37.02.03, Docket No. 37-0203-2201, the entire docket, is hereby rejected and not approved, and thereby pursuant to Sections 67-5291 and 67-5224, Idaho Code, is declared null, void, and of no force and effect.

Adopted by the Senate March 28, 2023

Adopted by the House March 30, 2023

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-SEVENTH 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-seventh Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 9, 2023.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh 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, 2023, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 9, 2023

Adopted by the Senate January 9, 2023

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE IN SUPPORT OF THE ELECTORAL COLLEGE AND URGING THE GOVERNOR, ATTORNEY GENERAL, AND SECRETARY OF STATE TO JOIN THE LEGISLATURE IN OPPOSING ANY EFFORT TO REPEAL OR NULLIFY THE ELECTORAL COLLEGE.

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

WHEREAS, the founding fathers, through deliberation and compromise, devised the Electoral College to ensure each and every state is heard in the presidential election process and keep the president independent of Congress; and

WHEREAS, the Electoral College is part of the United States Constitution's system of checks and balances, necessary to ensure that the people and interests of smaller states are not disregarded; and

WHEREAS, the Electoral College, as provided for in the Constitution of the United States, provides a balance between rural and urban interests by ensuring that winning candidates must reach beyond their own base of support and have support from multiple regions of the country; and

WHEREAS, all states currently allocate their electoral votes based on the vote of citizens within their state, which is an appropriate exercise of state legislative authority pursuant to Section 1, Article II of the United States Constitution; and

WHEREAS, the founding fathers explicitly rejected a national popular vote for president and instead created the Electoral College, strengthening federalism by making states the constituency responsible for selecting the president; and

WHEREAS, the National Popular Vote Interstate Compact would effectively amend the Constitution without the appropriate Constitutional process for amendment or building national support and consensus for the proposed change; and

WHEREAS, the election practices of some states are incompatible with the National Popular Vote Interstate Compact and such incompatibility may make it impossible to conclusively determine a winner; and

WHEREAS, the National Popular Vote Interstate Compact gives extraordinary power to the chief election official of member states to judge the election results of other states and determine whether and how they are to be included in the national vote tabulation; and

WHEREAS, the National Popular Vote Interstate Compact would diminish the importance of individual states in presidential elections and create the potential for federal intervention in the states' election processes; and

WHEREAS, under the National Popular Vote Interstate Compact, a state's electoral votes could be given away to a candidate who is opposed by the majority of the state's citizens; and

WHEREAS, any attempt to modify the current Electoral College would jeopardize a system that has been an effective check and balance for over two centuries in providing a conclusive outcome.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the members of the Idaho Legislature support the Electoral College system and are steadfastly against the adoption of the National Popular Vote Interstate Compact.

BE IT FURTHER RESOLVED that the members of the Legislature encourage the Governor, Attorney General, and Secretary of State to join the Legislature in opposing any effort to repeal or nullify the Electoral College system and to examine policies that would prevent the National Popular Vote Interstate Compact from being adopted.

Adopted by the House February 20, 2023

Adopted by the Senate March 16, 2023

(H.C.R. No. 3)

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-sixth Idaho Legislature adopted House Concurrent Resolution No. 7, 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, 2022, and numerous natural resource-related issues continue to be of importance for the future of Idaho and the quality of life our citizens enjoy; and

WHEREAS, natural resource issues of continued interest 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-seventh Idaho Legislature, the House of Representatives and the Senate 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 cochairs of the committee are authorized to appoint advisors with technical expertise in regard to water issues and are expected to receive input from stakeholders.

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-seventh Idaho Legislature and shall make a report detailing its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-eighth Idaho Legislature.

Adopted by the House February 24, 2023

Adopted by the Senate March 16, 2023

(H.C.R. No. 4)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE EXPRESSING CONCERN OVER THE PROPOSED LAVA RIDGE PROJECT AND SUPPORTING A NO-BUILD OPTION.

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

WHEREAS, the United States Bureau of Land Management has under consideration an application from LS Energy to lease an extensive amount of acres of public land, Lava Ridge, in Jerome, Lincoln, and Minidoka Counties; and

WHEREAS, LS Energy plans to construct 400 wind turbines, with a maximum height of up to 740 feet, 381 miles of access roads, and the infrastructure to support their construction and maintenance; and

WHEREAS, the height of the turbines will impact civil, military, and agricultural flight operations; and

WHEREAS, the energy created by the Lava Ridge Project is designed and planned to provide energy to Southern Nevada and California; and

WHEREAS, the States of Nevada and California have tremendous open space that could accommodate this project and more directly move the impacts to the beneficiaries; and

WHEREAS, the Magic Valley economy currently has a shortage of housing, available workforce, and construction capacity, stressing the local markets needed to support the build out of Lava Ridge; and

WHEREAS, local citizens and businesses are concerned about the impact of a boom-and-bust economy over a two-year period; and

WHEREAS, Idaho is required by law to protect all wildlife. This project area will severely impact the migration and habitat of local wildlife; and

WHEREAS, these lands have been utilized by agriculture, public recreation, hunting, and fishing by the citizens of Idaho and specifically the Magic Valley; and

WHEREAS, the Lava Ridge Project encroaches upon the historical significance of the Minidoka National Historic site of the Hunt Japanese Relocation Camp from World War II; and

WHEREAS, tremendous public opinion is not favorable to the Lava Ridge Project; and

WHEREAS, the legislative complexity of the federal, state, and local laws and regulations associated with the project cause concern for citizens and local governments.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho Attorney General Ral Labrador and Governor Brad Little review the Lava Ridge Project to assure that the interests of Idaho are foremost in the final decision.

BE IT FURTHER RESOLVED that the Legislature considers the concerns of Idaho and the Magic Valley justification to support a no-build option.

Adopted by the House March 13, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 5)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RESIDENTIAL ASSISTED LIVING FACILITIES.

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 Residential Assisted Living Facilities 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that final rule contained in IDAPA 16.03.22, Section 152., Subsection 03.b.viii.; IDAPA 16.03.22, Section 152., Subsection 03.b.ix.; and IDAPA 16.03.22, Section 152., Subsection 03.b.x., relating to Residential Assisted Living Facilities, Rules of the Department of Health and Welfare, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the House March 3, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING THE IMPORTANCE OF A STRONG AND ENDURING PARTNERSHIP WITH TAIWAN, AND SUPPORTING TAIWAN'S MEANINGFUL PARTICIPATION IN IMPORTANT INTERNATIONAL ORGANIZATIONS, INCLUDING ORGANIZATIONS THAT ADDRESS GLOBAL HEALTH, CIVILIAN AIR SAFETY, AND TRANSNATIONAL CRIME, AND TAIWAN'S PARTICIPATION IN BILATERAL AND MULTILATERAL SECURITY SUMMITS, MILITARY EXERCISES, AND ECONOMIC DIALOGUES AND FORUMS.

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

WHEREAS, the United States and Taiwan are bonded by their shared commitment to democracy, freedom, human rights, the rule of law, and the market economy; and

WHEREAS, trade between the United States and Taiwan contributes meaningfully to our mutual economic growth. Taiwan is the eighth largest trading partner of the United States, with bilateral trade totaling \$113.9 billion in 2021, while both sides welcomed the launch of the U.S.-Taiwan Initiative on 21st-Century Trade to further develop economic ties and facilitate trade; and

WHEREAS, Taiwan is the seventh largest export market overall for United States agricultural products, valued at more than \$3.8 billion in 2021, a 17.5 percent increase from 2020 (\$3.3 billion), and sixth largest export market for United States beef and beef products in 2021, with a record \$667 million going to Taiwan, according to the United States International Trade Commission and the United States Foreign Agricultural Service; and

WHEREAS, Taiwan and Idaho maintain and cherish a longstanding friendship since the Sister State relationship was established in 1984. The establishment of the Idaho-Asia Trade Office in Taiwan in 1988 also marked successful expansion of bilateral trade and promotion of the partnerships between private and public sectors from both sides, thus creating mutual economic opportunities and prosperity for both states; and

WHEREAS, in 2022, Taiwan became Idaho's top import source for the second time and second largest export destination for a sixth time since 2017, remaining the overall second largest trading partner of Idaho, with a total trade value of \$3.15 billion covering commodity goods from electrical equipment and machinery, chemicals, optical and medical equipment, and agricultural products; and

WHEREAS, there have been several memoranda of understandings signed between Taiwan and Idaho, such as the Memorandum of Education Cooperation in 2018, a Letter of Intent in 2022 promising that Taiwan millers purchase \$576 million worth of United States wheat from 2022 through 2023, and the Memorandum of Understanding on Industrial Cooperation signed during Governor Brad Little's trade mission to Taiwan in December 2022, showing that both Taiwan and Idaho are dedicated to fortifying bilateral ties by cooperating and exploring opportunities on educational, technological, cultural, and economic exchanges; and

WHEREAS, The People's Liberation Army of China has engaged in deeply concerning military activities in Taiwanese waters and airspace that threaten regional and global stability and security; and

WHEREAS, Chinese President Xi Jinping is leading the People's Republic of China toward aggressive totalitarian rule, and has indicated through his rhetoric and actions his openness to forceful reunification of Taiwan with mainland China, which contravenes the Chinese government's obligations under international law and a rule-based order; and

WHEREAS, the United States has supported Taiwan's participation in the World Health Organization, the International Civil Aviation Organization, and the International Criminal Police Organization, and will continue to support Taiwan's meaningful participation in these and other international organizations; and

WHEREAS, Idaho welcomes all opportunities for an even closer economic, educational, and cultural relationship with Taiwan, including through increased trade and investment through bilateral free and fair trade agreements, Taiwan's participation in the Indo-Pacific Economic Framework for Prosperity, more cooperation under the Global Cooperation and Training Framework, and capacity-building programs for regional experts in the areas of public health, empowerment of women, energy efficiency, and e-commerce.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognizes the importance of a strong and enduring partnership with Taiwan. Idaho condemns the Chinese government's military escalations toward Taiwan and reaffirms the United States government's commitment to a strong and deepening relationship with the people of Taiwan. Idaho welcomes periodic trade talks under the U.S.-Taiwan Initiative on 21st-Century Trade or related agreements in the interest of free and fair trade. Idaho supports Taiwan's meaningful participation in important international organizations, including organizations that address global health, civilian air safety, and transnational crime, and Taiwan's participation in bilateral and multilateral security summits, military exercises, and economic dialogues and forums.

Adopted by the House March 3, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 7)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE GOVERNOR OF THE STATE OF IDAHO, THE IDAHO WATER RESOURCE BOARD, AND THE IDAHO DEPARTMENT OF WATER RESOURCES TO CONTINUE, IN CONJUNCTION WITH THE LEGISLATURE, PURSUING ONGOING INVESTMENTS IN THE STATE'S WATER INFRASTRUCTURE AND TO ESTABLISH A LONG-TERM PLAN THAT IDENTIFIES FUTURE PROJECTS INTENDED TO PROTECT, IMPROVE, AND SECURE THE STATE'S WATER RESOURCES FOR THE BENEFIT OF THE CITIZENS OF THE STATE AND FOR FUTURE GENERATIONS.

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

WHEREAS, the entire State of Idaho is reliant on its water resources; and

WHEREAS, Idaho's water resources include rivers, streams, lakes, reservoirs, and aquifers; and

WHEREAS, water within Idaho's borders is owned by the state as a public trust resource; and

WHEREAS, Idaho's water resources are vital to support its cities, agriculture, industry, and overall economy throughout the state; and

WHEREAS, currently there are water-related projects ongoing throughout the state with regional, basinwide, and statewide benefits, including but not limited to the Anderson Ranch Reservoir enlargement project, the Mountain Home Air Force Base sustainable water project, the Northern Idaho adjudication, the Priest Lake water management project, the Bear River Basin adjudication, and the Lemhi River Basin project; and

WHEREAS, a commitment to ongoing planning and investment in water infrastructure in every region of the state is critical to protect the use of this valuable resource; and

WHEREAS, ongoing investment in aquifer recharge, sustainable water supplies, increased water supply through storage, cloud seeding, and other efforts, and meeting or improving water quality is necessary for long-term stability and economic success; and

WHEREAS, a healthy and sustainable water supply is necessary for all Idahoans and for future generations.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the Governor of the State of Idaho, the Idaho Water Resource Board, and the Idaho Department of Water Resources to continue, in conjunction with the Legislature, pursuing ongoing investments in the state's water infrastructure and to establish a long-term plan that identifies future projects intended to protect, improve, and secure the state's water resources for the benefit of the citizens of the state and for future generations.

Adopted by the House March 9, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 8)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE AND NON-FEE RULES OF THE DEPARTMENT OF INSURANCE REVIEWED BY THE HOUSE BUSINESS COMMITTEE AND SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE.

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

WHEREAS, The Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Business Committee and the Senate Commerce and Human Resources Committee reviewed fee and non-fee rules adopted by the Department of Insurance; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee and non-fee rules adopted by the Department of Insurance, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Business Committee and Senate Commerce and Human Resources Committee, be, and the same are approved.

Adopted by the House March 14, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ESTABLISHING A TASK FORCE TO STUDY MEDICAID MANAGED CARE AND TO MAKE RECOMMENDATIONS TO THE LEGISLATURE.

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

WHEREAS, costs associated with Idaho's Medicaid program have risen significantly in recent years; and

WHEREAS, it would be in the interest of the state's fiscal health to contain Medicaid costs, ensuring more budget predictability and program sustainability; and

WHEREAS, attempting to contain Medicaid costs without careful study and consideration could have counterproductive effects, including loss of access to health care and adverse health impacts for Medicaid participants; and

WHEREAS, at least 40 states use Medicaid managed care to deliver Medicaid services; and

WHEREAS, successful implementation of managed care has been associated with reduced costs and improved health care access and quality of care for Medicaid participants; and

WHEREAS, prior to implementing a comprehensive managed care program, the Legislature requires a thorough study of existing Medicaid managed care programs in Idaho and other states to determine the most successful and cost-effective means of implementing managed care; and

WHEREAS, in considering whether to implement a comprehensive managed care program, the Legislature would benefit from a detailed comparison between managed care services and value-based services, including a cost-benefit analysis of both.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to establish a task force to undertake and complete a study of Medicaid managed care programs, including a comparison of the costs and benefits of Medicaid managed care services and value-based services, and to make recommendations regarding a comprehensive Medicaid managed care program in Idaho, with the goal of reducing costs, achieving a predictable and transparent Medicaid budget, improving health care access and outcomes, and ensuring network adequacy for Medicaid participants. The Legislative Council shall determine the number of legislators and membership from each house appointed to the task force and shall authorize the task force to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the task force shall include, as nonvoting members of the task force, the Director of the Department of Health and Welfare or the Director's designee, and a designee of the Governor.

BE IT FURTHER RESOLVED that the cochairs of the task force who are appointed by the Legislative Council may appoint additional nonvoting members of the task force to represent stakeholders, including hospitals, Medicaid providers, and insurance providers.

BE IT FURTHER RESOLVED that nonlegislative members of the task force shall not be reimbursed from legislative funds for per diem, mileage, or other expenses.

BE IT FURTHER RESOLVED that the Legislative Services Office shall provide staff support to the task force.

BE IT FURTHER RESOLVED that the task force shall, by January 31, 2024, report its findings, recommendations, and proposed legislation, if any, to the Second Regular Session of the Sixty-seventh Idaho Legislature.

Adopted by the House March 16, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEWED BY THE HOUSE ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE AND SENATE RESOURCES AND ENVIRONMENT COMMITTEE.

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

WHEREAS, The Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Environment, Energy, and Technology Committee and the Senate Resources and Environment Committee reviewed fee rules adopted by the Department of Environmental Quality; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee rules adopted by the Department of Environmental Quality, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Environment, Energy, and Technology Committee and Senate Resources and Environment Committee, be, and the same are approved.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE AND SENATE HEALTH AND WELFARE COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Environment, Energy, and Technology Committee and the Senate Health and Welfare Committee reviewed fee rules adopted by the Division of Occupational and Professional Licenses, Rules of the Board of Drinking Water and Wastewater Professionals; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee rules adopted by the Division of Occupational and Professional Licenses, Rules of the Board of Drinking Water and Wastewater Professionals, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Environment, Energy, and Technology Committee and Senate Health and Welfare Committee, be, and the same are approved.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING FEE RULES OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE BUSINESS COMMITTEE AND THE SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE WITH EXCEPTIONS.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the House Business Committee and the Senate Commerce and Human Resources Committee reviewed rules that impose a fee or charge adopted by the Division of Occupational and Professional Licenses; and

WHEREAS, it is the finding of the Legislature that rules of the Division of Occupational and Professional Licenses, Rules of the Idaho Electrical 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that pending fee rules adopted by the Division of Occupational and Professional Licenses, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee, be, and the same are hereby approved, with the exception of the following enumerated pending fee rule.

BE IT FURTHER RESOLVED that Division of Occupational and Professional Licenses, Rules of the Idaho Electrical Board, IDAPA 24.39.10, Docket No. 24-3910-2201, Section 100., Subsection 05.; Section 200., Subsection 03.c.; Section 200., Subsection 03.c.i.; and Section 600., only, are hereby rejected and not approved, and thereby pursuant to Sections 67-5291 and 67-5224, Idaho Code, are declared null, void, and of no force and effect.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 14)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES OF THE DEPARTMENT OF HEALTH AND WELFARE REVIEWED BY THE HOUSE HEALTH AND WELFARE COMMITTEE AND SENATE HEALTH AND WELFARE COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Health and Welfare Committee and the Senate Health and Welfare Committee reviewed fee rules adopted by the Department of Health and Welfare; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee rules adopted by the Department of Health and Welfare, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Health and Welfare Committee and Senate Health and Welfare Committee, be, and the same are approved.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE HEALTH AND WELFARE COMMITTEE AND SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE.

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

WHEREAS, The Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Health and Welfare Committee and the Senate Commerce and Human Resources Committee reviewed fee rules adopted by the Division of Occupational and Professional Licenses, Docket No. 24-0000-2201F; 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-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee rules adopted by the Division of Occupational and Professional Licenses, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Health and Welfare Committee and Senate Commerce and Human Resources Committee, be, and the same are approved.

Adopted by the House March 20, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 16)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES OF THE IDAHO TRANSPORTATION DEPARTMENT REVIEWED BY THE HOUSE TRANSPORTATION AND DEFENSE COMMITTEE AND SENATE TRANSPORTATION COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent and to approve executive agency rules under the provisions of Section 67-5291, Idaho Code; and

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the House Transportation and Defense Committee and the Senate Transportation Committee reviewed fee rules adopted by the Idaho Transportation Department; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that all fee rules adopted by the Idaho Transportation Department, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the House Transportation and Defense Committee and Senate Transportation Committee, be, and the same are approved.

Adopted by the House March 23, 2023

Adopted by the Senate March 28, 2023

(H.C.R. No. 18)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING THE RECESS OF THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE MARCH 31 THROUGH APRIL 5, 2023, RECONVENING ON APRIL 6, 2023, AND PROVIDING THAT NO UNVOUCHERED OR VOUCHERED EXPENSE ALLOWANCE SHALL BE PAYABLE TO ANY MEMBER OF THE LEGISLATURE FOR THE TIME PERIOD DURING SUCH TEMPORARY RECESS WITHOUT THE APPROVAL OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

WHEREAS, the First Regular Session of the Sixty-seventh Idaho Legislature convened on January 9, 2023, and continues in session as of the date of introduction of this concurrent resolution; and

WHEREAS, the members of the First Regular Session of the Sixty-seventh Idaho Legislature desire to recess March 31 through April 5, 2023, reconvening on April 6, 2023; and

WHEREAS, the report of the Citizens' Committee on Legislative Compensation provides that, if the Legislature, by passage of a concurrent resolution, adjourns to a day certain for more than three days, no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the First Regular Session of the Sixty-seventh Idaho Legislature shall recess March 31 through April 5, reconvening on April 6, 2023.

BE IT FURTHER RESOLVED that no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

Adopted by the House March 30, 2023

Adopted by the Senate March 31, 2023

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2022-03ADOPTING IDAHO'S 2021 SAGE-GROUSE MANAGEMENT PLAN
AND IDAHO SAGE-STEPPE MITIGATION PROCESS

WHEREAS, in 2015, through Executive Order 2015-04, Idaho adopted the collaboratively developed "Idaho's Sage-grouse Management Plan" (2015 Idaho Plan) as the State's official policy for sage-grouse management in Idaho; and

WHEREAS, Idaho regularly engages in collaborative efforts with stakeholders and federal agencies for the management of sage-grouse and sage-grouse habitat and in order to effectively continue to engage in these efforts, it is essential for the State to keep an updated State policy on sage-grouse management; and

WHEREAS, the State of Idaho brought together stakeholders that included affected industry, conservation groups, and agency personnel to incorporate updated information into the 2015 Idaho Plan and form an updated plan to be known as the "Idaho 2021 Sage-grouse Management Plan"; and

WHEREAS, the 2021 Idaho Sage-grouse Management Plan provides necessary updates while maintaining a balanced approach for the species and the people of Idaho through the foundational elements of the 2015 Idaho Plan; and

WHEREAS, the State of Idaho has spent approximately \$5 million to increase data on sage-grouse populations and enhance 76,251 acres of sage-grouse habitat since 2015 through the implementation of conservation measures such as juniper and annual grass treatment, sagebrush planting and perennial grass seeding, wildfire suppression and wildfire rehabilitation, wet meadow and riparian improvement and management of mitigation for sage-grouse habitat; and

WHEREAS, the State has entered into a Memorandum of Agreement (MOA) with the Bureau of Land Management and a Memorandum of Understanding (MOU) with the U.S. Forest Service to enhance coordination across land ownerships for the implementation and management of policy and mitigation for sage-grouse habitat; and

WHEREAS, the State developed a Habitat Quantification Tool that will be used in conjunction with the Idaho Sage-Steppe Mitigation Principles document to provide guidance and recommendations to ensure that when mitigation is appropriate it is implemented in a consistent manner sufficient to meet a defined mitigation goal, sustainable through time, and consistent with the aforementioned MOA and MOU; and

WHEREAS, it is vital to the interests of the State to continue engaging in collaborative efforts with stakeholders and federal agencies as the listing of sage-grouse and overly restrictive federal land-use plan amendments would adversely impact Idaho's sovereign interest in managing its wildlife pursuant to Idaho Code§ 36-103 and§ 68-818, as well as the State's economy, customs, culture, and way of life;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

That all executive agencies, to the extent consistent with existing state law, for relevant permits and policies, adopt the updated 2021 Idaho Sage-grouse Management Plan, the Idaho Sage-Steppe Mitigation Principles document, and all supporting documentation, attached hereto and incorporated in their entirety into this Executive Order by this reference.



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 March in the year of our Lord two thousand and twenty-two.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2022-04

ASSIGNMENTS OF ALL-HAZARD PREVENTION, PROTECTION, MITIGATION, RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL AND STATE GOVERNMENT RELATING TO EMERGENCIES AND DISASTERS

WHEREAS, widespread property damage, personal injury and loss of life from man-made and natural disasters is an ever-present possibility in Idaho; and

WHEREAS, Chapter 10, Title 46, Idaho Code requires the protection of lives and property in any type of natural or man-made disaster emergency or threat that might conceivably confront the State; and

WHEREAS, local government is the principal provider of emergency services in Idaho; and

WHEREAS, the role of state government is to support and enhance local community emergency management and homeland security efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster prevention, protection, mitigation, response and recovery plans; and

WHEREAS, effective state protection, prevention, mitigation, response and recovery planning requires proactively identifying functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State do hereby assign emergency prevention, protection, mitigation, response and recovery functions to all state agencies.

I. GENERAL ASSIGNMENTS

Each department and agency shall ensure their organization can continue to provide critical services during an event that impacts the ability of the government to fully function. In addition, each department and agency, in order to ensure a coordinated disaster response in alignment with the Idaho Emergency Operation Plan (IDEOP), shall:

- A. Prepare for and respond to emergencies or disasters, as defined in Idaho Code Section 46-1002, within the State of Idaho in a manner consistent with the National Incident Management System (NIMS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS training commensurate with their expected roles in response to such emergencies or disasters.
- B. Designate a NIMS compliant agency emergency coordinator to train, exercise, and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Each year, provide or validate the names and contact information of agency emergency coordinators to the Idaho Office of Emergency Management.
- C. Develop and maintain an agency specific emergency operations plans (EOP) to carry out the agency's response and recovery support functions consistent with the National Response Framework and the National Recovery Framework. Agency EOP's will be submitted on each even numbered year to the Idaho Office of Emergency Management. Agency plans will assign emergency management duties to all applicable subdivisions and personnel within the agency. Agency plans will outline how the agency will support the State Emergency Response Team (SERT), the Idaho Response Center (IRC), and agency specific Emergency Support Functions (ESF) as required by the Idaho Emergency Operation Plan and the National Preparedness System. Such agency support includes:
 - 1. Contributing to the agency's assigned ESF role as outlined in the state EOP whether as a coordinating agency, a primary agency, or a supporting agency. Depending on the agency's role in the EOP, this may include functioning as a liaison for all organizations and agencies operating within a specific ESF;
 - 2. Supporting the State's emergency planning preparedness efforts by actively participating in and contributing to the biennial update of the EOP;
 - 3. Supporting the State Emergency Response Team (SERT) and Idaho Response Center (IRC) processes and standard operating procedures. Providing information for situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the SERT and its situational awareness platforms;
 - 4. Providing ESF personnel and resources commensurate with SERT assigned roles and responsibilities; and
 - 5. Providing resources and capabilities when mission-assigned by the SERT. This may include personnel, direct agency assistance or subject matter expertise in response to a request for assistance.
- D. Notify the Idaho Office of Emergency Management of any impending emergency or disaster conditions that may warrant the need for support from the State Emergency Response Team.

- E. Develop and maintain a Continuity of Operations Plan (COOP) to (a) address how the agency will continue to perform essential functions in the event of compromised facilities or leadership, and (b) return the agency to normal operations after the conclusion of the compromising event. Agency COOP plans will be submitted on each odd numbered year to the Idaho Office of Emergency Management.
- F. Notify the Idaho Office of Emergency Management of any incident, emergency or disaster that requires activation of their COOP plan or otherwise impacts the ability of government to provide public services within the State of Idaho. The Director, Idaho Office of Emergency Management, will notify the Governor's Office.
- G. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.
- H. Coordinate with the Idaho Office of Emergency Management for any emergency management and homeland security related training and exercise necessary or required to meet state emergency prevention, protection, mitigation, response, and recovery objectives.
- I. Coordinate with the Idaho Office of Emergency Management on any agreement or memorandum of understanding that incorporates prevention, protection, mitigation, response, and recovery functions of an emergency or disaster. Such agreements or memorandums of understanding may be integrated as part of the Idaho Emergency Operations Plan.
- J. Participate in the state Public Information Emergency Response (PIER) Team program. Public Information Officers of each State agency are collaterally assigned to the State's PIER Team during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. In the event of emergencies, natural or man-made, PIER Team members can be activated and deployed, as necessary, to the IRC, Joint Information Center (JIC), field support offices and/or local jurisdictions.
- K. Participate in the Senior Advisory Committee (SAC), as requested, to exchange information, validate preparedness efforts, and enhance capabilities statewide in the five homeland security mission areas of prevent, protect, mitigate, respond and recover.
- L. Participate in disaster recovery planning. As requested, provide personnel for the support of disaster recovery committees necessary for economic and community recovery of disaster-impacted areas.
- M. Provide state personnel, as requested, to assist in conducting damage assessment surveys following a disaster.
- N. Coordinate with the Idaho Office of Emergency Management to develop and promote mitigation strategies for state-owned or state-leased buildings. The purpose of the mitigations strategies is to prevent or reduce damage caused by natural or manmade disaster events.

- O. Coordinate with the Idaho Office of Emergency Management to provide support for mitigation, preparedness, and recovery programs and activities in line with the expertise and resources of the agency.

II. COORDINATING INSTRUCTION

The Idaho Office of Emergency Management shall have authority to:

- A. Draw upon subject matter experts, state agency leadership and existing advisory committees, commissions and councils to form a SAC, as required by the Homeland Security Grant Program. The SAC will serve as a forum to exchange information, validate preparedness efforts, and enhance capabilities statewide in the five homeland security mission areas of prevent, protect, mitigate, respond and recover. The SAC shall develop a governing charter consistent with grant funding requirements and will meet at least twice annually.
- B. Coordinate state and federal emergency response, recovery and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state resources.
- C. Establish and maintain the Idaho Response Center for the coordination of emergency and disaster operations and information management activities.
- D. Develop and coordinate the preparation and implementation of plans and programs for prevention, protection and mitigation to reduce the harmful consequences of disasters.
- E. Help ensure state and local prevention, protection, mitigation, response and recovery plans are consistent with national plans and programs. Help ensure state agency plans are consistent with the State's emergency management goals and procedures. Develop annual or bi-annual requirements for promulgation and review of all such plans.
- F. Coordinate collaborative emergency management and homeland security efforts with other state governments and federal agencies and private sector entities.
- G. Coordinate all requests from state and local governments for disaster emergency assistance.
- H. Manage the use of state emergency communications, alerts and warning systems. Develop and integrate auxiliary communications, and other volunteer communications programs and organizations into a state system or network. Develop, maintain and exercise a communications plan. Continue to enhance the communications capabilities and capacity of the Idaho Response Center with current and new technologies as follows:
 - 1. Support administration of the State's Emergency Alert System (EAS) and Wireless Emergency Alert System (WEA). Facilitate a viable and effective statewide alert system for impending natural or manmade disasters.
 - 2. Maintain the state emergency communications using adopted State and Federal High Frequency (HF) program and capabilities for emergencies and disasters communications.

3. Determine what statewide communication and warning requirements would improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the State.
- I. In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information prevention, protection, mitigation, response and recovery objectives.
- J. Function as the Homeland Security Advisor and State Administering Agency for federal emergency management, cybersecurity and homeland security grant programs.
- K. Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.
- L. Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.
- M. Provide ongoing validity assessment of the Idaho Emergency Operations Plan. Provide training for state agency personnel in the prevent, protect, mitigate, respond and recover mission areas.
- N. As necessary, review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to ensure compliance with the Idaho Hazardous Substance Response act in the provision of state assistance for hazardous materials/WMD emergencies in Idaho.
- O. Coordinate state and federal emergency response efforts for hazardous materials incidents.
- P. Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal laws.
- Q. Administer and coordinate the state-sponsored hazardous materials regional response teams.

Any emergency and recovery support function identified in the Idaho Emergency Operations Plan, or parts thereof, may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Director of the Idaho Office of Emergency Management. The Director, Idaho Office of Emergency Management, may assign any new emergency support function to the head of a governmental agency by mutual consent.

With the exception of participation in the Senior Advisory Committee, the head of each governmental agency is hereby authorized to delegate to their staff the assignments outlined by this Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 23rd day of September in the year of our Lord two thousand and twenty-two.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2022-05

ESTABLISHING THE IDAHO EARLY CHILDHOOD ADVISORY COUNCIL

WHEREAS, the long-term academic success of children is dependent on third grade reading proficiency, with a foundation built on the language and literacy experiences of children from birth to age five; and

WHEREAS, the deliberate coordination of Idaho's public and private early childhood services will allow for greater efficiency, expanded parental choice, and allow for a more accurate inventory of existing services, programs and initiatives for use by families and policymakers; and

WHEREAS, early childhood development is directly linked to economic development because it improves the quality of the future workforce and has been shown to create cost savings to taxpayers by reducing the need for educational remediation and diminishing social service and other government service utilization; and

WHEREAS, Idaho's quality of life and long-term economic prosperity depend on a well-educated workforce; and

WHEREAS, the federal Improving Head Start for School Readiness Act of 2007, 42 USC § 9837b(b)(1), requires the governor of each state to designate or establish a State Advisory Council on Early Childhood Education and Care ("State Advisory Council") as part of a parallel federal effort to ensure coordination and collaboration within the states; and

WHEREAS, the governor is further required to designate an individual charged with coordinating the activities of the State Advisory Council;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order creation of the Idaho Early Childhood Advisory Council (ECAC), and in so doing do also order that:

1. The ECAC is designated as the State Advisory Council required by the Improving Head Start for School Readiness Act of 2007.
2. The ECAC shall:
 - a) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the state;

- b) identify opportunities for and barriers to collaboration and coordination among federally funded and state-funded child development, childcare, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering such programs;
 - c) develop recommendations for increasing the overall participation of children in existing federal, state, and local childcare and early childhood education programs, including outreach to underrepresented and special populations;
 - d) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the state;
 - e) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the state;
 - f) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the state toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or pre-kindergarten program;
 - g) make recommendations for improvements in-state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate; and
 - h) carry out other responsibilities as designated by the Governor.
3. The ECAC's annual report shall be submitted to the Governor no later than December 31, 2023.
4. ECAC's members shall be appointed by the Governor, with activities to be coordinated and staffed by the Idaho Association for the Education of Young Children, whose executive director shall serve as the ex-officio chair. Members will be appointed to represent the following:
- a) Representatives from the Idaho Department of Health and Welfare who represent:
 - 1. childcare,
 - 2. Medicaid services,
 - 3. the I.D.E.A. Part C early intervention program, and
 - 4. mental health services;
 - b) the Idaho State Board of Education;
 - c) the Idaho State Department of Education;
 - d) a local school district;
 - e) an institution of higher education;
 - f) a local provider of early childhood education and development services;
 - g) a local Head Start agency;
 - h) the State Director of Head Start Collaboration;
 - i) a member of the Idaho Senate;
 - j) a member of the Idaho House of Representatives;

- k) representatives of other entities determined to be relevant by the Governor.
5. The Council shall develop and adopt bylaws governing its operation and may accept funds from private, federal, state, or public agencies and any other sources in accordance with state law. The funds shall be used to support statewide efforts in development and sustainability of this council and early childhood programs and services.



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 19th day of October in the year of our Lord two thousand and twenty-two, and of the Independence of the United States of America the two hundred forty-seventh, and of the Statehood of Idaho the one hundred thirty-third.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2022-06

BANNING TIKTOK ON STATE DEVICES

WHEREAS, maintaining the safety and security of Idaho's state government and its information systems is crucial to providing the necessary services to Idaho citizens; and

WHEREAS, TikTok is a social media entity owned by the Chinese company ByteDance, which has ties to the Chinese Communist Party, and has more than 135 million users in the United States; and

WHEREAS, the Director of the FBI recently warned that the Chinese government can control TikTok's content algorithm, allowing it to perpetrate influence operations within the United States; and

WHEREAS, the use of TikTok on federal-government devices has already been prohibited by the U.S. Department of State, the Department of Defense, and the Department of Homeland Security; and

WHEREAS, the use of this application on Idaho state devices presents a clear security risk to state government on any state-issued device; and

NOW, THEREFORE, I, Brad Little, the duly elected and sworn Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho including, but not limited to, Idaho Code § 67-802, do hereby proclaim and declare as follows:

1. No executive agency, board, commission, or other executive branch entity, official, or employee of the State of Idaho shall download or use the TikTok application or visit the TikTok website on devices owned or issued by the state, including cell phones, laptops, tablets, or any device capable of internet connectivity.
2. No person or entity, or agents thereof, who contracts with any executive department, agency, board, commission, or other executive branch entity, shall download or use the TikTok application or visit the TikTok website on state-owned or state-leased devices or equipment.

3. If the TikTok application is on any device to which this order applies, it must be immediately removed.
4. The Office of Information Technology Services shall take all necessary steps to block TikTok from being accessed on devices to which this order applies and on state networks or systems.
5. This order does not and shall not be construed to prohibit using any website or application for bona fide investigatory or law enforcement purposes.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 14th day of December in the year of our Lord two thousand and twenty-two.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2023-01

PACIFIC NORTHWEST ECONOMIC REGION IDAHO COUNCIL

WHEREAS, the Pacific Northwest Economic Region (PNWER) was established by statute in 1991 within the organization's seven original legislative districts of Idaho, Washington, Oregon, Montana, Alaska in the United States, and British Columbia and Alberta in Canada, including the additions of Saskatchewan and the Yukon Territory and the Northwest Territories; and

WHEREAS, the vision of the PNWER was to establish a collaborative region-wide binational organization to address common issues and interests; and

WHEREAS, the Governors and Premiers were added to the governance structure in 1993, with the private sector, nonprofit organizations and nongovernmental organizations added to the working group structure in 1994; and

WHEREAS, the PNWER Working Groups currently include many areas essential to Idaho's economy and social structure, including: agriculture, Arctic caucus, cross-border livestock health, border issues, security and disaster resilience, energy transmission, renewable energy, environment, health care, innovation, invasive species, sustainable development, telecom, trade and economic development, transportation, tourism, water policy, workforce development; and

WHEREAS, the public and private sectors of Idaho could significantly benefit from a designated council to coordinate the efforts of and establish regular communications amongst and between the Idaho entities and the PNWER entities.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby create the Pacific Northwest Economic Region Idaho Council.

1. The Idaho Council shall consist of the following members:
 - a. The Lieutenant Governor or their designee;
 - b. Two representatives from the Department of Commerce, including the Director or their designee;
 - c. Two representatives from the Idaho Department of Transportation, including the Director or their designee;
 - d. Two representatives of the Idaho Department of Agriculture, including the Director or their designee;
 - e. The Director of the Idaho Office of Emergency Management, or their designee;
 - f. The Administrator of the Idaho Office of Energy and Mineral Resources;
 - g. Three members of the Idaho Senate, including representation by the minority party, as chosen by the President Pro Tempore;
 - h. Three members of the Idaho House of Representatives, including representation by the minority party, as chosen by the Speaker of the House;
 - i. A representative from the five federally recognized tribes located in Idaho as chosen by the Governor;
 - j. Members representing the private sector as chosen by the Governor;
 - k. Designees of Idaho's universities as chosen by PNWER subject to the approval of the Governor.
2. The Idaho Council's responsibilities including the following:
 - a. Design and develop an Idaho agenda of programs of interest in PNWER;
 - b. Provide leadership regarding Idaho's needs and opportunities related to domestic and international trade and business and government relations amongst PNWER participating entities;
 - c. Encourage the participation of Idaho's private, nonprofit and nongovernmental sector in PNWER initiatives;
 - d. Strengthen relations with other PNWER entities by participating in and recognizing, to the extent possible, significant events and milestones such as elections, commemorations and awards.
3. Unless stated otherwise, members of the Council shall be appointed by and serve at the pleasure of the Governor.
4. The Lieutenant Governor or their designee shall serve as the Co-Chair of the PNWER Idaho Council subject to the approval of the Governor.
5. A private sector member shall be chosen by the Governor to serve as Co-Chair of the PNWER Idaho Council.
6. The PNWER Idaho Council shall be coordinated by a Director, chosen and remunerated by PNWER subject to the approval of the Governor.
7. The PNWER Idaho Council shall have regular communications as determined by the majority of the Committee and bi-annual meetings called by the Chair and organized by the Director.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho on this 7th day of February in the year of our Lord two thousand and twenty-three.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2023-02

PROVISIONS FOR STATE COOPERATION WITH THE NATIONAL FLOOD INSURANCE PROGRAM
UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED

WHEREAS, Idaho's floodplains have been developed in a way that may increase potential flood losses despite efforts to mitigate floods; and

WHEREAS, national, state, and local studies of areas and property subject to flooding predict increases in flood damage potential and flood losses, despite continuing investment in flood protection structures; and

WHEREAS, the State of Idaho maintains programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands that may be located in flood hazard areas, which influences patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program (NFIP), as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, State, and local activities to manage floodplains and flood-prone areas in the state, including mudflow-prone areas and flood-related erosion-prone areas; and

WHEREAS, the Idaho Department of Water Resources (IDWR) is the State agency responsible for assisting local government units or communities with regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 and regulations set forth in 44 CFR §60.25; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the NFIP, dependent upon State coordination of federal, State, and local activities to manage floodplains and flood-prone areas in the state; and

WHEREAS, Idaho Code § 46-1022 authorizes local communities in Idaho to adopt floodplain management ordinances and maps, and regulate mapped and unmapped floodplains within their jurisdictions to reduce flood risk and losses; and

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order as follows:

1. IDWR is hereby designated as the State agency responsible for coordinating the NFIP and floodplain management in the State consistent with 44 CFR §60.25, Rules and Regulations of the NFIP.
2. IDWR shall encourage a broad and unified effort to promote wise use and development of the state's floodplains and, in particular, to reduce the risk of flood losses in connection with State lands and installation and State-financed or supported improvements, specifically as follows:
 - a. IDWR shall coordinate with the Idaho Department of Administration to assure that all State agencies directly responsible for development or construction of buildings, structures, roads, or other facilities shall preclude the unsafe or unnecessary use of floodplains in connection with such facilities or development; in the event of construction in the floodplain, floodplain management criteria set forth in 44 CFR § 60.3, 60.4, and 60.5 of the NFIP Regulations shall apply; floodproofing measures shall be applied to existing facilities in order to reduce flood damage potential;
 - i. All State agencies shall comply with floodplain management requirements and ordinances adopted by local communities participating in the NFIP in which State-owned properties are located.
 - ii. The IDWR State Floodplain Coordinator shall review and permit any State development or construction of buildings, structures, roads, or other facilities on State-owned properties located within mapped floodplains (or Special Flood Hazard Areas) of local communities that do not participate in the NFIP. When permitting any State development within such areas, the IDWR State Floodplain Coordinator shall apply the floodplain management criteria set forth in 44 CFR § 60.3, 60.4, and 60.5.
 - b. All State agencies responsible for the administration of grant or loan programs involving the construction of building, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the unsafe or unnecessary use of floodplains in such connection;
 - c. All State agencies responsible for disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist;
 - d. All State agencies responsible for programs that affect land-use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved; and
 - e. In evaluating flood hazard potential, all State agencies shall coordinate their work with IDWR to ensure that the most up-to-date data and/or methods of analysis are utilized.



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 February, in the year of our Lord two thousand and twenty-three, and of the Independence of the United States of America the two hundred forty-seventh, and of the Statehood of Idaho the one hundred thirty-third.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Phil McGrane
SECRETARY OF STATE

INDEX

CONTENTS

Subject Index	1010
Code Index	1043
Numerical Index of Laws by Bill Number	1064
Numerical Index of Senate and House Joint Memorials and Concurrent Resolutions	1071
Numerical Index of Executive Orders	1072

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

ABORTION

Abortion, criminal, replace with Defense of Life Act...	Ch.298 -	906
Abortion, definition, amend, exceptions.....	Ch.298 -	906
Abortion, federal courts, jurisdiction, restrict.....	HJM002 -	967
Abortion, trafficking, criminal, abortion, civil action	Ch.310 -	947

ACCIDENTS

See EMERGENCIES

ACCOUNTS

Homeowner property tax relief account, create.....	Ch.200 -	542
State highway account, specific purpose.....	Ch.288 -	879
Water management account, use.....	Ch. 96 -	290

ACTS

Abortion, criminal, replace with Defense of Life Act...	Ch.298 -	906
Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Bunker Hill Mining Complex Superfund Facility Act, add.	Ch. 73 -	241
Consumer Protection Act, amend, online subscriptions...	Ch.106 -	311
Coronavirus Stop Act, add, vaccine discrimination.....	Ch.313 -	953
Fair Pharmacy Audits Act, add.....	Ch.233 -	719
Gestational Agreements Act, add.....	Ch.228 -	701
Idaho Energy Resources Authority Act, amend.....	Ch. 24 -	134
Idaho Public Defense Act, repeal.....	Ch.220 -	660
Medical Consent and Natural Death Act, amend.....	Ch.307 -	921
Medical Practice Act, amend, supervising physician.....	Ch. 12 -	48
Oil and Gas Conservation Act, miscellaneous revisions..	Ch.283 -	844
Prohibition of Unfair Service Agreements Act, add.....	Ch.242 -	741
Second Amendment Financial Privacy Act, add.....	Ch.303 -	913
State Public Defender Act, add.....	Ch.220 -	660
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102 -	302
Uniform Electronic Wills Act, add.....	Ch.104 -	308
Vulnerable Child Protection Act, add.....	Ch.292 -	883

ACUPUNCTURE AND ACUPUNCTURIST

See HEALTH CARE PROFESSIONS AND PROVIDERS

ADMINISTRATION DEPARTMENT

Approp.....	Ch.134 -	376
Approp, Capitol Com.....	Ch.132 -	375
Approp, Public Works Div.....	Ch.275 -	827
Approp, add'l.....	Ch.130 -	372
Capitol building, roads adjacent, control use.....	Ch.309 -	946
Director, rulemaking, group insurance eligibility.....	Ch. 76 -	261
Group insurance advisory comm, members, school district	Ch. 76 -	261

ADMINISTRATIVE HEARINGS OFFICE

Approp.....	Ch.198 -	540
Miscellaneous revisions.....	Ch.182 -	496

ADMINISTRATIVE RULES

See RULES

ADVERTISING

Legal notices, electronic publication, amend.....	Ch. 49 -	195
---	----------	-----

AGING, COMMISSION ON

Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Approp.....	Ch. 87 -	281

AGRICULTURE

Agricultural land, water, mining, ownership, foreign...	Ch.251 -	768
Commercial animal feed, industrial hemp.....	Ch. 28 -	144
Dept, approp.....	Ch.197 -	536
Dept, raw milk production and sales, enforcement.....	Ch.113 -	330
Dept, rules, fee, approve.....	SCR103 -	973
Herd districts, livestock, amend.....	Ch.261 -	782
Idaho Sheep and Goat Health Bd, rules, fee, approve....	SCR103 -	973
Noxious weeds, county duties, amend.....	Ch. 30 -	147
Soil and Water Conservation Com, approp.....	Ch.188 -	516
Univ of Idaho, approp, agricultural research/extension.	Ch.184 -	504

ALCOHOLIC BEVERAGES

See LIQUOR

AMBULANCES

First responders, psychological injuries, repeal sunset	Ch. 5 -	10
---	---------	----

ANIMALS

See also WILDLIFE

Antlers and horns, seasonal restrictions on possession.	Ch.166 -	448
Commercial animal feed, industrial hemp.....	Ch. 28 -	144
F&G Dept, licenses, fur buyer, nonresident.....	Ch. 57 -	211
F&G Dept, licenses, trapping, lifetime.....	Ch. 58 -	215
Grizzly bears, federal govt, delist.....	HJM005 -	969
Herd districts, livestock, amend.....	Ch.261 -	782
Wildlife, held captive, exhibit, license/permit.....	Ch.150 -	404

APPEALS

See also STATE APPELLATE PUBLIC DEFENDER

Idaho Public Defense Act, repeal.....	Ch.220 -	660
State Appellate Public Defender, approp.....	Ch.259 -	778
State Appellate Public Defender, approp, add'l.....	Ch. 92 -	287

State Public Defender Act, new.....	Ch.220 -	660
Tax Appeals Bd, approp.....	Ch. 62 -	223
APPROPRIATIONS		
Administration Dept.....	Ch.134 -	376
Administration Dept, Capitol Com.....	Ch.132 -	375
Administration Dept, Public Works Div.....	Ch.275 -	827
Administration Dept, add'l.....	Ch.130 -	372
Administrative Hearings Office.....	Ch.198 -	540
Aging Com.....	Ch. 87 -	281
Agricultural best mgmt practices fund, cash transfer..	Ch.302 -	912
Agriculture Dept.....	Ch.197 -	536
Arts Com.....	Ch.161 -	438
Attorney General.....	Ch.255 -	771
Attorney General, add'l.....	Ch. 98 -	294
Blind and Visually Impaired Com.....	Ch. 99 -	295
Budget stabilization fund, cash transfer.....	Ch.280 -	839
Career Technical Education Div.....	Ch.222 -	691
Career Technical Education Div, add'l.....	Ch.248 -	765
Charter school revolving loan fund, cash transfer.....	Ch.186 -	507
Colleges and universities.....	Ch.170 -	455
Commerce Dept.....	Ch.177 -	479
Commerce Dept, broadband infrastructure.....	Ch. 84 -	278
Community colleges.....	Ch.164 -	443
Confined animal feeding operations fund, cash transfer.	Ch.302 -	912
Controller, State.....	Ch.173 -	460
Correction Dept.....	Ch.187 -	507
Correction Dept, add'l.....	Ch.204 -	568
Correction Dept, fund correction.....	Ch.105 -	311
DEQ.....	Ch.213 -	591
DEQ, add'l.....	Ch.207 -	573
DEQ, water quality program, cash transfer.....	Ch.302 -	912
Drug Policy Office.....	Ch. 70 -	238
Education Bd, Office of.....	Ch.262 -	785
Education Bd, Office of, fund correction.....	Ch. 83 -	276
Education Bd, health education programs.....	Ch.110 -	323
Education Bd, special programs.....	Ch.169 -	453
Education Dept.....	Ch.189 -	518
Education Dept, career technical education program....	Ch.248 -	765
Education Dept, comprehensive youth assessments.....	Ch.217 -	601
Education Dept, safe and drug free programs.....	Ch.217 -	601
Endowment Fund Investment Bd.....	Ch.125 -	360
Energy and Mineral Resources Office.....	Ch.211 -	588
F&G Dept.....	Ch.193 -	528
Finance Dept.....	Ch. 65 -	226
Financial Management Div.....	Ch.269 -	810
Financial Management Div, add'l.....	Ch. 71 -	239
Fire suppression deficiency fund, cash transfer.....	Ch.280 -	839
Governor, Executive Office of.....	Ch.121 -	346
H&W Dept, Child Welfare Div.....	Ch. 39 -	175
H&W Dept, Child Welfare, Dev Disabled, Service Integr..	Ch.145 -	395
H&W Dept, Indirect Support Services, add'l.....	Ch. 41 -	176
H&W Dept, Indirect Support, Licensing, Ind Councils....	Ch.206 -	570
H&W Dept, Medicaid Div.....	Ch.297 -	902
H&W Dept, Medicaid Div, add'l.....	Ch.131 -	372
H&W Dept, Medicaid Div, add'l.....	Ch.274 -	825
H&W Dept, Psychiatric Hospitalization Div.....	Ch. 81 -	274

H&W Dept, Public Health Services Div.....	Ch.209	-	580
H&W Dept, Public Health Services Div, rural nursing....	Ch.215	-	599
H&W Dept, Sub Abuse, Mental Health, Psychiatric Hosp...	Ch.296	-	897
H&W Dept, Sub Abuse, tobacco/vape compliance checks....	Ch.217	-	601
H&W Dept, Welfare Div.....	Ch.312	-	951
H&W Dept, Welfare Div, add'l.....	Ch.304	-	918
Hazardous substance, deficiency warrant, cash transfer.	Ch. 26	-	142
Hispanic Affairs Com.....	Ch.171	-	458
Human Resources Div.....	Ch. 63	-	224
Human Resources Div, add'l.....	Ch.258	-	777
Idaho Public Television.....	Ch.115	-	334
Idaho Public Television, tobacco/vape ed campaign.....	Ch.217	-	601
Industrial Com.....	Ch. 66	-	227
Industrial Com, commissioner salaries.....	Ch.270	-	812
Information Technology Services Office.....	Ch.159	-	436
Insurance Dept.....	Ch. 88	-	282
Judicial Branch.....	Ch.273	-	822
Judicial Branch, add'l.....	Ch.254	-	771
Judicial Branch, senior judges program.....	Ch.229	-	708
Juvenile Corrections Dept.....	Ch.127	-	362
Labor Dept.....	Ch.163	-	440
Labor Dept, childcare grants.....	Ch.304	-	918
Lands Dept.....	Ch.167	-	449
Lands Dept, forest and range fire protection program...	Ch.157	-	425
Lands Dept, fund correction.....	Ch. 83	-	276
Legislative Branch.....	Ch.143	-	392
Libraries Com.....	Ch.185	-	505
Lieutenant Governor.....	Ch.114	-	333
Local highway distribution fund, cash transfer.....	Ch.264	-	790
Medicaid information systems fund, cash transfer.....	Ch.274	-	825
Military Div.....	Ch. 69	-	236
Military Div, add'l.....	Ch.205	-	569
Military Div, fund correction.....	Ch. 83	-	276
Millennium fund, community recovery centers.....	Ch.217	-	601
Occupational and Professional Licenses Div.....	Ch.223	-	693
Pardons and Parole Com.....	Ch.199	-	541
Parks and Recreation Dept.....	Ch.195	-	533
Parks and Recreation Dept, add'l.....	Ch. 59	-	217
Parks and Recreation Dept, capital development program.	Ch.212	-	590
Peace officers training fund, cash transfer.....	Ch.280	-	839
Pest control deficiency warrant fund, cash transfer....	Ch. 26	-	142
Public Charter School Com.....	Ch.216	-	600
Public Employee Retirement System.....	Ch. 85	-	279
Public Health Districts, tobacco/vape prevention.....	Ch.217	-	601
Public Schools, Administrators Div.....	Ch.224	-	695
Public Schools, Central Services Div.....	Ch.279	-	837
Public Schools, Children's Programs Div.....	Ch.278	-	834
Public Schools, Deaf and Blind Services.....	Ch.226	-	698
Public Schools, Deaf and Blind Services, add'l.....	Ch. 25	-	141
Public Schools, Facilities Div.....	Ch.225	-	697
Public Schools, Operations Div.....	Ch.277	-	831
Public Schools, Teachers Div.....	Ch.276	-	829
Public Schools, Teachers Div, dyslexia services.....	Ch. 40	-	175
Public Utilities Com.....	Ch.196	-	535
Public Utilities Com, commissioner salaries.....	Ch.270	-	812
Public education stabilization fund, cash transfer.....	Ch.280	-	839

STEM Action Center.....	Ch. 89 -	283
STEM Action Center, fund correction.....	Ch. 83 -	276
Sales tax distribution reserve account, tax districts..	Ch.289 -	880
School district facilities fund, approp, cash transfer.	Ch.289 -	880
Secretary of State.....	Ch.287 -	877
Soil and Water Conservation Com.....	Ch.188 -	516
Species Conservation Office.....	Ch. 86 -	280
State Appellate Public Defender.....	Ch.259 -	778
State Appellate Public Defender, add'l.....	Ch. 92 -	287
State Historical Society.....	Ch.162 -	439
State Historical Society, add'l.....	Ch. 82 -	276
State Historical Society, fund correction.....	Ch. 83 -	276
State Independent Living Council.....	Ch. 64 -	225
State Liquor Div.....	Ch.221 -	690
State Lottery.....	Ch.126 -	361
State Police.....	Ch.230 -	708
State Police, support services program.....	Ch.229 -	708
State Public Defense Com.....	Ch.133 -	376
State Public Defense Com, add'l.....	Ch.258 -	777
Tax Appeals Bd.....	Ch. 62 -	223
Tax Com.....	Ch.257 -	775
Tax Com, commissioner salaries.....	Ch.270 -	812
Tax Com, general services program.....	Ch.289 -	880
Transportation Dept.....	Ch.245 -	757
Transportation Dept, aeronautics program.....	Ch.264 -	790
Transportation Dept, contract construction program....	Ch.264 -	790
Treasurer, State.....	Ch.128 -	364
Univ of Idaho, add'l, security incident costs.....	Ch. 61 -	222
Univ of Idaho, agricultural research/extension.....	Ch.184 -	504
Veterans Services Div.....	Ch.116 -	335
Veterans Services Div, add'l.....	Ch. 83 -	276
Vocational Rehabilitation Div.....	Ch.192 -	527
Waste tire disposal deficiency warrant, cash transfer..	Ch. 26 -	142
Water Resources Dept.....	Ch.214 -	596
Water management fund, cash transfer.....	Ch.302 -	912
Water pollution control fund, cash transfer.....	Ch.302 -	912
Wolf Depredation Control Bd.....	Ch.160 -	437
Workforce Development Council.....	Ch.172 -	459
Workforce Development Council, add'l.....	Ch.281 -	841
Workforce Development Council, add'l.....	Ch.280 -	839
ARTS		
Com, approp.....	Ch.161 -	438
ASSESSMENTS AND ASSESSORS		
Property tax, assessment notices, HB 51 trailer.....	Ch. 37 -	173
Property tax, assessment notices, contents.....	Ch. 35 -	169
Property tax, assessment, income property, market value	Ch.285 -	870
ASSISTED LIVING, NURSING HOMES, AND RESIDENTIAL CARE		
See also HEALTH CARE FACILITIES		
Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Assisted living/residential care, visitation, in-person	Ch.202 -	564
Essential caregivers, define, visitation, in-person....	Ch.300 -	910
ASSOCIATIONS		
Homeowner's assn, internal accessory dwelling units....	Ch.265 -	791
Homeowner's assn, statement of account, fee.....	Ch.247 -	763

ATTORNEY GENERAL

Approp.....	Ch.255 -	771
Approp, add'l.....	Ch. 98 -	294
Federal immigration laws, enforcement.....	Ch.263 -	788
Human trafficking victims, report.....	Ch.311 -	949
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119 -	342
Lava Ridge Project, wind turbines, review.....	HCR004 -	979

ATTORNEYS

Courts, fees, change of venue, amend.....	Ch. 79 -	269
Grand juries, persons who may be present.....	Ch. 42 -	177
Idaho Public Defense Act, repeal.....	Ch.220 -	660
Judicial Council, membership, terms, records.....	Ch.210 -	585
Legal notices, electronic publication, amend.....	Ch. 49 -	195
State Public Defender Act, new.....	Ch.220 -	660
Tort claims against governmental entities, child abuse.	Ch.178 -	481

AUDITS AND AUDITORS

Elections, ballots, postelection audit, hand recount...	Ch. 2 -	3
Fair Pharmacy Audits Act, new.....	Ch.233 -	719

AUTOMOBILES

See MOTOR VEHICLES

AWARDS

See HONORS AND AWARDS

BALLOTS

See ELECTIONS

BANKS AND FINANCIAL INSTITUTIONS

Banks and credit unions, boycotts.....	Ch.235 -	728
Second Amendment Financial Privacy Act, new.....	Ch.303 -	913

BEER AND BREWERIES

See LIQUOR

BEVERAGES

Agriculture Dept, raw milk production and sales.....	Ch.113 -	330
--	----------	-----

BLIND

Blind and Visually Impaired Com, approp.....	Ch. 99 -	295
--	----------	-----

BOARDS

Endowment Fund Investment Bd, approp.....	Ch.125 -	360
Idaho Sheep and Goat Health Bd, rules, fee, approve....	SCR103 -	973
Pharmacy Bd, employees, compensation, HR Division.....	Ch. 6 -	10
State Board of Medicine, duties, annual report.....	Ch. 12 -	48
Tax Appeals Bd, approp.....	Ch. 62 -	223
Wolf Depredation Control Bd, approp.....	Ch.160 -	437

BOATS

Vessels, certificates of number, invasive species.....	Ch. 74 -	250
--	----------	-----

BONDS

Public charter school facilities program, amend.....	Ch.118 -	339
School districts, elections, bond/levy, dates, amend...	Ch.200 -	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282 -	841

BRIDGES

State highway account & highway tax levies, purpose....	Ch.288 -	879
---	----------	-----

Transportation expansion fund, specific purpose.....	Ch. 21 -	131
BUILDING SAFETY DIVISION		
Reorganize, Occupational and Professional Licenses Div.	Ch. 15 -	63
BUILDINGS		
Idaho Energy Conservation Code, amend.....	Ch.236 -	733
BUSINESS AND BUSINESS ENTITIES		
Coronavirus Stop Act, new, vaccine discrimination.....	Ch.313 -	953
Corporations, tax rates, effective date.....	Ch. 44 -	183
Govt contracts, environment/social/governance standards	Ch.129 -	365
Scrap metal businesses, catalytic converters.....	Ch.238 -	736
Scrap metal businesses/recycling, state preemption....	Ch.238 -	736
CAMPAIGNS AND CANDIDATES		
Primary elections, presidential, amend/repeal.....	Ch.208 -	574
School districts, elections, bond/levy, dates, amend...	Ch.200 -	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282 -	841
Write-in candidate declarations, filing period.....	Ch.249 -	766
CAPITOL		
Capitol Com, approp.....	Ch.132 -	375
Capitol building, roads adjacent, control use.....	Ch.309 -	946
CATTLE		
See LIVESTOCK		
CHILD CARE		
See DAYCARE		
CHILDREN		
Child abuse/abandonment/neglect, false reports, crime..	Ch.103 -	307
Criminal forfeiture, crimes against children.....	Ch.180 -	489
Criminal history records, juvenile, expungement.....	Ch.237 -	734
Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Daycare license, exemptions, amend.....	Ch.299 -	909
Dependent care expenses, income tax deduction.....	Ch.290 -	881
Gestational Agreements Act, new.....	Ch.228 -	701
Grand juries, persons who may be present.....	Ch. 42 -	177
Parent/child, relationship, termination, immunizations.	Ch. 10 -	33
Public records, unwarranted invasion personal privacy..	Ch.256 -	773
Tort claims against governmental entities, child abuse.	Ch.178 -	481
Vulnerable Child Protection Act, new.....	Ch.292 -	883
CHIROPRACTORS		
See HEALTH CARE PROFESSIONS AND PROVIDERS		
CHURCHES		
See RELIGION AND CHURCHES		
CITIES		
City councils, vacancies, appointment, procedure.....	Ch. 93 -	287
Federal immigration laws, enforcement.....	Ch.263 -	788
First responders, psychological injuries, repeal sunset	Ch. 5 -	10
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119 -	342
Political subdivisions, purchasing, requirements, amend	Ch.165 -	444
Urban renewal increment, data center property.....	Ch.308 -	942
Utilities, restrictions, by counties/cities, prohibit..	Ch. 55 -	207

CIVIL ACTIONS

Intervention in actions regarding an Idaho statute.....	Ch.305 -	919
Tort claims against governmental entities, child abuse.	Ch.178 -	481

CODES

Idaho Code, codifier's corrections.....	Ch.218 -	603
Idaho Electrical Code, adopt.....	Ch.244 -	744
Idaho Energy Conservation Code, amend.....	Ch.236 -	733
Internal Revenue Code, update reference.....	Ch. 1 -	3
Intervention in actions regarding an Idaho statute.....	Ch.305 -	919

COLLEGES AND UNIVERSITIES

Armed forces and public safety officer scholarships....	Ch.260 -	779
Colleges and universities, approp.....	Ch.170 -	455
Community colleges, approp.....	Ch.164 -	443
Community colleges, bachelor's degree programs, funds..	Ch.194 -	532
Education Bd, approp, special programs.....	Ch.169 -	453
Education Bd, health education programs.....	Ch.110 -	323
Educational institutions, display, "In God We Trust"...	Ch.148 -	402
Schools/colleges, prayer, Coach Kennedy Law.....	Ch.239 -	737
Univ of Idaho, approp, add'l, security incident costs..	Ch. 61 -	222
Univ of Idaho, approp, agricultural research/extension.	Ch.184 -	504

COMMERCE

Dept, approp.....	Ch.177 -	479
Dept, approp, broadband infrastructure.....	Ch. 84 -	278

COMMITTEES

Development impact fee advisory comm, membership.....	Ch.146 -	399
Education opportunity resource comm, amend.....	Ch. 36 -	170
Group insurance advisory comm, members, school district	Ch. 76 -	261
Medicaid managed care programs, legislative study comm.	HCR009 -	983
Multistate tax compact advisory comm, senate pro tem...	Ch.168 -	453
Natural resource issues, legislative study comm.....	HCR003 -	978
Occupational and professional licensure review comm....	Ch.111 -	325

COMMUNICATIONS

See TELECOMMUNICATIONS

COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

COMPUTERS

See SCIENCE AND TECHNOLOGY

CONSERVATION

Idaho Energy Conservation Code, amend.....	Ch.236 -	733
Oil and Gas Conservation Act, miscellaneous revisions..	Ch.283 -	844
Soil and Water Conservation Com, approp.....	Ch.188 -	516
Species Conservation Office, approp.....	Ch. 86 -	280

CONSTRUCTION

Public works contractors, restrooms, biological sex....	Ch.144 -	394
---	----------	-----

CONSUMERS

Consumer Protection Act, amend, online subscriptions...	Ch.106 -	311
---	----------	-----

CONTRACTORS

Public works contractors, restrooms, biological sex....	Ch.144 -	394
State employees/contractors, TikTok application, crime.	Ch.136 -	380

CONTRACTS

Gestational Agreements Act, new.....	Ch.228	-	701
Govt contracts, environment/social/governance standards	Ch.129	-	365
Prohibition of Unfair Service Agreements Act, new.....	Ch.242	-	741
Public entities, contracts with China, prohibit.....	Ch.253	-	770
State agency/officer list of agreements, Controller....	Ch. 52	-	199

CONTROLLED SUBSTANCES

Fair Pharmacy Audits Act, new.....	Ch.233	-	719
Pharmacy benefit managers, requirements, Insurance Dept	Ch.232	-	717
Schedules, amend.....	Ch. 13	-	52

CONTROLLER, STATE

Approp.....	Ch.173	-	460
Controller, state agency/officer list of agreements....	Ch. 52	-	199

CORPORATIONS

See BUSINESS AND BUSINESS ENTITIES

CORRECTION DEPARTMENT

Approp.....	Ch.187	-	507
Approp, add'l.....	Ch.204	-	568
Approp, fund correction.....	Ch.105	-	311
Death penalty, firing squad.....	Ch.141	-	390
Pardons and Parole Com, approp.....	Ch.199	-	541

COUNCILS

City councils, vacancies, appointment, procedure.....	Ch. 93	-	287
Idaho Career Ready Students Program Council, establish.	Ch.231	-	715
Judicial Council, membership, terms, records.....	Ch.210	-	585
State Independent Living Council, approp.....	Ch. 64	-	225
Workforce Development Council, approp.....	Ch.172	-	459
Workforce Development Council, approp, add'l.....	Ch.280	-	839
Workforce Development Council, approp, add'l.....	Ch.281	-	841

COUNSELING AND COUNSELORS

See HEALTH CARE PROFESSIONS AND PROVIDERS

COUNTIES

County clerk, court fees, pay over to treasurer, date..	Ch. 78	-	264
County com'rs, vehicle titles, administrative fees.....	Ch. 23	-	133
County duties, noxious weeds, amend.....	Ch. 30	-	147
County indigent services, reimbursement rate.....	Ch. 32	-	160
County treasurer, investment of funds.....	Ch. 19	-	130
Courts, fees, change of venue, amend.....	Ch. 79	-	269
Elections, ballots, postelection audit, hand recount... Ch.	2	-	3
Federal immigration laws, enforcement.....	Ch.263	-	788
First responders, psychological injuries, repeal sunset	Ch. 5	-	10
Herd districts, livestock, amend.....	Ch.261	-	782
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119	-	342
Political subdivisions, purchasing, requirements, amend	Ch.165	-	444
Tax Com and county property tax correspondence, info... Ch.	284	-	869
Urban renewal increment, data center property.....	Ch.308	-	942
Utilities, restrictions, by counties/cities, prohibit..	Ch. 55	-	207

COURTS

Abortion, federal courts, jurisdiction, restrict.....	HJM002	-	967
Administrative Hearings Office, miscellaneous revisions	Ch.182	-	496
Court interpreters, subpoenas, court discretion.....	Ch. 77	-	264

Courts, fees, change of venue, amend.....	Ch. 79 -	269
Courts, fees, county clerk, pay over to treasurer, date	Ch. 78 -	264
Drug and mental health courts, counseling services.....	Ch. 48 -	195
Grand juries, persons who may be present.....	Ch. 42 -	177
Intervention in actions regarding an Idaho statute.....	Ch.305 -	919
Judges/justices, address/telephone number, confidential	Ch.179 -	482
Judges/justices, compensation, increase.....	Ch.294 -	895
Judicial Branch, approp.....	Ch.273 -	822
Judicial Branch, approp, add'l.....	Ch.254 -	771
Judicial Branch, approp, senior judges program.....	Ch.229 -	708
Judicial Council, membership, terms, records.....	Ch.210 -	585

CREDIT CARDS

See PAYMENT METHODS

CRIMINAL BACKGROUND CHECKS

Criminal history records, juvenile, expungement.....	Ch.237 -	734
Criminal history records, shield from disclosure.....	Ch.108 -	315

CRIMINAL OFFENSES AND PROCEDURES

Abortion, criminal, replace with Defense of Life Act...	Ch.298 -	906
Abortion, definition, amend, exceptions.....	Ch.298 -	906
Abortion, trafficking, criminal, abortion, civil action	Ch.310 -	947
Accepting earnings of prostitute, repeal.....	Ch.311 -	949
Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Child abuse/abandonment/neglect, false reports, crime..	Ch.103 -	307
Criminal forfeiture, crimes against children.....	Ch.180 -	489
Criminal history records, juvenile, expungement.....	Ch.237 -	734
Criminal history records, shield from disclosure.....	Ch.108 -	315
Death penalty, firing squad.....	Ch.141 -	390
Endowment lands, closure and use restrictions, penalty.	Ch. 80 -	273
Firearms, threatened party, defensive display.....	Ch.295 -	896
Grand juries, persons who may be present.....	Ch. 42 -	177
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119 -	342
Idaho Criminal Justice Com, human trafficking, report..	Ch.311 -	949
Idaho Public Defense Act, repeal.....	Ch.220 -	660
Prostitution, interstate trafficking, penalty, amend...	Ch.311 -	949
Receiving proceeds of illegal sexual activity, penalty.	Ch.311 -	949
Sex offender registration, application.....	Ch.181 -	494
Sex offender registration, release, clarify.....	Ch.183 -	503
State Public Defender Act, new.....	Ch.220 -	660
State employees/contractors, TikTok application, crime.	Ch.136 -	380
State public defense fund, funding source.....	Ch.200 -	542
Voting, by foreign nationals, unlawful.....	Ch.267 -	797
Vulnerable Child Protection Act, new.....	Ch.292 -	883

CROPS

See AGRICULTURE

DAYCARE

Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Daycare license, exemptions, amend.....	Ch.299 -	909

DEATH

Death penalty, firing squad.....	Ch.141 -	390
Disinterment, persons present.....	Ch.203 -	567
Medical Consent and Natural Death Act, amend.....	Ch.307 -	921

DENTISTRY AND DENTISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DENTURISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DEVELOPMENT

Development impact fee advisory comm, membership..... Ch.146 - 399

DISABILITIES, PERSONS WITH

Disabled veterans, homeowners, tax reduction..... Ch.137 - 381

License plates, special, disabled veteran, placard..... Ch. 16 - 120

DISCRIMINATION

Coronavirus Stop Act, new, vaccine discrimination..... Ch.313 - 953

Schools/colleges, prayer, Coach Kennedy Law..... Ch.239 - 737

DISEASES

Alzheimer's disease and related dementias alliance..... Ch.151 - 405

Coronavirus Stop Act, new, vaccine discrimination..... Ch.313 - 953

DISTRICTS

See also SCHOOLS AND SCHOOL DISTRICTS

Flood control districts, com'rs, appoint/reappoint..... Ch. 56 - 208

Herd districts, livestock, amend..... Ch.261 - 782

Highway districts, single county-wide, carpooling..... Ch.306 - 920

Public Health Districts, approp, tobacco/vape prevent.. Ch.217 - 601

Special purpose taxing districts, tax distributions.... Ch. 46 - 186

Taxing districts, elections, bond/levy, disclosures.... Ch.282 - 841

DOCTORS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DOGS

See ANIMALS

DOMESTIC VIOLENCE

Public records, unwarranted invasion personal privacy.. Ch.256 - 773

Unemployment insurance benefits, domestic violence..... Ch. 75 - 255

DRINKS

See BEVERAGES

DRIVERS

Driver's license, commercial, electronic renewal..... Ch. 9 - 31

Driver's license, commercial, human trafficking..... Ch. 4 - 7

Driver's license, daylight hours only, define..... Ch. 17 - 123

License plates, special, disabled veteran, placard..... Ch. 16 - 120

License plates, special, radio amateur, redesign..... Ch. 29 - 146

Vehicle registration, biennial..... Ch. 51 - 198

Vehicle registration, electronic, temporary permits.... Ch. 68 - 229

Vehicle registration, permits..... Ch. 3 - 5

Vehicle titles, administrative fees, county com'rs..... Ch. 23 - 133

Vehicles, slow moving, turning out..... Ch. 94 - 288

DRUG POLICY, OFFICE OF

Approp..... Ch. 70 - 238

EDUCATION

Armed forces and public safety officer scholarships.... Ch.260 - 779

Bd, Office of, approp..... Ch.262 - 785

Bd, Office of, approp, fund correction.....	Ch. 83 -	276
Bd, approp, health education programs.....	Ch.110 -	323
Bd, approp, special programs.....	Ch.169 -	453
Bd, education opportunity resource comm.....	Ch. 36 -	170
Bd, rules, postsecondary institutions, reject.....	SCR107 -	975
Career Technical Education Div, approp.....	Ch.222 -	691
Career Technical Education Div, approp, add'l.....	Ch.248 -	765
Career technical education, added cost funding program.	Ch.231 -	715
Career technical schools/centers, funding, eligibility.	Ch.271 -	814
Colleges and universities, approp.....	Ch.170 -	455
Community colleges, approp.....	Ch.164 -	443
Community colleges, bachelor's degree programs, funds..	Ch.194 -	532
Dept, approp.....	Ch.189 -	518
Dept, approp, career technical education program.....	Ch.248 -	765
Dept, approp, comprehensive youth assessments.....	Ch.217 -	601
Dept, approp, safe and drug free programs.....	Ch.217 -	601
Dept, education opportunity resource comm.....	Ch. 36 -	170
Education, courses, sex education, abstinence, define..	Ch.190 -	521
Educational institutions, display, "In God We Trust"...	Ch.148 -	402
Idaho Public Television, approp.....	Ch.115 -	334
Idaho Public Television, approp, tobacco/vape education	Ch.217 -	601
Idaho career ready students program, establish.....	Ch.231 -	715
Idaho launch grant program/in-demand careers fund.....	Ch.174 -	462
Idaho launch grant program/in-demand careers fund, trlr	Ch.272 -	816
Libraries Com, education opportunity resource comm.....	Ch. 36 -	170
Public Charter School Com, approp.....	Ch.216 -	600
Public Schools, approp, Administrators Div.....	Ch.224 -	695
Public Schools, approp, Central Services Div.....	Ch.279 -	837
Public Schools, approp, Children's Programs Div.....	Ch.278 -	834
Public Schools, approp, Deaf and Blind Services.....	Ch.226 -	698
Public Schools, approp, Deaf and Blind Services, add'l.	Ch. 25 -	141
Public Schools, approp, Facilities Div.....	Ch.225 -	697
Public Schools, approp, Operations Div.....	Ch.277 -	831
Public Schools, approp, Teachers Div.....	Ch.276 -	829
Public Schools, approp, Teachers Div, dyslexia services	Ch. 40 -	175
Public charter school facilities program, amend.....	Ch.118 -	339
Public charter school revolving loan fund, establish..	Ch.117 -	337
Public charter schools, miscellaneous revisions.....	Ch.268 -	798
Rural nursing loan repayment program, establish.....	Ch. 60 -	217
STEM Action Center, approp, fund correction.....	Ch. 83 -	276
School bldg funds from sales tax.....	Ch.200 -	542
School districts, elections, bond/levy, dates, amend..	Ch.200 -	542
School districts, open enrollment, amend.....	Ch.156 -	420
School districts, trustees, trustee zones, term.....	Ch.241 -	740
Schools, courses, financial literacy & money management	Ch. 50 -	197
Schools, protect privacy and safety of students.....	Ch.120 -	343
Schools, students grades 7-8, career exploration course	Ch.243 -	743
Schools, students, parental rights.....	Ch.107 -	313
Schools/colleges, prayer, Coach Kennedy Law.....	Ch.239 -	737
Students, extended learning opportunities, full-time..	Ch.147 -	400
Students, self-directed learner designation, full-time.	Ch.147 -	400
Teachers, certification, practice teaching, apprentice.	Ch.175 -	477
Teachers, student discipline.....	Ch.246 -	761
Univ of Idaho, approp, add'l, security incident costs..	Ch. 61 -	222
Univ of Idaho, approp, agricultural research/extension.	Ch.184 -	504
Vocational Rehabilitation Div, approp.....	Ch.192 -	527

ELECTIONS

Ballots, postelection audit, hand recount.....	Ch. 2 -	3
Election administration, private moneys, prohibit.....	Ch. 20 -	130
Electoral College, system, support.....	HCR002 -	977
Primary elections, presidential, amend/repeal.....	Ch.208 -	574
School districts, elections, bond/levy, dates, amend...	Ch.200 -	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282 -	841
Voting, by foreign nationals, unlawful.....	Ch.267 -	797
Voting, ranked choice, prohibit.....	Ch.135 -	379
Voting, registration, identification, amend.....	Ch.293 -	886
Voting, student identification cards, remove.....	Ch. 27 -	143
Write-in candidate declarations, filing period.....	Ch.249 -	766

ELECTRICITY AND ELECTRICIANS

Electricians, miscellaneous revisions.....	Ch.244 -	744
Idaho Electrical Code, adopt.....	Ch.244 -	744
Utilities, restrictions, by counties/cities, prohibit..	Ch. 55 -	207

ELK (DOMESTIC CERVIDAE)

See WILDLIFE

EMERGENCIES

First responders, psychological injuries, repeal sunset	Ch. 5 -	10
H&W Dept, statewide EMS system, establish.....	SCR101 -	972
Underground facilities, emergency excavation.....	Ch.191 -	521

EMERGENCY MEDICAL TECHNICIANS

See EMERGENCIES

EMPLOYERS AND EMPLOYEES

See also LABOR

Coronavirus Stop Act, new, vaccine discrimination.....	Ch.313 -	953
First responders, psychological injuries, repeal sunset	Ch. 5 -	10
Labor Dept, unemployment insurance program, integrity..	Ch.250 -	767
Police/firefighters, retired, reemployment, PERSI.....	Ch. 91 -	285
State employees, compensation plan, revise.....	Ch. 53 -	201
State employees/contractors, TikTok application, crime.	Ch.136 -	380
State personnel system, miscellaneous revisions.....	Ch. 6 -	10
State personnel system, miscellaneous revisions.....	Ch. 7 -	12
State personnel system, overtime calculation.....	Ch. 11 -	44
State personnel system, temporary appointment.....	Ch. 8 -	27
Unemployment insurance benefits, eligibility, amend....	Ch. 75 -	255

EMPLOYMENT SECURITY LAW

Unemployment insurance benefits, eligibility, amend....	Ch. 75 -	255
---	----------	-----

ENDOWMENT FUNDS AND LANDS

Endowment Fund Investment Bd, approp.....	Ch.125 -	360
Endowment lands, closure and use restrictions, penalty.	Ch. 80 -	273

ENERGY

Energy and Mineral Resources Office, approp.....	Ch.211 -	588
Idaho Energy Conservation Code, amend.....	Ch.236 -	733
Idaho Energy Resources Authority Act, amend.....	Ch. 24 -	134
Lava Ridge Project, wind turbines, review.....	HCR004 -	979
Utilities, restrictions, by counties/cities, prohibit..	Ch. 55 -	207

ENVIRONMENT

Bunker Hill, superfund site, institutional controls....	Ch. 73 -	241
---	----------	-----

DEQ, approp.....	Ch.213 -	591
DEQ, approp, add'l.....	Ch.207 -	573
DEQ, approp, water quality program, cash transfer.....	Ch.302 -	912
DEQ, director, powers and duties, contracting.....	Ch.153 -	414
DEQ, rules, fee, approve.....	HCR010 -	985
Govt contracts, environment/social/governance standards	Ch.129 -	365
Idaho Energy Conservation Code, amend.....	Ch.236 -	733
Idaho Energy Resources Authority Act, amend.....	Ch. 24 -	134
ESTATES		
Estates and trusts, tax rates, effective date.....	Ch. 44 -	183
Uniform Electronic Wills Act, new.....	Ch.104 -	308
ETHNICITY		
Hispanic Affairs Com, approp.....	Ch.171 -	458
EXECUTIVE ORDERS		
2022-03.....		993
2022-04.....		994
2022-05.....		999
2022-06.....		1001
2023-01.....		1002
2023-02.....		1004
FARMS AND FARMING		
See AGRICULTURE		
FEDERAL LAWS AND RELATIONS		
Abortion, federal courts, jurisdiction, restrict.....	HJM002 -	967
Federal immigration laws, enforcement.....	Ch.263 -	788
Grizzly bears, federal govt, delist.....	HJM005 -	969
Water quality standards, defend.....	HJM004 -	968
FEES		
Courts, fees, change of venue, amend.....	Ch. 79 -	269
Courts, fees, county clerk, pay over to treasurer, date	Ch. 78 -	264
Development impact fee advisory comm, membership.....	Ch.146 -	399
Rental property, limitation on fees for tenants.....	Ch. 67 -	228
FENCES		
Herd districts, livestock, amend.....	Ch.261 -	782
FINANCE		
Dept, approp.....	Ch. 65 -	226
Schools, courses, financial literacy & money management	Ch. 50 -	197
Second Amendment Financial Privacy Act, new.....	Ch.303 -	913
FINANCIAL INSTITUTIONS		
See BANKS AND FINANCIAL INSTITUTIONS		
FINANCIAL MANAGEMENT, DIVISION OF		
Approp.....	Ch.269 -	810
Approp, add'l.....	Ch. 71 -	239
FIRE AND FIREFIGHTERS		
Armed forces and public safety officer scholarships....	Ch.260 -	779
Firefighters, retired, reemployment, PERSI.....	Ch. 91 -	285
First responders, psychological injuries, repeal sunset	Ch. 5 -	10
FIREARMS		
See WEAPONS		

FISH and GAME

Antlers and horns, seasonal restrictions on possession.	Ch.166	-	448
Com, wildlife, classification, rattlesnake.....	Ch.138	-	382
Dept, approp.....	Ch.193	-	528
Dept, licenses, fur buyer, nonresident.....	Ch. 57	-	211
Dept, licenses, trapping, lifetime.....	Ch. 58	-	215
Dept, rules, fee, approve.....	SCR108	-	975
Grizzly bears, federal govt, delist.....	HJM005	-	969
Outfitters and guides, liability, limit.....	Ch.109	-	322
Outfitters and guides, miscellaneous revisions.....	Ch.152	-	406
Wildlife, held captive, exhibit, license/permit.....	Ch.150	-	404
Wolf Depredation Control Bd, approp.....	Ch.160	-	437

FLOODS

Flood control districts, com'rs, appoint/reappoint.....	Ch. 56	-	208
---	--------	---	-----

FOOD

Commercial animal feed, industrial hemp.....	Ch. 28	-	144
Food stamp revolving fund, repeal.....	Ch. 14	-	62

FUELS

Underground facilities, emergency excavation.....	Ch.191	-	521
---	--------	---	-----

FUNDS

American trucking association settlement fund, repeal..	Ch. 22	-	132
County treasurer, investment of funds.....	Ch. 19	-	130
Food stamp revolving fund, repeal.....	Ch. 14	-	62
Idaho career ready students program fund, establish....	Ch.231	-	715
Idaho launch grant program/in-demand careers fund.....	Ch.174	-	462
Idaho launch grant program/in-demand careers fund, trlr	Ch.272	-	816
Medicaid management information systems dedicated fund.	Ch.154	-	418
Millennium fund, approp, community recovery centers....	Ch.217	-	601
Public charter school revolving loan fund, establish...	Ch.117	-	337
Public schools health insurance participation fund.....	Ch.240	-	739
Rural nursing loan repayment fund, establish.....	Ch. 60	-	217
School district facilities fund, create.....	Ch.200	-	542
State public defense fund, funding source.....	Ch.200	-	542
Strategic initiatives grant program fund, establish....	Ch. 38	-	173
Tax relief fund, unrepeal, use of moneys.....	Ch.200	-	542
Transportation expansion fund, specific purpose.....	Ch. 21	-	131

FUNERALS

Disinterment, persons present.....	Ch.203	-	567
------------------------------------	--------	---	-----

GASOLINE

See FUELS

GENDER

Public works contractors, restrooms, biological sex....	Ch.144	-	394
Vulnerable Child Protection Act, new.....	Ch.292	-	883

GOLD

See METALS

GOVERNMENT

Coronavirus Stop Act, new, vaccine discrimination.....	Ch.313	-	953
Govt contracts, environment/social/governance standards	Ch.129	-	365
Legal notices, electronic publication, amend.....	Ch. 49	-	195
Official state dinosaur, Oryctodromeus.....	Ch.219	-	659

Political subdivisions, purchasing, requirements, amend	Ch.165 -	444
Public assistance programs, eligibility criteria.....	Ch.301 -	911
Public entities, contracts with China, prohibit.....	Ch.253 -	770
Public works contractors, restrooms, biological sex....	Ch.144 -	394
State agencies, policies/guidance, not law.....	Ch.252 -	769
State agency/officer list of agreements, Controller....	Ch. 52 -	199
State employees, compensation plan, revise.....	Ch. 53 -	201
State employees/contractors, TikTok application, crime.	Ch.136 -	380
State personnel system, miscellaneous revisions.....	Ch. 6 -	10
State personnel system, miscellaneous revisions.....	Ch. 7 -	12
State personnel system, overtime calculation.....	Ch. 11 -	44
State personnel system, temporary appointment.....	Ch. 8 -	27
Tort claims against governmental entities, child abuse.	Ch.178 -	481
Write-in candidate declarations, filing period.....	Ch.249 -	766

GOVERNOR

Executive Order 2022-03.....		993
Executive Order 2022-04.....		994
Executive Order 2022-05.....		999
Executive Order 2022-06.....		1001
Executive Order 2023-01.....		1002
Executive Order 2023-02.....		1004
Aging Com, approp.....	Ch. 87 -	281
Arts Com, approp.....	Ch.161 -	438
Blind and Visually Impaired Com, approp.....	Ch. 99 -	295
Drug Policy Office, approp.....	Ch. 70 -	238
Energy and Mineral Resources Office, approp.....	Ch.211 -	588
Executive Office of, approp.....	Ch.121 -	346
Financial Management Div, approp.....	Ch.269 -	810
Financial Management Div, approp, add'l.....	Ch. 71 -	239
Human Resources Div, approp.....	Ch. 63 -	224
Human Resources Div, approp, add'l.....	Ch.258 -	777
Information Technology Services Office, approp.....	Ch.159 -	436
Lava Ridge Project, wind turbines, review.....	HCR004 -	979
Military Div, approp.....	Ch. 69 -	236
Military Div, approp, add'l.....	Ch.205 -	569
Military Div, approp, fund correction.....	Ch. 83 -	276
Office of, State of the State Address.....	HCR001 -	977
Public Employee Retirement System, approp.....	Ch. 85 -	279
STEM Action Center, approp.....	Ch. 89 -	283
STEM Action Center, approp, fund correction.....	Ch. 83 -	276
Species Conservation Office, approp.....	Ch. 86 -	280
State Liquor Div, approp.....	Ch.221 -	690
Wolf Depredation Control Bd, approp.....	Ch.160 -	437
Workforce Development Council, approp.....	Ch.172 -	459
Workforce Development Council, approp, add'l.....	Ch.281 -	841
Workforce Development Council, approp, add'l.....	Ch.280 -	839

GRANTS

Idaho launch grant program/in-demand careers fund.....	Ch.174 -	462
Idaho launch grant program/in-demand careers fund, trlr	Ch.272 -	816

GUNS

See WEAPONS

HEALTH

Alzheimer's disease and related dementias alliance.....	Ch.151 -	405
Assisted living/residential care, visitation, in-person	Ch.202 -	564

Cardiac arrest, sudden, CPR and AED, immunity.....	Ch.123 -	355
Coronavirus Stop Act, new, vaccine discrimination.....	Ch.313 -	953
Drug and mental health courts, counseling services.....	Ch. 48 -	195
Education, courses, sex education, abstinence, define..	Ch.190 -	521
Essential caregivers, define, visitation, in-person....	Ch.300 -	910
First responders, psychological injuries, repeal sunset	Ch. 5 -	10
Medicaid managed care programs, legislative study comm.	HCR009 -	983
Medical Consent and Natural Death Act, amend.....	Ch.307 -	921
Medication assistant, certified, requirements.....	Ch. 45 -	184
Public Health Districts, approp, tobacco/vape prevent..	Ch.217 -	601
Public schools health insurance participation fund.....	Ch.240 -	739
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102 -	302
Telehealth, interstate, mental and behavioral health...	Ch.142 -	391

HEALTH AND WELFARE DEPARTMENT

Alzheimer's disease and related dementias alliance.....	Ch.151 -	405
Approp, Child Welfare Div.....	Ch. 39 -	175
Approp, Child Welfare, Dev Disabled, Service Integr....	Ch.145 -	395
Approp, Indirect Support Services, add'l.....	Ch. 41 -	176
Approp, Indirect Support, Licensing, Ind Councils.....	Ch.206 -	570
Approp, Medicaid Div.....	Ch.297 -	902
Approp, Medicaid Div, add'l.....	Ch.131 -	372
Approp, Medicaid Div, add'l.....	Ch.274 -	825
Approp, Psychiatric Hospitalization Div.....	Ch. 81 -	274
Approp, Public Health Services Div.....	Ch.209 -	580
Approp, Public Health Services Div, rural nursing loan.	Ch.215 -	599
Approp, Sub Abuse, Mental Health, Psychiatric Hosp.....	Ch.296 -	897
Approp, Sub Abuse, tobacco/vape compliance checks.....	Ch.217 -	601
Approp, Welfare Div.....	Ch.312 -	951
Approp, Welfare Div, add'l.....	Ch.304 -	918
Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Daycare license, exemptions, amend.....	Ch.299 -	909
Medicaid managed care programs, legislative study comm.	HCR009 -	983
Medicaid management information systems dedicated fund.	Ch.154 -	418
Rules, fee, approve.....	HCR014 -	987
Rules, residential assisted living facilities, reject..	HCR005 -	980
Statewide emergency medical services system, establish.	SCR101 -	972
Supplemental nutrition assistance program (SNAP), amend	Ch.227 -	699

HEALTH CARE FACILITIES

Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Assisted living/residential care, visitation, in-person	Ch.202 -	564
Essential caregivers, define, visitation, in-person....	Ch.300 -	910
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102 -	302
Telehealth, interstate, mental and behavioral health...	Ch.142 -	391

HEALTH CARE PROFESSIONS AND PROVIDERS

Counseling services, drug and mental health courts.....	Ch. 48 -	195
Fair Pharmacy Audits Act, new.....	Ch.233 -	719
Medical Practice Act, amend, supervising physician....	Ch. 12 -	48
Medical license, temporary, international graduates....	Ch.155 -	419
Medication assistant, certified, requirements.....	Ch. 45 -	184
Pharmacy benefit managers, requirements, Insurance Dept	Ch.232 -	717
Physicians, bridge year, limited license.....	Ch.101 -	300
Physicians, foreign trained, visa waiver program.....	Ch. 31 -	149
Rural nursing loan repayment program, establish.....	Ch. 60 -	217
State Board of Medicine, duties, annual report.....	Ch. 12 -	48

Telehealth Access Act, replace, Virtual Care Access Act	Ch.102	-	302
Telehealth, interstate, mental and behavioral health...	Ch.142	-	391
HERDS			
Herd districts, livestock, amend.....	Ch.261	-	782
HIGHWAYS			
Capitol building, roads adjacent, control use.....	Ch.309	-	946
Highway districts, single county-wide, carpooling.....	Ch.306	-	920
Highways, congestion mitigation, definition, add.....	Ch. 90	-	284
Sales tax distribution, transportation/highways, trlr..	Ch.234	-	723
State highway account & highway tax levies, purpose....	Ch.288	-	879
Strategic initiatives program and grant program.....	Ch. 38	-	173
Transportation expansion fund, specific purpose.....	Ch. 21	-	131
Transportation expansion, congestion funding.....	Ch.200	-	542
HISTORICAL SOCIETY, STATE			
Approp.....	Ch.162	-	439
Approp, add'l.....	Ch. 82	-	276
Approp, fund correction.....	Ch. 83	-	276
HOMES AND HOUSING			
Homeowner property tax relief, sales tax.....	Ch.200	-	542
Homeowner's assn, internal accessory dwelling units....	Ch.265	-	791
Homeowner's assn, statement of account, fee.....	Ch.247	-	763
Mortgage loans, default, notices, website addresses....	Ch.266	-	793
Prohibition of Unfair Service Agreements Act, new.....	Ch.242	-	741
Property tax reduction program, increase.....	Ch.200	-	542
Rental property, limitation on fees for tenants.....	Ch. 67	-	228
Restrictive covenants, internal accessory dwelling unit	Ch.265	-	791
HONORS AND AWARDS			
Glenn Harris, legislative services office, honor.....	SCR104	-	973
HOSPITALS			
See HEALTH CARE FACILITIES			
HOUSE OF REPRESENTATIVES			
See also LEGISLATURE			
Intervention in actions regarding an Idaho statute....	Ch.305	-	919
HUMAN RESOURCES DIVISION			
Approp.....	Ch. 63	-	224
Approp, add'l.....	Ch.258	-	777
State employees, compensation plan, revise.....	Ch. 53	-	201
State personnel system, miscellaneous revisions.....	Ch. 6	-	10
State personnel system, miscellaneous revisions.....	Ch. 7	-	12
State personnel system, overtime calculation.....	Ch. 11	-	44
State personnel system, temporary appointment.....	Ch. 8	-	27
IDAHO CODE			
See CODES			
IDENTIFICATION CARDS			
Elections, voting, student identification cards, remove	Ch. 27	-	143
Transportation Dept, identification card for voting....	Ch.293	-	886
IMMIGRATION AND IMMIGRANTS			
Federal immigration laws, enforcement.....	Ch.263	-	788

IMMUNITY

See LIABILITY

IMMUNIZATION

Assisted living/residential care, visitation, vaccine..	Ch.202	-	564
Coronavirus Stop Act, new, vaccine discrimination.....	Ch.313	-	953
Daycare facilities, immunizations, exemptions, notice..	Ch. 72	-	240
Parent/child, relationship, termination, immunizations.	Ch. 10	-	33

INDIGENTS

See PUBLIC ASSISTANCE

INDUSTRIAL COMMISSION

Approp.....	Ch. 66	-	227
Approp, commissioner salaries.....	Ch.270	-	812

INSURANCE

Administration Dept, rulemaking, group insurance.....	Ch. 76	-	261
Dept, approp.....	Ch. 88	-	282
Dept, pharmacy benefit managers, requirements.....	Ch.232	-	717
Dept, rules, fee/non-fee, approve.....	HCR008	-	983
Group insurance advisory comm, members, school district	Ch. 76	-	261
Labor Dept, unemployment insurance program, integrity..	Ch.250	-	767
Public schools health insurance participation fund.....	Ch.240	-	739

INTERNAL REVENUE

Internal Revenue Code, update reference.....	Ch. 1	-	3
--	-------	---	---

INTERNATIONAL RELATIONS

Taiwan-Idaho, relationship, support.....	HCR006	-	980
--	--------	---	-----

INTERNET

See SCIENCE AND TECHNOLOGY

INTERSTATE COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

INVESTMENTS

County treasurer, investment of funds.....	Ch. 19	-	130
--	--------	---	-----

IRRIGATION

Ground water, appropriation for supplemental use.....	Ch. 97	-	292
Irrigation property, tax exemption.....	Ch.149	-	403

JAILS

County indigent services, reimbursement rate.....	Ch. 32	-	160
---	--------	---	-----

JUDGES AND JUSTICES

See COURTS

JUVENILE CORRECTIONS

Criminal history records, juvenile, expungement.....	Ch.237	-	734
Dept, approp.....	Ch.127	-	362

LABOR

See also EMPLOYERS AND EMPLOYEES

Dept, approp.....	Ch.163	-	440
Dept, approp, childcare grants.....	Ch.304	-	918
Dept, unemployment insurance program, integrity.....	Ch.250	-	767

LAKES

See WATER

LAND USE

Interstate natural gas and petroleum pipelines..... Ch.140 - 384
 Oil and Gas Conservation Act, miscellaneous revisions.. Ch.283 - 844
 Restrictive covenants, internal accessory dwelling unit Ch.265 - 791

LANDLORDS AND TENANTS

See also LEASES

Rental property, limitation on fees for tenants..... Ch. 67 - 228

LANDS

Agricultural land, water, mining, ownership, foreign... Ch.251 - 768
 Dept, approp..... Ch.167 - 449
 Dept, approp, forest and range fire protection program. Ch.157 - 425
 Dept, approp, fund correction..... Ch. 83 - 276
 Dept, rules, fee, approve..... SCR108 - 975
 Dept, state personnel system, temporary appointment... Ch. 8 - 27
 Endowment Fund Investment Bd, approp..... Ch.125 - 360
 Endowment lands, closure and use restrictions, penalty. Ch. 80 - 273
 Noxious weeds, county duties, amend..... Ch. 30 - 147
 Oil and Gas Conservation Act, miscellaneous revisions.. Ch.283 - 844

LAW ENFORCEMENT

Armed forces and public safety officer scholarships.... Ch.260 - 779
 Federal immigration laws, enforcement..... Ch.263 - 788
 First responders, psychological injuries, repeal sunset Ch. 5 - 10
 Police, retired, reemployment, PERSI..... Ch. 91 - 285

LAWYERS

See ATTORNEYS

LEASES

See also LANDLORDS AND TENANTS

Rental property, limitation on fees for tenants..... Ch. 67 - 228

LEGISLATURE

Administrative rules, rulemaking/review, amend..... Ch.314 - 956
 Glenn Harris, legislative services office, honor..... SCR104 - 973
 Human trafficking victims, report to Legislature..... Ch.311 - 949
 Intervention in actions regarding an Idaho statute.... Ch.305 - 919
 Legislative Branch, approp..... Ch.143 - 392
 Legislative session, recess, April 6, 2023..... HCR018 - 989
 Medicaid managed care programs, legislative study comm. HCR009 - 983
 Natural resource issues, legislative study comm..... HCR003 - 978

LEVIES

School districts, elections, bond/levy, dates, amend... Ch.200 - 542
 Taxing districts, elections, bond/levy, disclosures... Ch.282 - 841

LIABILITY

Cardiac arrest, sudden, CPR and AED, immunity..... Ch.123 - 355
 Outfitters and guides, liability, limit..... Ch.109 - 322
 Recreational activities, participants, injuries..... Ch. 54 - 206

LIBRARIES AND LIBRARIANS

Libraries Com, approp..... Ch.185 - 505
 Libraries Com, education opportunity resource comm.... Ch. 36 - 170

LICENSE PLATES

Special, disabled veteran, placard.....	Ch. 16 -	120
Special, radio amateur, redesign.....	Ch. 29 -	146

LICENSES AND PERMITS

Daycare license, exemptions, amend.....	Ch.299 -	909
Driver's license, commercial, electronic renewal.....	Ch. 9 -	31
Driver's license, commercial, human trafficking.....	Ch. 4 -	7
Driver's license, daylight hours only, define.....	Ch. 17 -	123
Liquor license, golf course, amend.....	Ch.100 -	296
Liquor license, transferability, amend.....	Ch.201 -	559
Medical license, temporary, international graduates....	Ch.155 -	419
Physicians, bridge year, limited license.....	Ch.101 -	300

LIEUTENANT GOVERNOR

Approp.....	Ch.114 -	333
Multistate tax compact advisory comm, senate pro tem...	Ch.168 -	453

LIQUOR

Liquor license, golf course, amend.....	Ch.100 -	296
Liquor license, transferability, amend.....	Ch.201 -	559
State Liquor Div, approp.....	Ch.221 -	690

LITIGATION

Intervention in actions regarding an Idaho statute....	Ch.305 -	919
Tort claims against governmental entities, child abuse.	Ch.178 -	481

LIVESTOCK

Herd districts, livestock, amend.....	Ch.261 -	782
Idaho Sheep and Goat Health Bd, rules, fee, approve....	SCR103 -	973

LOANS

Mortgage loans, default, notices, website addresses....	Ch.266 -	793
Rural nursing loan repayment program, establish.....	Ch. 60 -	217

LOTTERY, STATE

Approp.....	Ch.126 -	361
-------------	----------	-----

MEDALS

See HONORS AND AWARDS

MEDICAID

See PUBLIC ASSISTANCE

MEDICAL

Adult Abuse, Neglect and Exploitation Act, amend.....	Ch.158 -	426
Assisted living/residential care, visitation, in-person	Ch.202 -	564
Cardiac arrest, sudden, CPR and AED, immunity.....	Ch.123 -	355
Essential caregivers, define, visitation, in-person....	Ch.300 -	910
Medicaid managed care programs, legislative study comm.	HCR009 -	983
Medical Consent and Natural Death Act, amend.....	Ch.307 -	921
Medical Practice Act, amend, supervising physician....	Ch. 12 -	48
Medical license, temporary, international graduates....	Ch.155 -	419
Medication assistant, certified, requirements.....	Ch. 45 -	184
Physicians, bridge year, limited license.....	Ch.101 -	300
Physicians, foreign trained, visa waiver program.....	Ch. 31 -	149
State Board of Medicine, duties, annual report.....	Ch. 12 -	48
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102 -	302
Telehealth, interstate, mental and behavioral health...	Ch.142 -	391

Vulnerable Child Protection Act, new.....	Ch.292 -	883
MEMORIALS		
Abortion, federal courts, jurisdiction, restrict.....	HJM002 -	967
Grizzly bears, federal govt, delist.....	HJM005 -	969
Water quality standards, defend.....	HJM004 -	968
METALS		
Scrap metal businesses, catalytic converters.....	Ch.238 -	736
Scrap metal businesses/recycling, state preemption....	Ch.238 -	736
MILITARY AND MILITIA		
Armed forces and public safety officer scholarships....	Ch.260 -	779
License plates, special, disabled veteran, placard....	Ch. 16 -	120
Military Div, approp.....	Ch. 69 -	236
Military Div, approp, add'l.....	Ch.205 -	569
Military Div, approp, fund correction.....	Ch. 83 -	276
Unemployment insurance benefits, military transfer....	Ch. 75 -	255
Veterans Services Div, approp.....	Ch.116 -	335
Veterans Services Div, approp, add'l.....	Ch. 83 -	276
MINERALS and MINING		
Agricultural land, water, mining, ownership, foreign...	Ch.251 -	768
Bunker Hill, superfund site, institutional controls....	Ch. 73 -	241
Energy and Mineral Resources Office, approp.....	Ch.211 -	588
MORTICIANS		
Disinterment, persons present.....	Ch.203 -	567
MOTOR CARRIERS		
American trucking association settlement fund, repeal..	Ch. 22 -	132
Driver's license, commercial, electronic renewal.....	Ch. 9 -	31
Driver's license, commercial, human trafficking.....	Ch. 4 -	7
MOTOR FUELS		
See FUELS		
MOTOR VEHICLES		
See also BOATS		
Capitol building, roads adjacent, control use.....	Ch.309 -	946
License plates, special, disabled veteran, placard....	Ch. 16 -	120
License plates, special, radio amateur, redesign.....	Ch. 29 -	146
Transportation Dept, titles, release of liability, fees	Ch.286 -	871
Vehicles, dealers, manufacturers, franchise agreements.	Ch.122 -	347
Vehicles, insurance, verification system, report weekly	Ch.286 -	871
Vehicles, registration, biennial.....	Ch. 51 -	198
Vehicles, registration, electronic, temporary permits..	Ch. 68 -	229
Vehicles, registration, permits.....	Ch. 3 -	5
Vehicles, registration/insurance, notices/suspension...	Ch.286 -	871
Vehicles, slow moving, turning out.....	Ch. 94 -	288
Vehicles, titles, administrative fees, county com'rs...	Ch. 23 -	133
Vehicles, windshield and window safety standards.....	Ch.112 -	329
MULTISTATE COMPACTS AND AGREEMENTS		
Multistate tax compact advisory comm, senate pro tem...	Ch.168 -	453
NATIONAL GUARD		
See MILITARY AND MILITIA		

NATURAL RESOURCES

See also ENVIRONMENT

Idaho Energy Resources Authority Act, amend.....	Ch. 24 -	134
Interstate natural gas and petroleum pipelines.....	Ch.140 -	384
Natural resource issues, legislative study comm.....	HCR003 -	978
Oil and Gas Conservation Act, miscellaneous revisions..	Ch.283 -	844

NEWSPAPERS

Legal notices, electronic publication, amend.....	Ch. 49 -	195
---	----------	-----

NOTICES

Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Legal notices, electronic publication, amend.....	Ch. 49 -	195
Mortgage loans, default, notices, website addresses....	Ch.266 -	793
Tax Com and county property tax correspondence, info...	Ch.284 -	869

NURSING AND NURSES

See HEALTH CARE PROFESSIONS AND PROVIDERS

OCCUPATIONAL AND PROFESSIONAL LICENSES

Div, Building Safety Div, reorganize.....	Ch. 15 -	63
Div, approp.....	Ch.223 -	693
Div, rules, fee, approve.....	HCR015 -	987
Div, rules, fee, approve.....	HCR011 -	985
Div, rules, fee, approve.....	SCR103 -	973
Div, rules, fee, approve/reject.....	HCR013 -	986
Occupational and professional licensure review comm....	Ch.111 -	325
Universal licensure, universal work recognition.....	Ch.124 -	356

OIL

Oil and Gas Conservation Act, miscellaneous revisions..	Ch.283 -	844
---	----------	-----

OPTOMETRY AND OPTOMETRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

OUTFITTERS AND GUIDES

Outfitters and guides, liability, limit.....	Ch.109 -	322
Outfitters and guides, miscellaneous revisions.....	Ch.152 -	406
Vessels, certificates of number, invasive species.....	Ch. 74 -	250

PARDONS AND PAROLE

Com, approp.....	Ch.199 -	541
Com, recommendations to the Governor.....	Ch. 18 -	129

PARENTS

Child abuse/abandonment/neglect, false reports, crime..	Ch.103 -	307
Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Dependent care expenses, income tax deduction.....	Ch.290 -	881
Gestational Agreements Act, new.....	Ch.228 -	701
Parent/child, relationship, termination, immunizations.	Ch. 10 -	33
Schools, students, parental rights.....	Ch.107 -	313
Tort claims against governmental entities, child abuse.	Ch.178 -	481

PARKS AND RECREATION

Dept, approp.....	Ch.195 -	533
Dept, approp, add'l.....	Ch. 59 -	217
Dept, approp, capital development program.....	Ch.212 -	590
Recreational activities, participants, injuries.....	Ch. 54 -	206
Vessels, certificates of number, invasive species.....	Ch. 74 -	250

PAYMENT METHODS

Second Amendment Financial Privacy Act, new..... Ch.303 - 913

PERMITS

See LICENSES AND PERMITS

PERSONNEL COMMISSION

State employees, compensation plan, revise..... Ch. 53 - 201

State personnel system, miscellaneous revisions..... Ch. 7 - 12

State personnel system, miscellaneous revisions..... Ch. 6 - 10

State personnel system, overtime calculation..... Ch. 11 - 44

State personnel system, temporary appointment..... Ch. 8 - 27

PETROLEUM

Interstate natural gas and petroleum pipelines..... Ch.140 - 384

Oil and Gas Conservation Act, miscellaneous revisions.. Ch.283 - 844

Underground facilities, emergency excavation..... Ch.191 - 521

PHARMACIES AND PHARMACISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PHYSICAL THERAPY AND THERAPISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PLANNING AND ZONING

Interstate natural gas and petroleum pipelines..... Ch.140 - 384

Restrictive covenants, internal accessory dwelling unit Ch.265 - 791

PODIATRY AND PODIATRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

POLICE, IDAHO STATE

See also LAW ENFORCEMENT

Approp..... Ch.230 - 708

Approp, support services program..... Ch.229 - 708

First responders, psychological injuries, repeal sunset Ch. 5 - 10

Police, retired, reemployment, PERSI..... Ch. 91 - 285

POLITICAL PARTIES

Primary elections, presidential, amend/repeal..... Ch.208 - 574

POWER

See ENERGY

POWER OF ATTORNEY

Medical Consent and Natural Death Act, amend..... Ch.307 - 921

PRESCRIPTIONS

Controlled substances, schedules, amend..... Ch. 13 - 52

Fair Pharmacy Audits Act, new..... Ch.233 - 719

Pharmacy benefit managers, requirements, Insurance Dept Ch.232 - 717

PRIVACY

Public records, unwarranted invasion personal privacy.. Ch.256 - 773

PROBATE

See also ESTATES

PROBATION

See CRIMINAL OFFENSES AND PROCEDURES

PROPERTY

- Data center property, urban renewal increment..... Ch.308 - 942
 Irrigation property, tax exemption..... Ch.149 - 403

PROSECUTING ATTORNEYS

See ATTORNEYS

PROSTITUTION

- Accepting earnings of prostitute, repeal..... Ch.311 - 949
 Prostitution, interstate trafficking, penalty, amend... Ch.311 - 949
 Receiving proceeds of illegal sexual activity, penalty. Ch.311 - 949

PSYCHIATRY AND PSYCHIATRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PSYCHOLOGY AND PSYCHOLOGISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PUBLIC ASSISTANCE

- Medicaid managed care programs, legislative study comm. HCR009 - 983
 Medicaid management information systems dedicated fund. Ch.154 - 418
 Public assistance programs, eligibility criteria..... Ch.301 - 911
 Supplemental nutrition assistance program (SNAP), amend Ch.227 - 699

PUBLIC BROADCASTING

- Idaho Public Television, approp..... Ch.115 - 334
 Idaho Public Television, approp, tobacco/vape education Ch.217 - 601

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

See RETIREMENT

PUBLIC RECORDS

See RECORDS

PUBLIC UTILITIES

See UTILITIES

PUBLIC WORKS

- Div, approp..... Ch.275 - 827
 Govt contracts, environment/social/governance standards Ch.129 - 365
 Political subdivisions, purchasing, requirements, amend Ch.165 - 444
 Public works contractors, restrooms, biological sex.... Ch.144 - 394

PURCHASING

- Political subdivisions, purchasing, requirements, amend Ch.165 - 444

RADIO

See TELECOMMUNICATIONS

RADIOLOGY AND RADIOLOGIST

See HEALTH CARE PROFESSIONS AND PROVIDERS

REAL PROPERTY

- Agricultural land, water, mining, ownership, foreign... Ch.251 - 768
 Endowment lands, closure and use restrictions, penalty. Ch. 80 - 273
 Homeowner's assn, internal accessory dwelling units.... Ch.265 - 791
 Homeowner's assn, statement of account, fee..... Ch.247 - 763
 Interstate natural gas and petroleum pipelines..... Ch.140 - 384
 Irrigation property, tax exemption..... Ch.149 - 403
 Mortgage loans, default, notices, website addresses.... Ch.266 - 793
 Prohibition of Unfair Service Agreements Act, new..... Ch.242 - 741

Property tax, assessment notices, HB 51 trailer.....	Ch. 37	-	173
Property tax, assessment notices, contents.....	Ch. 35	-	169
Property tax, assessment, income property, market value	Ch.285	-	870
Rental property, limitation on fees for tenants.....	Ch. 67	-	228
Restrictive covenants, internal accessory dwelling unit	Ch.265	-	791
RECOGNITION			
See HONORS AND AWARDS			
RECORDS			
Administrative Hearings Office, public records, exempt.	Ch.182	-	496
Criminal history records, juvenile, expungement.....	Ch.237	-	734
Criminal history records, shield from disclosure.....	Ch.108	-	315
Judges/justices, address/telephone number, confidential	Ch.179	-	482
Judicial Council, membership, terms, records.....	Ch.210	-	585
Public records, unwarranted invasion personal privacy..	Ch.256	-	773
RECREATION			
Outfitters and guides, liability, limit.....	Ch.109	-	322
Outfitters and guides, miscellaneous revisions.....	Ch.152	-	406
Recreational activities, participants, injuries.....	Ch. 54	-	206
RECYCLING			
Scrap metal businesses, catalytic converters.....	Ch.238	-	736
Scrap metal businesses/recycling, state preemption....	Ch.238	-	736
RELIGION AND CHURCHES			
Educational institutions, display, "In God We Trust"...	Ch.148	-	402
Schools/colleges, prayer, Coach Kennedy Law.....	Ch.239	-	737
REPORTS			
Child abuse/abandonment/neglect, false reports, crime..	Ch.103	-	307
Human trafficking victims, report to Legislature.....	Ch.311	-	949
RESERVOIRS			
See WATER			
RESOLUTIONS, CONCURRENT			
Agriculture Dept, rules, fee, approve.....	SCR103	-	973
DEQ, rules, fee, approve.....	HCR010	-	985
Education Bd, rules, postsecondary institutions, reject	SCR107	-	975
Electoral College, system, support.....	HCR002	-	977
F&G Dept, rules, fee, approve.....	SCR108	-	975
Glenn Harris, legislative services office, honor.....	SCR104	-	973
Governor, Office of, State of the State Address.....	HCR001	-	977
H&W Dept, rules, assisted living facilities, reject....	HCR005	-	980
H&W Dept, rules, fee, approve.....	HCR014	-	987
H&W Dept, statewide EMS system, establish.....	SCR101	-	972
Idaho Sheep and Goat Health Bd, rules, fee, approve....	SCR103	-	973
Insurance Dept, rules, fee/non-fee, approve.....	HCR008	-	983
Lands Dept, rules, fee, approve.....	SCR108	-	975
Lava Ridge Project, wind turbines, review.....	HCR004	-	979
Legislative session, recess, April 6, 2023.....	HCR018	-	989
Medicaid managed care programs, legislative study comm.	HCR009	-	983
Natural resource issues, legislative study comm.....	HCR003	-	978
Occupational Licenses Div, rules, fee, approve.....	SCR103	-	973
Occupational Licenses Div, rules, fee, approve.....	HCR015	-	987
Occupational Licenses Div, rules, fee, approve.....	HCR011	-	985
Occupational Licenses Div, rules, fee, approve/reject..	HCR013	-	986

Taiwan-Idaho, relationship, support.....	HCR006 -	980
Transportation Dept, rules, fee, approve.....	HCR016 -	988
Water Resources Dept, rules, fee, approve/reject.....	SCR108 -	975
Water infrastructure, invest and protect.....	HCR007 -	982
RESTAURANTS		
See also FOOD		
RETIREMENT		
PERSI, reemployment of police/firefighters.....	Ch. 91 -	285
Public Employee Retirement System, approp.....	Ch. 85 -	279
RIVERS		
See WATER		
ROADS		
See HIGHWAYS		
RULES		
Administrative rules, rulemaking/review, amend.....	Ch.314 -	956
Agriculture Dept, rules, fee, approve.....	SCR103 -	973
DEQ, rules, fee, approve.....	HCR010 -	985
Education Bd, rules, postsecondary institutions, reject	SCR107 -	975
F&G Dept, rules, fee, approve.....	SCR108 -	975
H&W Dept, rules, assisted living facilities, reject....	HCR005 -	980
H&W Dept, rules, fee, approve.....	HCR014 -	987
Idaho Sheep and Goat Health Bd, rules, fee, approve....	SCR103 -	973
Insurance Dept, rules, fee/non-fee, approve.....	HCR008 -	983
Lands Dept, rules, fee, approve.....	SCR108 -	975
Occupational Licenses Div, rules, fee, approve.....	SCR103 -	973
Occupational Licenses Div, rules, fee, approve.....	HCR011 -	985
Occupational Licenses Div, rules, fee, approve.....	HCR015 -	987
Occupational Licenses Div, rules, fee, approve/reject..	HCR013 -	986
Transportation Dept, rules, fee, approve.....	HCR016 -	988
Water Resources Dept, rules, fee, approve/reject.....	SCR108 -	975
SCHOLARSHIPS		
Armed forces and public safety officer scholarships....	Ch.260 -	779
Idaho launch grant program/in-demand careers fund.....	Ch.174 -	462
Idaho launch grant program/in-demand careers fund, trlr	Ch.272 -	816
SCHOOLS AND SCHOOL DISTRICTS		
Career technical education, added cost funding program.	Ch.231 -	715
Career technical schools/centers, funding, eligibility.	Ch.271 -	814
Daycare facilities, immunizations, exemptions, notice..	Ch. 72 -	240
Daycare license, exemptions, amend.....	Ch.299 -	909
Education, courses, sex education, abstinence, define..	Ch.190 -	521
Educational institutions, display, "In God We Trust"...	Ch.148 -	402
Idaho career ready students program, establish.....	Ch.231 -	715
Public Charter School Com, approp.....	Ch.216 -	600
Public charter school facilities program, amend.....	Ch.118 -	339
Public charter school revolving loan fund, establish..	Ch.117 -	337
Public charter schools, miscellaneous revisions.....	Ch.268 -	798
Public schools health insurance participation fund.....	Ch.240 -	739
School bldg funds from sales tax.....	Ch.200 -	542
School districts, elections, bond/levy, dates, amend..	Ch.200 -	542
School districts, open enrollment, amend.....	Ch.156 -	420
School districts, trustees, trustee zones, term.....	Ch.241 -	740
Schools, protect privacy and safety of students.....	Ch.120 -	343

Schools, students grades 7-8, career exploration course	Ch.243	-	743
Schools, students, parental rights.....	Ch.107	-	313
Schools/colleges, prayer, Coach Kennedy Law.....	Ch.239	-	737
Students, extended learning opportunities, full-time...	Ch.147	-	400
Students, self-directed learner designation, full-time.	Ch.147	-	400
Teachers, student discipline.....	Ch.246	-	761
SCIENCE AND TECHNOLOGY			
Consumer Protection Act, amend, online subscriptions...	Ch.106	-	311
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102	-	302
Telehealth, interstate, mental and behavioral health...	Ch.142	-	391
SCRAP DEALING			
See RECYCLING			
SECRETARY OF STATE			
Approp.....	Ch.287	-	877
Election administration, private moneys, prohibit.....	Ch. 20	-	130
Elections, ballots, postelection audit, hand recount...	Ch. 2	-	3
Primary elections, presidential, amend/repeal.....	Ch.208	-	574
School districts, elections, bond/levy, dates, amend...	Ch.200	-	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282	-	841
Voting, by foreign nationals, unlawful.....	Ch.267	-	797
Voting, ranked choice, prohibit.....	Ch.135	-	379
Voting, registration, identification, amend.....	Ch.293	-	886
Voting, student identification cards, remove.....	Ch. 27	-	143
SECURITY			
Capitol building, roads adjacent, control use.....	Ch.309	-	946
SELF-GOVERNING AGENCIES			
Administrative Hearings Office, approp.....	Ch.198	-	540
Dept, Administrative Hearings Office, revise.....	Ch.182	-	496
Hispanic Affairs Com, approp.....	Ch.171	-	458
Libraries Com, approp.....	Ch.185	-	505
Occupational and Professional Licenses Div, approp....	Ch.223	-	693
State Appellate Public Defender, approp.....	Ch.259	-	778
State Appellate Public Defender, approp, add'l.....	Ch. 92	-	287
State Historical Society, approp.....	Ch.162	-	439
State Historical Society, approp, add'l.....	Ch. 82	-	276
State Historical Society, approp, fund correction.....	Ch. 83	-	276
State Lottery, approp.....	Ch.126	-	361
State Public Defense Com, approp.....	Ch.133	-	376
State Public Defense Com, approp, add'l.....	Ch.258	-	777
Veterans Services Div, approp.....	Ch.116	-	335
Veterans Services Div, approp, add'l.....	Ch. 83	-	276
SENATE			
See also LEGISLATURE			
Intervention in actions regarding an Idaho statute....	Ch.305	-	919
Multistate tax compact advisory comm, senate pro tem...	Ch.168	-	453
SEWERS			
Underground facilities, emergency excavation.....	Ch.191	-	521
SEX OFFENSES AND OFFENDERS			
Accepting earnings of prostitute, repeal.....	Ch.311	-	949
Criminal forfeiture, crimes against children.....	Ch.180	-	489
Prostitution, interstate trafficking, penalty, amend...	Ch.311	-	949

Receiving proceeds of illegal sexual activity, penalty.	Ch.311	-	949
Sex offender registration, application.....	Ch.181	-	494
Sex offender registration, release, clarify.....	Ch.183	-	503
SHERIFFS			
First responders, psychological injuries, repeal sunset	Ch. 5	-	10
Police, retired, reemployment, PERSI.....	Ch. 91	-	285
SILVER			
See METALS			
SMOKING			
See TOBACCO			
SOIL			
Soil and Water Conservation Com, approp.....	Ch.188	-	516
SPEECH			
Governor, Office of, State of the State Address.....	HCR001	-	977
STATE AGENCIES			
See GOVERNMENT			
STATE APPELLATE PUBLIC DEFENDER			
Approp.....	Ch.259	-	778
Approp, add'l.....	Ch. 92	-	287
Idaho Public Defense Act, repeal.....	Ch.220	-	660
State Public Defender Act, new.....	Ch.220	-	660
STATE PUBLIC DEFENSE COMMISSION			
Approp.....	Ch.133	-	376
Approp, add'l.....	Ch.258	-	777
Idaho Public Defense Act, repeal.....	Ch.220	-	660
State Public Defender Act, new.....	Ch.220	-	660
STATE SYMBOLS			
Official state dinosaur, Oryctodromeus.....	Ch.219	-	659
STATEHOUSE			
See CAPITOL			
STATUTES			
See CODES			
STREAMS			
See WATER			
STUDENTS			
Armed forces and public safety officer scholarships....	Ch.260	-	779
Career technical education, added cost funding program.	Ch.231	-	715
Education, courses, sex education, abstinence, define..	Ch.190	-	521
Elections, voting, student identification cards, remove	Ch. 27	-	143
Idaho career ready students program, establish.....	Ch.231	-	715
Idaho launch grant program/in-demand careers fund.....	Ch.174	-	462
Idaho launch grant program/in-demand careers fund, trlr	Ch.272	-	816
School districts, open enrollment, amend.....	Ch.156	-	420
Schools, courses, financial literacy & money management	Ch. 50	-	197
Schools, protect privacy and safety of students.....	Ch.120	-	343
Schools, students grades 7-8, career exploration course	Ch.243	-	743
Schools, students, parental rights.....	Ch.107	-	313
Students, extended learning opportunities, full-time...	Ch.147	-	400

Students, self-directed learner designation, full-time.	Ch.147	-	400
Teachers, student discipline.....	Ch.246	-	761
STUDIES			
Medicaid managed care programs, legislative study comm.	HCR009	-	983
Natural resource issues, legislative study comm.....	HCR003	-	978
SUBSTANCE ABUSE			
Drug and mental health courts, counseling services.....	Ch. 48	-	195
SUPERINTENDENT OF PUBLIC INSTRUCTION			
See also EDUCATION			
SUPREME COURT			
See COURTS			
TAX AND TAXATION			
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119	-	342
Internal Revenue Code, update reference.....	Ch. 1	-	3
Multistate tax compact advisory comm, senate pro tem...	Ch.168	-	453
Tax Appeals Bd, approp.....	Ch. 62	-	223
Tax Com and county property tax correspondence, info...	Ch.284	-	869
Tax Com, approp.....	Ch.257	-	775
Tax Com, approp, commissioner salaries.....	Ch.270	-	812
Tax Com, approp, general services program.....	Ch.289	-	880
Tax Com, share information with Transportation Dept....	Ch. 9	-	31
Taxing districts, elections, bond/levy, disclosures....	Ch.282	-	841
Tobacco products tax, maximum cigar tax.....	Ch.291	-	882
TAX AND TAXATION, INCOME			
Credit, mobile property, pro-rated calculation.....	Ch. 33	-	165
Credit/deduction, taxpayer evidence of expenditures....	Ch. 34	-	168
Deduction, expenses for household and dependent care...	Ch.290	-	881
Internal Revenue Code, update reference.....	Ch. 1	-	3
Rates, corporations, effective date.....	Ch. 44	-	183
Rates, individuals, effective date.....	Ch. 44	-	183
Rates, trusts and estates, effective date.....	Ch. 44	-	183
TAX AND TAXATION, PROPERTY			
Assessments, income property, market value.....	Ch.285	-	870
Circuitbreaker relief increase.....	Ch.200	-	542
Exemption, irrigation property.....	Ch.149	-	403
Property tax relief, homeowners, schools, taxpayers....	Ch.200	-	542
Property tax, assessment notices, HB 51 trailer.....	Ch. 37	-	173
Property tax, assessment notices, contents.....	Ch. 35	-	169
Reduction, disabled veterans, application.....	Ch.137	-	381
Tax Com and county property tax correspondence, info...	Ch.284	-	869
Tax notices, tax relief.....	Ch.200	-	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282	-	841
Urban renewal increment, data center property.....	Ch.308	-	942
TAX AND TAXATION, SALES AND USE			
Distribution, calculation, property tax budgets, date..	Ch. 43	-	177
Distribution, special purpose taxing districts.....	Ch. 46	-	186
Distribution, transportation/highways, trlr.....	Ch.234	-	723
Idaho Code, felonies, enforcement, withhold sales tax..	Ch.119	-	342
Sales tax for school and homeowner property tax relief.	Ch.200	-	542
Tobacco products, taxes, distribution, cancer registry.	Ch.139	-	383
Transportation expansion, congestion funding.....	Ch.200	-	542

Use tax, application, three months to ninety days.....	Ch. 47 -	191
TEACHING AND TEACHERS		
Schools, students grades 7-8, career exploration course	Ch.243 -	743
Teachers, certification, practice teaching, apprentice.	Ch.175 -	477
Teachers, student discipline.....	Ch.246 -	761
TECHNOLOGY		
See SCIENCE AND TECHNOLOGY		
TELECOMMUNICATIONS		
Telehealth Access Act, replace, Virtual Care Access Act	Ch.102 -	302
Telehealth, interstate, mental and behavioral health...	Ch.142 -	391
Underground facilities, emergency excavation.....	Ch.191 -	521
TELEVISION		
Idaho Public Television, approp.....	Ch.115 -	334
Idaho Public Television, approp, tobacco/vape education	Ch.217 -	601
THERAPISTS AND THERAPY		
See HEALTH CARE PROFESSIONS AND PROVIDERS		
TOBACCO		
Tobacco products tax, maximum cigar tax.....	Ch.291 -	882
Tobacco products, taxes, distribution, cancer registry.	Ch.139 -	383
TRADE		
Taiwan-Idaho, relationship, support.....	HCR006 -	980
TRANSPORTATION		
American trucking association settlement fund, repeal..	Ch. 22 -	132
Capitol building, roads adjacent, control use.....	Ch.309 -	946
Dept, Tax Com, share information for driver's license..	Ch. 9 -	31
Dept, approp.....	Ch.245 -	757
Dept, approp, aeronautics program.....	Ch.264 -	790
Dept, approp, contract construction program.....	Ch.264 -	790
Dept, identification card for voting, no-fee.....	Ch.293 -	886
Dept, rules, fee, approve.....	HCR016 -	988
Dept, titles, release of liability, fees.....	Ch.286 -	871
Driver's license, commercial, electronic renewal.....	Ch. 9 -	31
Driver's license, commercial, human trafficking.....	Ch. 4 -	7
Driver's license, daylight hours only, define.....	Ch. 17 -	123
Highway districts, single county-wide, carpooling.....	Ch.306 -	920
Highways, congestion mitigation, definition, add.....	Ch. 90 -	284
License plates, special, disabled veteran, placard....	Ch. 16 -	120
License plates, special, radio amateur, redesign.....	Ch. 29 -	146
Sales tax distribution, transportation/highways, trlr..	Ch.234 -	723
State highway account & highway tax levies, purpose....	Ch.288 -	879
Strategic initiatives program and grant program.....	Ch. 38 -	173
Transportation expansion fund, specific purpose.....	Ch. 21 -	131
Transportation expansion, congestion funding.....	Ch.200 -	542
Vehicles, dealers, manufacturers, franchise agreements.	Ch.122 -	347
Vehicles, insurance, verification system, report weekly	Ch.286 -	871
Vehicles, registration, biennial.....	Ch. 51 -	198
Vehicles, registration, electronic, temporary permits..	Ch. 68 -	229
Vehicles, registration, permits.....	Ch. 3 -	5
Vehicles, registration/insurance, notices/suspension...	Ch.286 -	871
Vehicles, titles, administrative fees, county com'rs...	Ch. 23 -	133

TRAPPING

- F&G Dept, licenses, fur buyer, nonresident..... Ch. 57 - 211
 F&G Dept, licenses, trapping, lifetime..... Ch. 58 - 215

TREASURER, STATE

- Approp..... Ch.128 - 364
 Banks and credit unions, boycotts..... Ch.235 - 728
 Investment of funds, joint agreement, county treasurer. Ch. 19 - 130

TRESPASSING

- Endowment lands, closure and use restrictions, penalty. Ch. 80 - 273

TRUSTS

- Trusts and estates, tax rates, effective date..... Ch. 44 - 183

UNIONS

See LABOR

UNIVERSITIES

See COLLEGES AND UNIVERSITIES

URBAN RENEWAL

- Urban renewal increment, data center property..... Ch.308 - 942

UTILITIES

- Public Utilities Com, approp..... Ch.196 - 535
 Public Utilities Com, approp, commissioner salaries.... Ch.270 - 812
 Underground facilities, emergency excavation..... Ch.191 - 521
 Utilities, restrictions, by counties/cities, prohibit.. Ch. 55 - 207

VACCINATION

- Assisted living/residential care, visitation, vaccine.. Ch.202 - 564
 Coronavirus Stop Act, new, vaccine discrimination..... Ch.313 - 953
 Daycare facilities, immunizations, exemptions, notice.. Ch. 72 - 240
 Parent/child, relationship, termination, immunizations. Ch. 10 - 33

VEHICLES

See MOTOR VEHICLES

VESSELS

See BOATS

VETERANS

- Disabled veterans, homeowners, tax reduction..... Ch.137 - 381
 License plates, special, disabled veteran, placard.... Ch. 16 - 120
 Veterans Services Div, approp..... Ch.116 - 335
 Veterans Services Div, approp, add'l..... Ch. 83 - 276

VETOED BILLS

- Property tax relief, homeowners (veto overridden)..... Ch.200 - 542

VICTIMS

- Public records, unwarranted invasion personal privacy.. Ch.256 - 773

VISUALLY IMPAIRED

See BLIND

VOCATIONAL REHABILITATION

- Div, approp..... Ch.192 - 527

VOTING AND VOTERS

- Ballots, postelection audit, hand recount..... Ch. 2 - 3

Electoral College, system, support.....	HCR002 -	977
Primary elections, presidential, amend/repeal.....	Ch.208 -	574
School districts, elections, bond/levy, dates, amend...	Ch.200 -	542
Taxing districts, elections, bond/levy, disclosures....	Ch.282 -	841
Voting, by foreign nationals, unlawful.....	Ch.267 -	797
Voting, ranked choice, prohibit.....	Ch.135 -	379
Voting, registration, identification, amend.....	Ch.293 -	886
Voting, student identification cards, remove.....	Ch. 27 -	143
WATER		
Agricultural land, water, mining, ownership, foreign...	Ch.251 -	768
Bear Lake, preservation.....	Ch.176 -	478
Ground water, appropriation for supplemental use.....	Ch. 97 -	292
Idaho Water Resource Bd, Priest Lake, outlet control...	Ch. 95 -	289
Irrigation property, tax exemption.....	Ch.149 -	403
Natural resource issues, legislative study comm.....	HCR003 -	978
Soil and Water Conservation Com, approp.....	Ch.188 -	516
Underground facilities, emergency excavation.....	Ch.191 -	521
Vessels, certificates of number, invasive species.....	Ch. 74 -	250
Water Resources Dept, approp.....	Ch.214 -	596
Water Resources Dept, rules, fee, approve/reject.....	SCR108 -	975
Water infrastructure, invest and protect.....	HCR007 -	982
Water management account, use.....	Ch. 96 -	290
Water quality standards, defend.....	HJM004 -	968
WEAPONS		
Firearms, threatened party, defensive display.....	Ch.295 -	896
Second Amendment Financial Privacy Act, new.....	Ch.303 -	913
WEEDS		
Noxious weeds, county duties, amend.....	Ch. 30 -	147
WELFARE		
See PUBLIC ASSISTANCE		
WILDLIFE		
See also ANIMALS		
Antlers and horns, seasonal restrictions on possession.	Ch.166 -	448
F&G Com, wildlife, classification, rattlesnake.....	Ch.138 -	382
F&G Dept, licenses, fur buyer, nonresident.....	Ch. 57 -	211
F&G Dept, licenses, trapping, lifetime.....	Ch. 58 -	215
Grizzly bears, federal govt, delist.....	HJM005 -	969
Wildlife, held captive, exhibit, license/permit.....	Ch.150 -	404
Wolf Depredation Control Bd, approp.....	Ch.160 -	437
WILLS		
Medical Consent and Natural Death Act, amend.....	Ch.307 -	921
Uniform Electronic Wills Act, new.....	Ch.104 -	308
WINE AND WINERIES		
See LIQUOR		
WOLVES		
See WILDLIFE		
WOMEN		
See GENDER		
WORKER'S COMPENSATION		
First responders, psychological injuries, repeal sunset	Ch. 5 -	10

ZONING

See PLANNING AND ZONING

CODE INDEX

TABLE OF AMENDMENTS, REPEALS, ADDITIONS, AND REFERENCES

Code citation, action, session law
chapter number, and page number are
shown for bills which passed

TITLE 1			
Ch. 8	Referred to	Ch. 220 -	664
1-2003	Amended	Ch. 78 -	265
1-2004	Referred to	Ch. 273 -	825
1-2101	Amended	Ch. 210 -	585
1-2102	Amended	Ch. 210 -	586
1-2203	Referred to	Ch. 220 -	664
1-2203A	Referred to	Ch. 220 -	664
1-2203B	Referred to	Ch. 220 -	663
1-2204	Referred to	Ch. 220 -	664
1-2205	Amended	Ch. 220 -	667
1-2303	Amended	Ch. 78 -	265
1-2311	Amended	Ch. 78 -	266
TITLE 3			
Ch. 4	Referred to	Ch. 124 -	357
TITLE 5			
5-337	Repealed	Ch. 123 -	355
TITLE 6			
Ch. 9	Referred to	Ch. 179 -	484
6-906A	Amended	Ch. 178 -	481
6-1206	Amended	Ch. 109 -	322
6-1701	Referred to	Ch. 178 -	482
6-1704	Referred to	Ch. 178 -	482
6-3601	New Section Added	Ch. 54 -	206
TITLE 7			
Ch. 6	Referred to	Ch. 228 -	703
7-601	Amended	Ch. 228 -	705
7-1601	New Section Added	Ch. 228 -	701
7-1602	New Section Added	Ch. 228 -	701
7-1603	New Section Added	Ch. 228 -	702
7-1604	New Section Added	Ch. 228 -	702
7-1605	New Section Added	Ch. 228 -	703
7-1606	New Section Added	Ch. 228 -	703
7-1607	New Section Added	Ch. 228 -	703
7-1608	New Section Added	Ch. 228 -	704
7-1609	New Section Added	Ch. 228 -	704
7-1610	New Section Added	Ch. 228 -	704
7-1611	New Section Added	Ch. 228 -	704
7-1612	New Section Added	Ch. 228 -	705
TITLE 9			
9-203	Amended	Ch. 218 -	603
9-205	Amended	Ch. 77 -	264

TITLE 10

10-1301	Amended	Ch.228	-	706
10-1305	Amended	Ch. 78	-	266

TITLE 14

14-510	Amended	Ch.218	-	606
--------	---------------	--------	---	-----

TITLE 15

15-2-504	Referred to	Ch.104	-	310
15-2-801	Amended	Ch.218	-	607
Pt.11	New Part Added	Ch.104	-	308
15-2-1101	New Section Added	Ch.104	-	308
15-2-1102	New Section Added	Ch.104	-	308
15-2-1103	New Section Added	Ch.104	-	309
15-2-1104	New Section Added	Ch.104	-	309
15-2-1105	New Section Added	Ch.104	-	309
15-2-1107	New Section Added	Ch.104	-	309
15-2-1108	New Section Added	Ch.104	-	310
15-2-1109	New Section Added	Ch.104	-	310
15-2-1110	New Section Added	Ch.104	-	310
15-2-1111	New Section Added	Ch.104	-	310
15-3-303	Referred to	Ch.104	-	310
15-3-402	Referred to	Ch.104	-	310

TITLE 16

16-1504	Amended	Ch. 10	-	36
16-1506	Amended	Ch. 10	-	39
16-1513	Amended	Ch. 10	-	41
16-1618A	New Section Added	Ch. 10	-	34
16-2005	Amended	Ch. 10	-	34

TITLE 18

18-604	Amended	Ch.298	-	906
18-604	Referred to	Ch.310	-	947
18-622	Amended	Ch.298	-	907
18-623	New Section Added	Ch.310	-	947
18-901	Referred to	Ch.108	-	316
18-903	Referred to	Ch.108	-	316
18-915	Referred to	Ch.108	-	317
18-918	Referred to	Ch.108	-	316
18-920	Referred to	Ch.108	-	316
18-924	Referred to	Ch.108	-	317
18-1501	Referred to	Ch.108	-	317
18-1506C	New Section Added	Ch.292	-	884
18-1507	Referred to	Ch.180	-	489
18-1507A	Referred to	Ch.180	-	489
18-1507B	New Section Added	Ch.180	-	489
18-1509	Referred to	Ch.180	-	489
18-1509A	Referred to	Ch.180	-	489
18-2307	Amended	Ch.267	-	797
18-3302	Referred to	Ch.235	-	729
18-3302	Referred to	Ch.293	-	889
18-3302K	Referred to	Ch.293	-	889
18-3326	New Section Added	Ch.303	-	913
18-3326A	New Section Added	Ch.303	-	914
18-4006	Referred to	Ch.108	-	316
18-4116	Referred to	Ch.108	-	317
18-4511	Referred to	Ch.156	-	420
18-5415	New Section Added	Ch.103	-	307

18-5601	Amended	Ch.311	-	950
18-5606	New Section Added	Ch.311	-	950
18-5606	Repealed	Ch.311	-	950
18-6710	Referred to	Ch.108	-	316
18-6726	New Section Added	Ch.136	-	380
18-7008	Referred to	Ch. 80	-	274
18-7906	Referred to	Ch. 75	-	257
18-7906	Referred to	Ch.108	-	316
18-7907	Referred to	Ch.108	-	316
18-8004C	Referred to	Ch.108	-	316
18-8304	Amended	Ch.181	-	494
18-8310	Amended	Ch.183	-	503
18-8602	Referred to	Ch. 4	-	8
18-8605	New Section Added	Ch.311	-	950
18-8807	Amended	Ch.218	-	608
18-8807	Amended	Ch.310	-	948
TITLE 19				
19-202	Amended	Ch.295	-	896
19-625	Amended	Ch.220	-	681
19-847	Amended	Ch.220	-	668
19-847	Repealed	Ch.220	-	669
19-848	Repealed	Ch.220	-	677
19-849	Referred to	Ch.220	-	681
19-849	Repealed	Ch.220	-	677
19-850	Repealed	Ch.220	-	677
19-850A	New Section Added	Ch.220	-	674
19-850A	Repealed	Ch.220	-	675
19-851	Repealed	Ch.220	-	677
19-852	Amended and Redesignated 19-6009	Ch.220	-	670
19-853	Amended and Redesignated 19-6010	Ch.220	-	670
19-854	Amended and Redesignated 19-6011	Ch.220	-	671
19-855	Amended and Redesignated 19-6012	Ch.220	-	672
19-857	Amended and Redesignated 19-6013	Ch.220	-	672
19-858	Amended and Redesignated 19-6015	Ch.220	-	673
	(as amended by Sec. 56, Ch. 318, Laws of 2022)			
19-859	Referred to	Ch.220	-	689
19-859	Repealed	Ch.220	-	677
19-860	Repealed	Ch.220	-	677
19-861	Amended and Redesignated 19-6014	Ch.220	-	672
19-862	Repealed	Ch.220	-	678
19-862A	Repealed	Ch.220	-	678
19-863	Repealed	Ch.220	-	678
19-863A	Amended and Redesignated 19-5908	Ch.220	-	677
19-864	Amended and Redesignated 19-6016	Ch.220	-	673
19-865	Amended and Redesignated 19-6017	Ch.220	-	673
19-866	Amended and Redesignated 19-6018	Ch.220	-	673
19-1111	Amended	Ch. 42	-	177
19-2716	Amended	Ch.141	-	390
19-3023	Referred to	Ch. 42	-	177
Ch.49	Referred to	Ch.220	-	661
19-5307	Amended	Ch.292	-	885
19-5610	New Section Added	Ch. 48	-	195
Ch.59	Referred to	Ch.220	-	679
19-5903	Amended	Ch.220	-	675
19-5904	New Section Added	Ch.220	-	675

19-5904	Repealed	Ch.220 -	675
19-5905	Amended	Ch.220 -	676
19-5908	Redesignated from 19-863A	Ch.220 -	677
19-5908	Referred to	Ch.220 -	677
Ch.60	Referred to	Ch.220 -	667
Ch.60	Referred to	Ch.220 -	679
19-6001	New Section Added	Ch.179 -	482
19-6001	New Section Added	Ch.220 -	661
19-6001	New Section Added	Ch.263 -	788
19-6002	New Section Added	Ch.179 -	483
19-6002	New Section Added	Ch.220 -	661
19-6002	New Section Added	Ch.263 -	788
19-6003	New Section Added	Ch.179 -	483
19-6003	New Section Added	Ch.220 -	662
19-6003	New Section Added	Ch.263 -	789
19-6004	New Section Added	Ch.179 -	484
19-6004	New Section Added	Ch.220 -	662
19-6005	New Section Added	Ch.220 -	663
19-6006	New Section Added	Ch.220 -	664
19-6007	New Section Added	Ch.220 -	664
19-6008	New Section Added	Ch.220 -	665
19-6009	Redesignated from 19-852	Ch.220 -	670
19-6010	Redesignated from 19-853	Ch.220 -	670
19-6011	Redesignated from 19-854	Ch.220 -	671
19-6012	Redesignated from 19-855	Ch.220 -	672
19-6013	Redesignated from 19-857	Ch.220 -	672
19-6014	Redesignated from 19-861	Ch.220 -	672
19-6015	Redesignated from 19-858	Ch.220 -	673
19-6016	Redesignated from 19-864	Ch.220 -	673
19-6017	Redesignated from 19-865	Ch.220 -	673
19-6018	Redesignated from 19-866	Ch.220 -	673
19-6019	New Section Added	Ch.220 -	674
TITLE 20			
20-212	Amended	Ch.314 -	963
20-514	Amended	Ch.220 -	682
20-525A	Amended	Ch.237 -	734
20-605	Amended	Ch. 32 -	161
20-1016	Amended	Ch. 18 -	129
TITLE 22			
22-1703	Referred to	Ch. 28 -	144
22-2019	Referred to	Ch. 26 -	142
22-2405	Amended	Ch. 30 -	148
22-2726	Amended	Ch.218 -	609
22-2727	Referred to	Ch.188 -	517
22-2733	Referred to	Ch.188 -	517
22-2734	Referred to	Ch.188 -	517
TITLE 23			
23-217	Referred to	Ch.201 -	563
23-903	Amended	Ch.100 -	296
23-903	Amended	Ch.201 -	559
TITLE 25			
25-2401	Amended	Ch.261 -	782
25-2402	Amended	Ch.261 -	783
25-2405	Amended	Ch.261 -	785
25-2703	Amended	Ch. 28 -	144

25-3701	Referred to	Ch.150 -	405
TITLE 26			
26-2155	Amended	Ch.235 -	729
Ch.31	Referred to	Ch. 65 -	226
TITLE 31			
31-870	Amended	Ch. 23 -	133
31-881	New Section Added	Ch. 55 -	207
31-2127	New Section Added	Ch. 19 -	130
31-3201A	Amended	Ch. 79 -	269
31-3201B	Amended	Ch. 78 -	266
31-3201H	Amended	Ch. 78 -	267
31-3201I	Amended	Ch.220 -	684
31-3204	Amended	Ch. 78 -	267
31-3302	Amended	Ch. 32 -	161
31-3503	Amended	Ch. 32 -	162
Ch.36	Referred to	Ch.263 -	788
Ch.37	Referred to	Ch.263 -	788
TITLE 32			
Ch.11	Referred to	Ch.228 -	704
32-1410	Amended	Ch. 78 -	267
TITLE 33			
33-141	New Section Added	Ch.148 -	402
33-320	Referred to	Ch.276 -	830
33-356	Amended	Ch. 15 -	65
33-501	Amended	Ch.241 -	740
33-511	Amended	Ch. 15 -	67
33-512	Referred to	Ch.107 -	314
33-512D	Amended	Ch.147 -	401
33-906	Referred to	Ch.225 -	697
33-909	Amended	Ch. 15 -	68
33-911	New Section Added	Ch.200 -	542
33-911	Referred to	Ch.289 -	881
33-1001	Referred to	Ch.118 -	340
33-1001	Referred to	Ch.268 -	803
33-1002	Referred to	Ch.243 -	744
33-1002G	Amended	Ch.271 -	814
33-1004B	Referred to	Ch.276 -	830
33-1004E	Amended	Ch.224 -	695
33-1004E	Amended	Ch.277 -	831
33-1017	Amended	Ch. 15 -	71
33-1018	Referred to	Ch.279 -	838
33-1201	Amended	Ch.175 -	477
33-1203	Amended	Ch.175 -	478
33-1212A	Referred to	Ch.243 -	744
33-1224	Amended	Ch.246 -	761
33-1402	Amended	Ch.156 -	420
33-1403	Amended	Ch.156 -	422
33-1404	Amended	Ch.156 -	422
33-1405	Amended	Ch.156 -	423
33-1406	Amended	Ch.156 -	424
33-1409	New Section Added	Ch.156 -	424
33-1410	New Section Added	Ch.156 -	425
33-1609	Amended	Ch.190 -	521
33-1613	Amended	Ch. 15 -	75
33-1614	New Section Added	Ch. 50 -	197

33-1614	New Section Added	Ch.243 -	743
33-1617	Referred to	Ch.278 -	835
33-2107A	Amended	Ch.194 -	532
33-2214	New Section Added	Ch.231 -	715
33-2215	New Section Added	Ch.231 -	716
33-4302	Amended	Ch.218 -	609
33-4302	Amended	Ch.260 -	779
33-4303	Amended	Ch.174 -	469
33-4303	Amended	Ch.272 -	820
	(as amended by Sec. 7, H 24, Laws of 2023)		
33-4305	Amended	Ch.272 -	819
	(as amended by Sec. 4, H 24, Laws of 2023)		
33-4305	Amended and Redesignated 72-1206	Ch.174 -	464
Ch.46	Referred to	Ch.278 -	836
33-4602	Amended	Ch.174 -	465
33-4605	Amended	Ch.174 -	468
33-5202A	Amended	Ch.268 -	798
33-5203	Amended	Ch.268 -	799
33-5205	Amended	Ch.268 -	800
33-5205B	Amended	Ch.268 -	803
33-5206	Amended	Ch.268 -	803
33-5209A	Amended	Ch.268 -	808
33-5209B	Amended	Ch.268 -	808
33-5215	Amended	Ch.271 -	815
33-5217	New Section Added	Ch.117 -	337
33-5217	Repealed	Ch.117 -	337
33-5218	Amended	Ch.118 -	339
Ch.55	Referred to	Ch.278 -	835
33-5603	Amended	Ch. 36 -	170
33-5604	Amended	Ch. 36 -	171
33-5605	Amended	Ch. 36 -	172
33-6001	Amended	Ch.107 -	313
33-6401	Amended	Ch.147 -	400
33-6601	New Section Added	Ch.120 -	343
33-6601	New Section Added	Ch.239 -	737
33-6602	New Section Added	Ch.120 -	344
33-6602	New Section Added	Ch.239 -	737
33-6603	New Section Added	Ch.120 -	344
33-6603	New Section Added	Ch.239 -	738
33-6604	New Section Added	Ch.120 -	344
33-6605	New Section Added	Ch.120 -	345
33-6606	New Section Added	Ch.120 -	345
33-6607	New Section Added	Ch.120 -	345
72-1206	Redesignated from 33-4305	Ch.174 -	464
TITLE 34			
Ch.1	Referred to	Ch.220 -	662
34-102	Amended	Ch.208 -	574
34-106	Amended	Ch.200 -	543
34-106	Amended	Ch.208 -	574
34-106	Amended	Ch.218 -	611
34-218	Amended	Ch. 20 -	130
34-219	Amended and Redesignated 34-220	Ch.218 -	612
	(as enacted by Sec. 1, Ch. 73, Laws of 2022)		
34-220	Redesignated from 34-219	Ch.218 -	612
	(as enacted by Sec. 1, Ch. 73, Laws of 2022)		

34-220	Referred to	Ch.208	-	574
34-404	Amended	Ch.293	-	887
34-408	Amended	Ch.293	-	887
34-408A	Amended	Ch.293	-	888
34-410	Amended	Ch.293	-	888
34-411	Amended	Ch.293	-	889
34-411A	Amended	Ch.208	-	576
34-416	Repealed	Ch.293	-	890
34-601	Amended	Ch.208	-	576
34-701	Amended	Ch.218	-	613
34-702A	Amended	Ch.249	-	766
34-704	Amended	Ch.179	-	484
34-713	Amended	Ch.208	-	576
34-731	Repealed	Ch.208	-	576
34-732	Repealed	Ch.208	-	576
34-733	Repealed	Ch.208	-	577
34-734	Repealed	Ch.208	-	577
34-735	Repealed	Ch.208	-	577
34-736	Repealed	Ch.208	-	577
34-737	Repealed	Ch.208	-	577
34-738	Repealed	Ch.208	-	577
34-903B	New Section Added	Ch.135	-	379
34-904A	Amended	Ch.208	-	577
34-905	Amended	Ch.210	-	587
34-913	Amended	Ch.282	-	842
34-914	Amended	Ch.282	-	843
34-1006	Referred to	Ch.293	-	888
34-1012	Referred to	Ch.293	-	887
34-1113	Amended	Ch.27	-	143
34-1203A	Amended	Ch.2	-	3
34-1203A	Amended	Ch.208	-	578
34-1205	Amended	Ch.208	-	580
TITLE 36				
36-104	Referred to	Ch.166	-	448
36-201	Amended	Ch.138	-	382
36-413	Amended	Ch.58	-	216
36-416	Amended	Ch.57	-	211
36-416	Referred to	Ch.58	-	216
36-507	New Section Added	Ch.166	-	448
36-601	Referred to	Ch.57	-	215
36-602	Amended	Ch.57	-	215
36-701	Amended	Ch.150	-	404
36-709	Referred to	Ch.150	-	405
Ch.21	Referred to	Ch.74	-	254
Ch.21	Referred to	Ch.109	-	322
36-2102	Amended	Ch.152	-	406
36-2107	Amended	Ch.152	-	408
36-2108	Amended	Ch.152	-	409
36-2109	Amended	Ch.152	-	411
36-2113	Amended	Ch.152	-	412
36-2120	Amended	Ch.152	-	413
TITLE 37				
37-1101	Amended	Ch.113	-	330
37-1102	New Section Added	Ch.113	-	332
37-2705	Referred to	Ch.28	-	144

37-2705	Amended	Ch. 13	-	316
37-2711	Amended	Ch. 13	-	52
37-2713	Amended	Ch. 13	-	59
37-2732	Referred to	Ch. 108	-	61
Ch. 28	Referred to	Ch. 180	-	491
TITLE 39				
39-105	Amended	Ch. 153	-	415
39-107	Amended	Ch. 314	-	964
39-107	Referred to	Ch. 73	-	248
39-108	Referred to	Ch. 73	-	249
39-245A	Referred to	Ch. 144	-	394
39-255	Referred to	Ch. 228	-	706
39-255A	New Section Added	Ch. 228	-	706
39-260	Referred to	Ch. 228	-	707
39-260A	New Section Added	Ch. 228	-	707
39-269	Amended	Ch. 203	-	567
39-414	Amended	Ch. 218	-	613
39-414A	Amended	Ch. 218	-	615
39-701	New Section Added	Ch. 123	-	356
39-702	New Section Added	Ch. 123	-	356
39-703	New Section Added	Ch. 123	-	356
39-1103	Amended	Ch. 299	-	909
39-1118	Amended	Ch. 72	-	240
39-1301	Referred to	Ch. 158	-	427
39-2402	Referred to	Ch. 158	-	427
39-2501	New Section Added	Ch. 60	-	217
39-2502	New Section Added	Ch. 60	-	218
39-2503	New Section Added	Ch. 60	-	218
39-2504	New Section Added	Ch. 60	-	219
39-2505	New Section Added	Ch. 60	-	219
39-2506	New Section Added	Ch. 60	-	220
39-2507	New Section Added	Ch. 60	-	220
39-2508	New Section Added	Ch. 60	-	220
39-2509	New Section Added	Ch. 60	-	221
39-2510	New Section Added	Ch. 60	-	221
39-2511	New Section Added	Ch. 60	-	221
39-2512	New Section Added	Ch. 60	-	221
39-2513	New Section Added	Ch. 60	-	221
39-2701	New Section Added	Ch. 151	-	405
Ch. 33	Referred to	Ch. 293	-	890
39-3302	Referred to	Ch. 158	-	427
39-3316	Amended	Ch. 202	-	564
39-3502	Referred to	Ch. 158	-	427
39-4001	Amended	Ch. 15	-	77
39-4011	Amended	Ch. 15	-	77
39-4103	Amended	Ch. 15	-	78
39-4104	Amended	Ch. 15	-	79
39-4105	Amended	Ch. 15	-	79
39-4107	Amended	Ch. 15	-	80
39-4113	Amended	Ch. 15	-	81
39-4301	Amended	Ch. 15	-	83
39-4501	Amended	Ch. 307	-	922
39-4502	Amended	Ch. 12	-	50
39-4502	Amended	Ch. 307	-	922
39-4502	Referred to	Ch. 123	-	356

39-4503	Amended	Ch. 307	-	924
39-4504	Amended	Ch. 307	-	925
39-4505	Amended	Ch. 307	-	925
39-4506	Amended	Ch. 307	-	926
39-4507	Amended	Ch. 307	-	926
39-4508	Amended	Ch. 307	-	927
39-4509	Amended	Ch. 307	-	927
39-4510	New Section Added	Ch. 307	-	928
39-4510	Repealed	Ch. 307	-	928
39-4511A	Amended	Ch. 307	-	928
39-4511B	Amended	Ch. 307	-	929
39-4512	Amended	Ch. 307	-	929
39-4512A	Amended	Ch. 307	-	929
39-4512B	Amended	Ch. 307	-	930
39-4512C	Amended	Ch. 307	-	930
39-4513	Amended	Ch. 307	-	931
39-4514	Amended	Ch. 307	-	932
39-4515	Amended	Ch. 307	-	934
39-4516	Amended	Ch. 307	-	935
39-4604	Referred to	Ch. 158	-	427
39-5301A	Amended	Ch. 158	-	426
39-5302	Amended	Ch. 158	-	427
39-5303	Amended	Ch. 158	-	429
39-5303A	Amended	Ch. 158	-	431
39-5304	Amended	Ch. 158	-	431
39-5305	Amended	Ch. 158	-	432
39-5306	Amended	Ch. 158	-	433
39-5307	Amended	Ch. 158	-	434
39-5308	Amended	Ch. 158	-	434
39-5309	New Section Added	Ch. 158	-	434
39-5309	Repealed	Ch. 158	-	434
39-5310	Amended	Ch. 158	-	435
39-6102	Amended	Ch. 31	-	150
39-6105	Amended	Ch. 31	-	150
39-6106	Amended	Ch. 31	-	151
39-6107	Amended	Ch. 31	-	152
39-6108	Amended	Ch. 31	-	153
39-6111	Amended	Ch. 31	-	154
39-6111A	Amended	Ch. 31	-	155
39-6111B	Amended	Ch. 31	-	155
39-6114	Amended	Ch. 31	-	156
39-6114A	Amended	Ch. 31	-	158
39-6116	Amended	Ch. 31	-	159
39-6303	Referred to	Ch. 75	-	256
39-6502	Referred to	Ch. 26	-	142
39-6801	New Section Added	Ch. 73	-	241
39-6802	New Section Added	Ch. 73	-	241
39-6803	New Section Added	Ch. 73	-	242
39-6804	New Section Added	Ch. 73	-	244
39-6805	New Section Added	Ch. 73	-	245
39-6806	New Section Added	Ch. 73	-	246
39-6807	New Section Added	Ch. 73	-	249
39-7110	Referred to	Ch. 26	-	142
39-8001	Amended	Ch. 15	-	83
39-8004	Amended	Ch. 15	-	83

39-8005	Repealed	Ch. 15	-	84
39-8006A	Amended	Ch. 15	-	84
39-8008	Amended	Ch. 15	-	84
39-8010	Amended	Ch. 15	-	86
39-8603	Amended	Ch. 15	-	86
39-8608	Amended	Ch. 15	-	87
39-8623	Amended	Ch. 15	-	88
Ch. 97	Heading Amended and Redesignated Ch.98.	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
Ch. 97	Heading Amended and Redesignated Ch.99.	Ch.218	-	616
	(as amended by Sec. 1, Ch. 80, Laws of 2022)			
Ch. 97	Heading Amended and Redesignated Ch.98.	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9701	Amended	Ch.236	-	733
39-9701	Amended and Redesignated 39-9801	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9701	Amended and Redesignated 39-9901	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 80 Laws of 2022)			
39-9701	Amended and Redesignated 39-9801	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9701	Referred to	Ch.211	-	589
39-9702	Amended and Redesignated 39-9802	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9702	Amended and Redesignated 39-9902	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)			
39-9702	Amended and Redesignated 39-9802	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9703	Amended and Redesignated 39-9803	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9703	Amended and Redesignated 39-9903	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)			
39-9703	Amended and Redesignated 39-9803	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9704	Amended and Redesignated 39-9904	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)			
Ch. 98	Heading Redesignated from Ch.97	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
Ch. 98	Heading Redesignated from Ch.97	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9801	Redesignated from 39-9701	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9801	Redesignated from 39-9701	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9802	Redesignated from 39-9702	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9802	Redesignated from 39-9702	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9803	Redesignated from 39-9703	Ch.218	-	615
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9803	Redesignated from 39-9703	Ch.300	-	910
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
Ch. 99	Heading Redesignated from Ch.97	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 134, Laws of 2022)			
39-9901	Redesignated from 39-9701	Ch.218	-	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)			

39-9902	Redesignated from 39-9702	Ch.218 -	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)		
39-9903	Redesignated from 39-9703	Ch.218 -	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)		
39-9904	Redesignated from 39-9704	Ch.218 -	616
	(as enacted by Sec. 1, Ch. 80, Laws of 2022)		
TITLE 40			
40-104	Amended	Ch. 90 -	284
40-708	Amended	Ch.288 -	879
40-710	Repealed	Ch. 22 -	132
40-719	Amended	Ch. 38 -	173
40-720	Amended	Ch. 21 -	131
Ch.8	Referred to	Ch.288 -	879
40-1406	Amended	Ch.306 -	920
TITLE 41			
Title 41	Referred to	Ch.232 -	718
41-117	Referred to	Ch. 232 -	718
41-349	Amended	Ch. 232 -	717
41-1016	Referred to	Ch.232 -	718
41-1026	Referred to	Ch.232 -	718
41-6203	Referred to	Ch.106 -	312
41-6601	New Section Added	Ch.233 -	719
41-6602	New Section Added	Ch.233 -	719
41-6603	New Section Added	Ch.233 -	719
41-6604	New Section Added	Ch.233 -	722
41-6605	New Section Added	Ch.233 -	722
TITLE 42			
42-203A	Referred to	Ch. 97 -	292
42-204A	New Section Added	Ch. 97 -	292
42-230	Referred to	Ch. 97 -	292
42-230	Referred to	Ch.251 -	768
42-1760	Amended	Ch. 96 -	290
42-1760	Referred to	Ch.302 -	912
42-3106	Amended	Ch. 56 -	208
42-3109	Amended	Ch. 56 -	208
42-3111	Amended	Ch. 56 -	209
42-3112	Amended	Ch. 56 -	211
42-3118	Referred to	Ch. 56 -	208
TITLE 44			
44-2101A	Amended	Ch. 15 -	88
44-2103	Amended	Ch. 15 -	88
44-2104	Amended	Ch. 15 -	89
44-2106	Amended	Ch. 15 -	89
44-2108	Amended	Ch. 15 -	90
44-2201	Amended	Ch. 15 -	90
44-2202	Amended	Ch. 15 -	91
44-2501	Amended	Ch. 15 -	91
44-2502	Amended	Ch. 15 -	91
44-2504	Amended	Ch. 15 -	92
TITLE 45			
45-1506C	Amended	Ch.266 -	793
45-1602	Amended	Ch.266 -	796
TITLE 47			
47-310	Amended	Ch.283 -	844
47-314	Amended	Ch.283 -	848

47-315	Amended	Ch.283	-	849
47-316	Amended	Ch.283	-	851
47-317	Amended	Ch.283	-	852
47-318	Repealed	Ch.283	-	854
47-319	Referred to	Ch.283	-	856
47-320	Amended	Ch.283	-	855
47-321	Amended	Ch.283	-	858
47-324	Amended	Ch.283	-	861
47-326	Amended	Ch.283	-	862
47-327	Amended	Ch.283	-	862
47-328	Amended	Ch.283	-	863
47-331	Amended	Ch.283	-	865
47-332	Referred to	Ch.283	-	856
47-333	Referred to	Ch.283	-	856
47-334	Amended	Ch.283	-	866
47-701	Referred to	Ch.251	-	768
TITLE 48				
Ch.6	Referred to	Ch.242	-	742
Ch.6	Referred to	Ch.247	-	763
48-603G	Amended	Ch.106	-	311
48-1509	Amended	Ch.210	-	588
48-2001	New Section Added	Ch.242	-	741
48-2002	New Section Added	Ch.242	-	741
48-2003	New Section Added	Ch.242	-	741
48-2004	New Section Added	Ch.242	-	742
48-2005	New Section Added	Ch.242	-	742
48-2006	New Section Added	Ch.242	-	742
48-2007	New Section Added	Ch.242	-	742
48-2008	New Section Added	Ch.242	-	743
TITLE 49				
Title 49	Referred to	Ch.293	-	889
49-202	Amended	Ch.286	-	871
49-302	Amended	Ch. 17	-	123
49-303	Amended	Ch. 17	-	125
49-307	Amended	Ch. 17	-	126
49-315	Amended	Ch.293	-	890
49-319	Amended	Ch. 9	-	31
49-335	Amended	Ch. 4	-	7
49-402B	Amended	Ch. 51	-	198
49-402C	Referred to	Ch. 29	-	147
49-403	Amended	Ch. 16	-	120
49-405	Amended	Ch. 29	-	147
49-410	Amended	Ch. 16	-	121
49-432	Amended	Ch. 3	-	5
49-434	Referred to	Ch. 51	-	198
49-435	Referred to	Ch. 51	-	198
Ch.5	Referred to	Ch. 23	-	133
49-504	Amended	Ch. 68	-	229
49-639	Amended	Ch. 94	-	288
49-673	Amended	Ch. 32	-	163
49-944	Amended	Ch.112	-	329
49-1234	Amended	Ch.286	-	875
49-1613	Amended	Ch. 68	-	231
49-1614	Amended	Ch.122	-	347
49-1615	Referred to	Ch.122	-	350

49-1617	New Section Added	Ch.122	-	350
49-1617	Repealed	Ch.122	-	350
49-1617A	New Section Added	Ch.122	-	354
49-1617B	New Section Added	Ch.122	-	355
49-2444	Amended	Ch.218	-	617
49-2444	Amended	Ch.293	-	892
TITLE 50				
50-346	New Section Added	Ch. 55	-	207
50-704	Amended	Ch. 93	-	288
50-1304	Amended	Ch.140	-	384
50-2903	Amended	Ch.308	-	942
50-2909	Referred to	Ch.308	-	942
TITLE 51				
51-120	Referred to	Ch.104	-	309
TITLE 54				
54-1001	New Section Added	Ch.244	-	745
54-1001	Repealed	Ch.244	-	745
54-1001B	Amended	Ch.244	-	745
54-1001C	Amended	Ch. 15	-	92
54-1001D	Amended	Ch. 15	-	93
54-1002	Amended	Ch. 15	-	93
54-1002	Amended	Ch.244	-	745
54-1003	Amended	Ch. 15	-	94
54-1003	Amended	Ch.244	-	746
54-1003A	Amended	Ch. 15	-	94
54-1003A	Amended	Ch.244	-	747
54-1004	Amended	Ch. 15	-	96
54-1005	Amended	Ch. 15	-	96
54-1005	Amended	Ch.244	-	748
54-1006	Amended	Ch.244	-	749
54-1007	Amended	Ch. 15	-	97
54-1007	Amended	Ch.244	-	750
54-1008	Amended	Ch.244	-	751
54-1010	Amended	Ch. 15	-	98
54-1010	Amended	Ch.244	-	752
54-1013	Amended	Ch.244	-	753
54-1014	Amended	Ch. 15	-	98
54-1014	Amended	Ch.244	-	753
54-1016	Amended	Ch.244	-	754
54-1017	Amended	Ch. 15	-	99
54-1017	Amended	Ch.244	-	757
54-1019	Amended	Ch. 15	-	99
54-1142	Referred to	Ch.203	-	568
Ch.14	Referred to	Ch.307	-	923
54-1406A	Amended	Ch. 45	-	184
54-1705	Amended	Ch.218	-	620
54-1716	Amended	Ch. 6	-	10
54-1733	Amended	Ch.102	-	302
Ch.18	Referred to	Ch.307	-	923
54-1803	Amended	Ch. 12	-	48
54-1803	Referred to	Ch.307	-	924
54-1806	Amended	Ch. 12	-	49
54-1807	Amended	Ch. 12	-	50
54-1813	Amended	Ch.155	-	419
54-1867	New Section Added	Ch.101	-	301

54-1901	Amended	Ch. 15	-	100
54-1902	Amended	Ch. 15	-	102
54-2606	Amended	Ch. 15	-	102
54-2607	Amended	Ch. 15	-	103
54-2608	Amended	Ch. 15	-	104
54-2614	Amended	Ch. 15	-	105
54-2615	Amended	Ch. 15	-	105
54-2616	Amended	Ch. 15	-	105
54-2617	Amended	Ch. 15	-	106
54-2618	Amended	Ch. 15	-	107
54-2619	Amended	Ch. 15	-	107
54-2620	Amended	Ch. 15	-	107
54-2622A	Amended	Ch. 15	-	108
54-2624	Amended	Ch. 15	-	108
54-2626	Amended	Ch. 15	-	108
54-2627	Amended	Ch. 15	-	109
54-2628	Amended	Ch. 15	-	109
54-2629	Repealed	Ch. 15	-	109
54-2701	Amended	Ch. 238	-	736
54-2918A	Amended	Ch. 218	-	626
Ch. 34	Referred to	Ch. 48	-	195
Ch. 45	Referred to	Ch. 129	-	367
54-4503	Amended	Ch. 15	-	109
54-4511	Amended	Ch. 129	-	366
54-5005	Amended	Ch. 15	-	110
54-5006	Amended	Ch. 15	-	111
54-5011	Amended	Ch. 15	-	112
54-5012	Amended	Ch. 15	-	112
54-5015	Amended	Ch. 15	-	112
54-5016	Amended	Ch. 15	-	113
54-5020	Amended	Ch. 15	-	114
54-5021	Amended	Ch. 15	-	114
54-5022	Amended	Ch. 15	-	114
54-5023	Repealed	Ch. 15	-	115
54-5207	Amended	Ch. 218	-	639
Ch. 57	Heading Amended	Ch. 102	-	303
54-5701	Amended	Ch. 102	-	303
54-5702	New Section Added	Ch. 102	-	304
54-5702	Repealed	Ch. 102	-	303
54-5703	New Section Added	Ch. 102	-	304
54-5703	Referred to	Ch. 142	-	391
54-5703	Repealed	Ch. 102	-	304
54-5704	Amended	Ch. 102	-	304
54-5705	New Section Added	Ch. 102	-	305
54-5705	Repealed	Ch. 102	-	304
54-5706	Amended	Ch. 102	-	305
54-5707	Amended	Ch. 102	-	305
54-5708	Amended	Ch. 102	-	305
54-5709	Amended	Ch. 102	-	305
54-5710	Amended	Ch. 102	-	306
54-5711	Amended	Ch. 102	-	306
54-5712	Amended	Ch. 102	-	306
54-5713	New Section Added	Ch. 102	-	306
54-5713	Repealed	Ch. 102	-	306
54-5714	New Section Added	Ch. 142	-	391

54-5802	Amended	Ch.218 -	640
54-5805	Amended	Ch.218 -	643
TITLE 55			
55-103	Amended	Ch.251 -	768
55-314	New Section Added	Ch. 67 -	228
55-616	Amended and Redesignated 55-617	Ch.218 -	643
	(as enacted by Sec. 1, Ch. 267, Laws of 2022)		
55-617	Redesignated from 55-616	Ch.218 -	643
	(as enacted by Sec. 1, Ch. 267, Laws of 2022)		
55-618	New Section Added	Ch.265 -	792
55-1528	Amended	Ch.247 -	763
55-2202	Amended	Ch. 15 -	115
55-2202	Amended	Ch.191 -	521
55-2205	Amended	Ch.191 -	523
55-2206	Amended	Ch.191 -	526
55-2207	Amended	Ch.191 -	526
55-3205	Amended	Ch.247 -	764
55-3212	New Section Added	Ch.265 -	792
TITLE 56			
56-201	Referred to	Ch.228 -	703
56-205	Amended	Ch.227 -	699
56-269	New Section Added	Ch.301 -	911
56-501	Repealed	Ch. 14 -	62
56-502	Repealed	Ch. 14 -	62
56-503	Repealed	Ch. 14 -	62
56-504	Repealed	Ch. 14 -	62
Ch.17	Heading Amended and Redesignated Ch.18.	Ch.218 -	644
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1701	Amended and Redesignated 56-1801	Ch.218 -	644
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1702	Amended and Redesignated 56-1802	Ch.218 -	645
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1703	Amended and Redesignated 56-1803	Ch.218 -	645
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1704	Amended and Redesignated 56-1804	Ch.218 -	646
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1705	Amended and Redesignated 56-1805	Ch.218 -	648
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
Ch.18	Heading Redesignated from Ch.17	Ch.218 -	644
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1801	Redesignated from 56-1701	Ch.218 -	644
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1802	Redesignated from 56-1702	Ch.218 -	645
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1803	Redesignated from 56-1703	Ch.218 -	645
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1804	Redesignated from 56-1704	Ch.218 -	646
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
56-1805	Redesignated from 56-1705	Ch.218 -	648
	(as enacted by Sec. 2, Ch. 200, Laws of 2022)		
TITLE 57			
57-127	Referred to	Ch. 19 -	130
57-810	New Section Added	Ch.200 -	544
57-811	Amended	Ch.218 -	648
57-811	New Section Added	Ch.200 -	545

57-811	Repealed	Ch.200 -	545
57-813	Repealed	Ch. 32 -	164
57-827	Amended	Ch.200 -	546
57-827	Amended	Ch.220 -	685
TITLE 58			
58-104A	Referred to	Ch.283 -	844
58-156	New Section Added	Ch. 80 -	273
TITLE 59			
59-401	Referred to	Ch. 56 -	209
59-502	Amended	Ch.294 -	895
59-509	Referred to	Ch.220 -	663
59-1302	Referred to	Ch. 91 -	287
59-1303	Amended	Ch.218 -	649
59-1356	Amended	Ch. 91 -	285
59-1603	Amended	Ch. 53 -	203
59-1607	Amended	Ch. 7 -	26
TITLE 60			
60-106A	Amended	Ch. 49 -	195
TITLE 61			
61-215	Amended	Ch.270 -	812
TITLE 62			
62-1104	New Section Added	Ch.140 -	386
TITLE 63			
63-102	Amended	Ch.270 -	812
63-208	Amended	Ch.285 -	870
63-308	Amended	Ch. 35 -	169
63-602	Amended	Ch.149 -	403
63-602L	Referred to	Ch.285 -	870
63-602N	Referred to	Ch.149 -	403
63-701	Referred to	Ch.265 -	792
63-705	Amended	Ch.200 -	546
63-705A	Amended	Ch.137 -	381
63-724	New Section Added	Ch.200 -	547
63-902	Amended	Ch.200 -	549
63-1803	Referred to	Ch.265 -	792
63-2506	Referred to	Ch.278 -	835
63-2520	Amended	Ch.139 -	383
63-2552	Amended	Ch.291 -	882
63-2552A	Amended	Ch.291 -	882
63-2552A	Referred to	Ch.278 -	835
63-3004	Amended	Ch. 1 -	3
63-3022D	Amended	Ch.290 -	881
63-3024B	Amended	Ch.200 -	551
63-3027	Referred to	Ch. 33 -	168
63-3029B	Amended	Ch. 33 -	165
63-3042A	Amended	Ch. 34 -	168
63-3067	Referred to	Ch.278 -	835
63-3620F	Amended	Ch.200 -	552
63-3621	Amended	Ch. 47 -	191
63-3622VV	Referred to	Ch.308 -	943
63-3634A	Amended	Ch. 9 -	33
63-3638	Amended	Ch. 43 -	177
63-3638	Amended	Ch. 46 -	186
63-3638	Amended	Ch.174 -	472
63-3638	Amended	Ch.200 -	552

63-3638	Amended	Ch.234 -	723
	(as amended by Sec. 15, H 292, Laws of 2023)		
63-3638	Referred to	Ch. 21 -	132
63-3638	Referred to	Ch.119 -	342
63-3638	Referred to	Ch.289 -	881
63-3642	New Section Added	Ch.119 -	342
63-3706	Amended	Ch.168 -	453
TITLE 67			
67-465	Amended	Ch.305 -	919
67-1001	Amended	Ch. 52 -	199
67-1085	New Section Added	Ch. 52 -	200
67-1210	Referred to	Ch. 19 -	130
67-1210A	Referred to	Ch. 19 -	130
67-1406	Amended	Ch.182 -	496
67-1406	Amended	Ch.220 -	678
67-1605A	New Section Added	Ch.309 -	946
67-2312	Amended	Ch. 15 -	116
67-2313	Amended	Ch. 15 -	117
67-2314	Amended	Ch. 15 -	117
67-2316	Amended	Ch. 15 -	117
67-2317	Amended	Ch. 15 -	117
67-2318	Amended	Ch. 15 -	118
67-2347	New Section Added	Ch.129 -	367
67-2359	New Section Added	Ch.253 -	770
67-2601	Amended	Ch.182 -	497
67-2601	Amended	Ch.220 -	678
67-2739	Amended	Ch.235 -	730
67-2802A	Amended	Ch.144 -	394
67-2803	Amended	Ch.165 -	444
67-2806	Amended	Ch.165 -	445
67-2901B	Amended	Ch. 15 -	118
67-2922	Amended	Ch.218 -	650
67-3004	Amended	Ch.108 -	315
67-3516	Referred to	Ch.110 -	325
67-3519	Amended	Ch. 6 -	11
67-3536	New Section Added	Ch.154 -	418
67-4304	Amended	Ch.218 -	652
67-4305	Amended	Ch.218 -	652
67-4306	Amended	Ch.218 -	652
67-4313	New Section Added	Ch.176 -	478
67-4516	New Section Added	Ch.219 -	659
67-5004	Referred to	Ch.158 -	427
Ch.52	Referred to	Ch. 80 -	273
Ch.52	Referred to	Ch.122 -	351
Ch.52	Referred to	Ch.158 -	435
Ch.52	Referred to	Ch.182 -	502
Ch.52	Referred to	Ch.220 -	666
Ch.52	Referred to	Ch.309 -	946
67-5201	Amended	Ch.314 -	956
67-5206	Amended	Ch.314 -	958
67-5207A	New Section Added	Ch.252 -	769
67-5222	Amended	Ch.314 -	959
67-5224	Amended	Ch.314 -	960
67-5226	Amended	Ch.314 -	961
67-5228	Referred to	Ch.314 -	963

67-5245	Referred to	Ch.122	-	351
67-5279	Referred to	Ch.235	-	730
67-5279	Referred to	Ch.235	-	732
67-5280	Referred to	Ch.182	-	497
67-5280	Referred to	Ch.182	-	502
67-5281	Amended	Ch.182	-	498
67-5282	Amended	Ch.182	-	498
67-5283	Amended	Ch.182	-	499
67-5286	Referred to	Ch.182	-	502
67-5291	New Section Added	Ch.314	-	962
67-5291	Repealed	Ch.314	-	962
67-5292	Amended	Ch.314	-	963
67-5302	Amended	Ch. 7	-	13
67-5302	Amended	Ch. 8	-	27
67-5302	Amended	Ch. 11	-	44
67-5303	Amended	Ch. 7	-	16
67-5303	Amended	Ch.182	-	500
67-5303	Amended	Ch.218	-	653
67-5303	Amended	Ch.220	-	679
67-5307	Amended	Ch. 6	-	11
67-5308	Amended	Ch.218	-	654
67-5309	Amended	Ch. 7	-	18
67-5309B	Amended	Ch. 53	-	201
67-5309D	Amended	Ch. 53	-	202
67-5311	Amended	Ch. 7	-	21
67-5312	Amended	Ch. 7	-	22
67-5328	Amended	Ch. 7	-	22
67-5333	Amended	Ch. 7	-	23
67-5333B	Repealed	Ch. 7	-	25
67-5340	Amended	Ch. 7	-	25
Ch.57	Referred to	Ch.129	-	367
67-5711A	Amended	Ch.129	-	368
67-5711C	Amended	Ch.129	-	368
67-5761	Amended	Ch. 76	-	262
67-5771A	Amended	Ch.240	-	739
67-6511	Amended	Ch.140	-	386
67-6519	Amended	Ch.140	-	388
Ch.66	Referred to	Ch.220	-	662
67-7008	Amended	Ch. 74	-	250
67-7008A	Amended	Ch. 74	-	253
67-7033	Referred to	Ch. 74	-	255
67-8204A	Referred to	Ch.146	-	399
67-8205	Amended	Ch.146	-	399
67-8902	Amended	Ch. 24	-	134
67-8903	Amended	Ch. 24	-	135
67-8905	Amended	Ch. 24	-	136
67-8908	Amended	Ch. 24	-	137
67-8925	Amended	Ch. 24	-	139
67-8926	Amended	Ch. 24	-	139
Ch.92	Referred to	Ch.129	-	367
Ch.92	Referred to	Ch.189	-	519
Ch.92	Referred to	Ch.279	-	839
67-9203	Amended	Ch.129	-	369
67-9210	Amended	Ch.129	-	370
67-9221	Referred to	Ch.189	-	519

67-9225	Amended	Ch.129 -	371
67-9403	Amended	Ch.124 -	357
67-9408	Amended	Ch.111 -	325
67-9409	Amended	Ch.124 -	357
67-9411	Amended	Ch.124 -	358
67-9411	Referred to	Ch. 48 -	195
67-9414	New Section Added	Ch.124 -	359
TITLE 68			
Ch.5	Referred to	Ch.235 -	729
TITLE 70			
70-507	Amended	Ch. 95 -	289
TITLE 72			
72-503	Amended	Ch.270 -	813
72-519	Amended	Ch. 15 -	120
72-1204	Amended	Ch.272 -	817
	(as added by Sec. 2, H 24, Laws of 2023)		
72-1204	New Section Added	Ch.174 -	463
72-1205	Amended	Ch.272 -	818
	(as added by Sec. 3, H 24, Laws of 2023)		
72-1205	New Section Added	Ch.174 -	464
72-1366	Amended	Ch. 75 -	255
72-1383	New Section Added	Ch.250 -	767
TITLE 73			
73-501	New Section Added	Ch.313 -	953
73-502	New Section Added	Ch.313 -	953
73-503	New Section Added	Ch.313 -	954
73-504	New Section Added	Ch.313 -	955
TITLE 74			
74-101	Amended	Ch.256 -	773
74-101	Referred to	Ch.179 -	483
74-104	Amended	Ch.182 -	502
74-104	Amended	Ch.210 -	587
74-105	Amended	Ch.108 -	318
74-105	Amended	Ch.218 -	655
74-105	Amended	Ch.220 -	686
74-106	Amended	Ch.179 -	484
74-106	Amended	Ch.307 -	937
74-106	Referred to	Ch.293 -	890
74-206	Referred to	Ch.220 -	663
74-407	New Section Added	Ch.284 -	869

IDAHO CONSTITUTION

Art.1, Sec.4	Referred to	Ch.239 -	738
Art.1, Sec.9	Referred to	Ch.310 -	949
Art.1, Sec.11	Referred to	Ch.303 -	913
Art.1, Sec.13	Referred to	Ch.220 -	663
Art.1, Sec.16	Referred to	Ch.313 -	953
Art.I, Sec.22	Referred to	Ch.108 -	316
Art.VIII, Sec.1	Referred to	Ch. 66 -	228
Art.XVIII	Referred to	Ch.242 -	741

LAWS OF 2019

Ch.68, Sec.2	Repealed	Ch. 5 -	10
--------------	----------------	---------	----

LAWS OF 2022

Ch.1, Sec.15	Amended	Ch. 44 -	183
Ch.121, Sec.1	Referred to	Ch. 70 -	239
Ch.125, Sec.1	Referred to	Ch.127 -	363
Ch.126, Sec.3	Repealed	Ch.259 -	779
Ch.126, Sec.4	Repealed	Ch.259 -	779
Ch.169, Sec.2	Referred to	Ch.189 -	520
Ch.189, Sec.1	Referred to	Ch.302 -	912
Ch.300, Sec.1	Referred to	Ch.105 -	311
Ch.318, Sec.62	Repealed	Ch.200 -	545
Ch.318, Sec.63	Amended	Ch. 32 -	164
Ch.318, Sec.63	Amended	Ch.200 -	545

RULES

Department of Health and Welfare

IDAPA 16.03.22

Section 152.

Subsection 03.b.ix. Rejected HCR 5 - 980

Subsection 03.b.viii. Rejected HCR 5 - 980

Subsection 03.b.x. Rejected HCR 5 - 980

Division of Occupational and Professional Licenses

IDAPA 24.39.10

Section 100.

Subsection 05. Rejected HCR 13 - 986

Section 200.

Subsection 03.c. Rejected HCR 13 - 986

Subsection 03.c.i. Rejected HCR 13 - 986

Section 600. Rejected HCR 13 - 986

Idaho Department of Water Resources

IDAPA 37.02.03 Rejected SCR108 - 976

ACTS

American Rescue Plan Act Referred to Ch.213 - 595

American Rescue Plan Act Referred to Ch.214 - 598

Fair Labor Standards Act of 1938

Referred to Ch.227 - 700

Infrastructure Investment and Jobs Act of 2021

Referred to Ch.211 - 589

Social Security Act Referred to Ch.227 - 699

FEDERAL LAWS

7 U.S.C. 2015 Referred to Ch.227 - 699

18 U.S.C. 921 Referred to Ch.303 - 915

22 U.S.C. 7102 Referred to Ch. 4 - 8

42 U.S.C. 1983 Referred to Ch.239 - 738

42 U.S.C. 9605 Referred to Ch. 73 - 241

FEDERAL LEGISLATION

Title XIX of the Social Security Act, As Amended

Referred to Ch. 32 - 161

MISCELLANEOUS

34 CFR 300	Referred to	Ch.278 -	836
40 CFR 300	Referred to	Ch. 73 -	241
49 CFR 383	Referred to	Ch. 4 -	8
P.L. 99-499	Referred to	Ch. 73 -	241

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1005	Daycare, immunizations	Ch. 72	- 240
S 1010	Slow moving vehicles	Ch. 94	- 288
S 1013	Bunker Hill, inst controls prgm	Ch. 73	- 241
S 1015	Learning opps, full-time	Ch.147	- 400
S 1016aaH	Contractors, facilities, sex	Ch.144	- 394
S 1017	Boats, fees, penalties	Ch. 74	- 250
S 1019	Unemployment insurance	Ch. 75	- 255
S 1020	Group insurance, eligibility reqs	Ch. 76	- 261
S 1021	Priest Lake, outlet structures	Ch. 95	- 289
S 1022aa	Windshield, window standards	Ch.112	- 329
S 1023	Office of admin hearings	Ch.182	- 496
S 1024	Commutations and pardons	Ch. 18	- 129
S 1027	Interpreters, witness subpoenas	Ch. 77	- 264
S 1028	Vulnerable adults, maltreatment	Ch.158	- 426
S 1029	Child protection, immunizations	Ch. 10	- 33
S 1030	Immigration law, enforcement	Ch.263	- 788
S 1031	Tax exemption, water rights	Ch.149	- 403
S 1032	Water management account, projects	Ch. 96	- 290
S 1033	Ground water, irrigation	Ch. 97	- 292
S 1034	Court fees, deadlines	Ch. 78	- 264
S 1035	Court fees, change of venue	Ch. 79	- 269
S 1036	Raw milk	Ch.113	- 330
S 1039aa	Property, reasonable fees	Ch. 67	- 228
S 1041	County treasurer, investments	Ch. 19	- 130
S 1042aa	Public charter school program	Ch.118	- 339
S 1043	Public charter school loan fund	Ch.117	- 337
S 1044	Codifier's corrections	Ch.218	- 603
S 1046	Golf course, liquor license	Ch.100	- 296
S 1049	Endowment land, notice, restriction	Ch. 80	- 273
S 1051	Outfitters, guides, liability	Ch.109	- 322
S 1054	PERSI, reemployment	Ch. 91	- 285
S 1059	Judicial, address confidential	Ch.179	- 482
S 1061	Natural gas, petroleum pipelines	Ch.140	- 384
S 1064	Motor vehicles, temp permits	Ch. 68	- 229
S 1069	Teacher apprenticeships	Ch.175	- 477
S 1070aaH	Career technical centers	Ch.271	- 814
S 1072	Disinternment, who attends	Ch.203	- 567
S 1083	Political subdivisions, purchasing	Ch.165	- 444
S 1084aa	Wildlife, exhibitor license	Ch.150	- 404
S 1085	Outfitters and guides, licensing	Ch.152	- 406
S 1086	Tort claims, minors, govt entities	Ch.178	- 481
S 1087	Criminal forfeiture	Ch.180	- 489
S 1092	Uniform electronic wills	Ch.104	- 308

S 1094	International medical graduates	Ch.155 -	419
S 1096	Alzheimer's disease, dementias	Ch.151 -	405
S 1097	Medicaid mgmt info systems ded fund	Ch.154 -	418
S 1098aa	Env quality, director, contracts	Ch.153 -	414
S 1100aa	Public schools, privacy, safety	Ch.120 -	343
S 1105	Sex offender registration	Ch.181 -	494
S 1109	Sunrise, sunset review	Ch.111 -	325
S 1112	Bear Lake, preservation	Ch.176 -	478
S 1113	Approp, H&W psych hosp, add'l	Ch. 81 -	274
S 1114	Development impact fees	Ch.146 -	399
S 1115	Approp, SAPD, add'l	Ch. 92 -	287
S 1116	Approp, historical society, add'l	Ch. 82 -	276
S 1117	Approp, lands, add'l	Ch.157 -	425
S 1120	Transfer of liquor licenses, limit	Ch.201 -	559
S 1123	Approp, fund correct, add'l	Ch. 83 -	276
S 1125	Open enrollment	Ch.156 -	420
S 1127	State dinosaur designated	Ch.219 -	659
S 1129	Approp, commerce, add'l	Ch. 84 -	278
S 1130	Coronavirus stop act	Ch.313 -	953
S 1131	Approp, attorney general, add'l	Ch. 98 -	294
S 1132	Approp, PERSI, orig	Ch. 85 -	279
S 1133	Approp, species conservation, orig	Ch. 86 -	280
S 1134	Approp, aging com, orig	Ch. 87 -	281
S 1135	Approp, insurance, orig	Ch. 88 -	282
S 1136	Approp, STEM action center, orig	Ch. 89 -	283
S 1137	Approp, administration, add'l	Ch.130 -	372
S 1138	Approp, blind com, orig	Ch. 99 -	295
S 1139	Approp, exec office gov, orig	Ch.121 -	346
S 1140	Approp, dept of correction, add'l	Ch.105 -	311
S 1143	Antlers, horns, restrictions	Ch.166 -	448
S 1147	Approp, edu bd, hlth prgms, orig	Ch.110 -	323
S 1148	State judiciary, judicial council	Ch.210 -	585
S 1150	Approp, veterans srvs, orig	Ch.116 -	335
S 1152	Multistate tax compact, pro tem	Ch.168 -	453
S 1155	Approp, lieutenant gov, orig	Ch.114 -	333
S 1159	Approp, commerce, orig	Ch.177 -	479
S 1160	Approp, edu bd, comm college, orig	Ch.164 -	443
S 1164	Approp, labor, orig	Ch.163 -	440
S 1165	Approp, OITS, orig	Ch.159 -	436
S 1166	Approp, wolf depred control, orig	Ch.160 -	437
S 1167	Idaho launch grant program	Ch.272 -	816
S 1168	Approp, judicial branch, orig	Ch.273 -	822
S 1169	Approp, arts com, orig	Ch.161 -	438
S 1170	Approp, historical society, orig	Ch.162 -	439
S 1171	Approp, H&W fam comm srvs, orig	Ch.145 -	395
S 1173aa	Resistance by threatened party	Ch.295 -	896
S 1174	Approp, lands, orig	Ch.167 -	449
S 1175	Approp, H&W welfare division, orig	Ch.312 -	951
S 1176	Approp, edu bd, college univ, orig	Ch.170 -	455
S 1177	Approp, edu bd, special prgms, orig	Ch.169 -	453
S 1178	Approp, hispanic affairs com, orig	Ch.171 -	458
S 1179	Approp, work dev council, orig	Ch.172 -	459
S 1180	Approp, controller, orig	Ch.173 -	460
S 1181	Approp, water resources, orig	Ch.214 -	596
S 1182	Approp, H&W public hlth srvs, orig	Ch.209 -	580
S 1183	Approp, DEQ, orig	Ch.213 -	591

S 1184	Approp, tax com, orig	Ch.257 -	775
S 1189	Approp, transportation, orig	Ch.245 -	757
S 1190	Approp, military division, add'l	Ch.205 -	569
S 1192	Approp, energy resources, orig	Ch.211 -	588
S 1193	Approp, DEQ, trailer	Ch.207 -	573
S 1195	Approp, H&W medicaid, trailer	Ch.274 -	825
S 1196	Approp, parks & rec, transfers	Ch.212 -	590
S 1197	Approp, perm bldg fund, orig	Ch.275 -	827
S 1198	Approp, attorney gen, orig, FY 2024	Ch.255 -	771
S 1199	Approp, SAPD, orig	Ch.259 -	778
S 1200	Commissioner salaries	Ch.270 -	812
S 1201	Approp, DOPL, orig	Ch.223 -	693
S 1202	Approp, edu bd, office orig, add'l	Ch.262 -	785
S 1203	Approp, child care, add'l	Ch.304 -	918
S 1204	Approp, pub schls admin, orig	Ch.224 -	695
S 1205	Approp, pub schls teachers, orig	Ch.276 -	829
S 1206	Approp, pub schls operations, orig	Ch.277 -	831
S 1207	Approp, pub schls children's, orig	Ch.278 -	834
S 1208	Approp, pub schls facilities, orig	Ch.225 -	697
S 1209	Approp, pub schls cntrl srvs, orig	Ch.279 -	837
S 1210	Approp, pub schls deaf blind, orig	Ch.226 -	698
S 1211	Various funds, year-end cash trans	Ch.280 -	839
S 1212	Approp, work dev council, add'l	Ch.281 -	841

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
H 1	Postelection audits, requirements	Ch. 2	- 3
H 3	Board of med, supervision	Ch. 12	- 48
H 4	Controlled substances	Ch. 13	- 52
H 5	Food stamp revolving fund, repeal	Ch. 14	- 62
H 7	Commercial drivers, trafficking	Ch. 4	- 7
H 8	Temporary vehicle permits	Ch. 3	- 5
H 9	Commercial license, renewal	Ch. 9	- 31
H 10	Trucking assn settlement fund	Ch. 22	- 132
H 11	Election admin, private moneys	Ch. 20	- 130
H 13	Human resources, terminology	Ch. 7	- 12
H 15	Division of human resources	Ch. 6	- 10
H 16	Human resources, apprenticeships	Ch. 8	- 27
H 17	State personnel, overtime work	Ch. 11	- 44
H 18	Worker's comp, sunset, repeal	Ch. 5	- 10
H 21	Internal revenue code, definition	Ch. 1	- 3
H 22aaS	Sales tax, local govt, withholding	Ch.119	- 342
H 23	Div of bldg safety, occ licenses	Ch. 15	- 63
H 24	Idaho launch grant program	Ch.174	- 462
H 25aaS	Cap bldg, roads, dept admin control	Ch.309	- 946
H 31	Certified medication assistants	Ch. 45	- 184
H 47aaS	Invasion of personal privacy	Ch.256	- 773
H 50	Sales tax, transportation funding	Ch. 46	- 186
H 51	Property valuation notices	Ch. 35	- 169
H 52	Grand juries, persons present	Ch. 42	- 177
H 56	Driving, daylight hours	Ch. 17	- 123
H 57	Disabled veterans, plates, placard	Ch. 16	- 120
H 59	Income tax, capital investment	Ch. 33	- 165
H 60	Use tax, articles, ninety days	Ch. 47	- 191
H 61	Mental, behavioral telehealth	Ch.142	- 391
H 65	Notices, websites	Ch.266	- 793
H 66aaS	Child abuse, neglect, reporting	Ch.103	- 307
H 70	County indigent services	Ch. 32	- 160
H 71aaS	Vulnerable child protection	Ch.292	- 883
H 73	Counseling, drug courts	Ch. 48	- 195
H 74aaS	Universal licensure	Ch.124	- 356
H 80	Income tax, expenditures, evidence	Ch. 34	- 168
H 83	Conrad visa waiver program	Ch. 31	- 149
H 85	Vehicle titles, fees	Ch. 23	- 133
H 87	Transportation funds, congestion	Ch. 21	- 131
H 89	City council, vacancies	Ch. 93	- 287
H 90	Legal notices, publication	Ch. 49	- 195
H 92	Financial literacy, grades	Ch. 50	- 197
H 93	Vehicles, biennial registration	Ch. 51	- 198

H 94	Noxious weeds, notices	Ch. 30 -	147
H 95	Animal remedies, hemp	Ch. 28 -	144
H 96	Clean energy resources	Ch. 24 -	134
H 97	State govt, agreements, list	Ch. 52 -	199
H 99	Sales tax, distribution	Ch. 43 -	177
H 102	Pay advancements, retention bonuses	Ch. 53 -	201
H 103	State parks, recreation, risk	Ch. 54 -	206
H 106	Utility connections, restrictions	Ch. 55 -	207
H 107	License plates, radio amateur	Ch. 29 -	146
H 112	Ed opportunity resource cmte	Ch. 36 -	170
H 113	Charter and virtual schools	Ch.268 -	798
H 116aaS	Subscription cancellation	Ch.106 -	311
H 117	Sex offenders, registration release	Ch.183 -	503
H 119	Flood districts, commissioners	Ch. 56 -	208
H 120aaS	Oil, gas	Ch.283 -	844
H 124	Voting, identification, students	Ch. 27 -	143
H 125	Write-in candidates, intent date	Ch.249 -	766
H 128	Vehicle dealers, protests, hearings	Ch.122 -	347
H 132	Strategic initiatives grant program	Ch. 38 -	173
H 135	Trailer, House Bill 51	Ch. 37 -	173
H 138	Presidential primary elections	Ch.208 -	574
H 142aa	Scrap dealers, catalytic converters	Ch.238 -	736
H 143	Fur buyer licenses	Ch. 57 -	211
H 144	Trapping, lifetime license cert	Ch. 58 -	215
H 149	Criminal history records	Ch.108 -	315
H 153	Bridge year physicians	Ch.101 -	300
H 156	Predatory wildlife, rattlesnakes	Ch.138 -	382
H 157	Homeowner's assoc, condos, fees	Ch.247 -	763
H 161	SNAP, work requirements	Ch.227 -	699
H 162	Virtual health care	Ch.102 -	302
H 163	School policies, parental rights	Ch.107 -	313
H 166aaS	Accessory dwelling units, regulate	Ch.265 -	791
H 168	Employment security program	Ch.250 -	767
H 172	Income tax rates, effective date	Ch. 44 -	183
H 173aaS,aaS	Land, water, foreign ownership	Ch.251 -	768
H 174aaS	Agency policy documents	Ch.252 -	769
H 179	Ranked choice voting prohibition	Ch.135 -	379
H 182aaS	Prayer, free speech	Ch.239 -	737
H 184	Transp, congestion mitigation	Ch. 90 -	284
H 186	Methods of execution	Ch.141 -	390
H 187	Sudden cardiac arrest	Ch.123 -	355
H 190	Banks, credit unions, boycotts	Ch.235 -	728
H 191	Public procurement, standards	Ch.129 -	365
H 192aaS	Pub assist, eligibility, statute	Ch.301 -	911
H 193aaS	Facilities, caregivers, visitation	Ch.300 -	910
H 194	Approp, pub schls deaf blind, add'l	Ch. 25 -	141
H 202aaS	Display national motto	Ch.148 -	402
H 203	Public school health insurance fund	Ch.240 -	739
H 206aaS,aaS	Admin rules, legislature, process	Ch.314 -	956
H 207	Approp, deficiency transfers	Ch. 26 -	142
H 208	Approp, pub schls teachers, add'l	Ch. 40 -	175
H 209	Approp, H&W indirect support, add'l	Ch. 41 -	176
H 210	Approp, H&W child welfare, add'l	Ch. 39 -	175
H 211	Approp, parks & rec, add'l	Ch. 59 -	217
H 212aaS	Daycare licenses	Ch.299 -	909
H 213	Rural nursing loan repayment prgm	Ch. 60 -	217

H 215	Pharm benefit managers, enforce	Ch.232 -	717
H 219aaS	Scholarships, armed forces, officer	Ch.260 -	779
H 221	Tax correspondence, officials names	Ch.284 -	869
H 222	Approp, edu bu, college univ, add'l	Ch. 61 -	222
H 223	Med consent, natural death, terms	Ch.307 -	921
H 228	Sex education, definitions	Ch.190 -	521
H 230	Property valuation, assessors	Ch.285 -	870
H 235	Underground facilities	Ch.191 -	521
H 236	State public defender act	Ch.220 -	660
H 237	Local highway and bridge funding	Ch.288 -	879
H 238	Unfair service agreements act	Ch.242 -	741
H 239	Voting when not qualified	Ch.267 -	797
H 240	School board trustee elections	Ch.241 -	740
H 242aaS	Abortion, pregnant minors	Ch.310 -	947
H 244	Care facilities, visitation, vacc	Ch.202 -	564
H 245	Tobacco taxes, distribution	Ch.139 -	383
H 249	Approp, tax appeals, orig	Ch. 62 -	223
H 250	Approp, DFM, add'l	Ch. 71 -	239
H 251	Approp, human resources, orig	Ch. 63 -	224
H 252	Approp, SILC, orig	Ch. 64 -	225
H 253	Approp, finance, orig	Ch. 65 -	226
H 254	Approp, drug policy, orig	Ch. 70 -	238
H 258	Veterans, perm disabled, tax relief	Ch.137 -	381
H 260	Approp, industrial com, orig	Ch. 66 -	227
H 261	Approp, military division, orig	Ch. 69 -	236
H 262	Juvenile records, expungement	Ch.237 -	734
H 264	Gestational agreements act	Ch.228 -	701
H 267	Career ready students program	Ch.231 -	715
H 269aaS	School courses, career exploration	Ch.243 -	743
H 274	TikTok, state employee, prohibition	Ch.136 -	380
H 276	Approp, public television, orig	Ch.115 -	334
H 277	Approp, endow fund invest, orig	Ch.125 -	360
H 278	Approp, lottery, orig	Ch.126 -	361
H 281aaS	Classrooms, restraints, seclusion	Ch.246 -	761
H 282	Approp, juvenile corrections, orig	Ch.127 -	362
H 283	Approp, treasurer, orig	Ch.128 -	364
H 284	Motor vehicle insurance	Ch.286 -	871
H 286aaS	Bond, levy communications	Ch.282 -	841
H 287	Energy code, preempt, retroactive	Ch.236 -	733
H 288	Dependent care tax deduction	Ch.290 -	881
H 291	Fair pharmacy audits act	Ch.233 -	719
H 292	Property tax relief, schools, homes	Ch.200 -	542
H 294	China, contracts, public entities	Ch.253 -	770
H 295aaS	Firearms, merchant codes	Ch.303 -	913
H 299	Approp, secretary of state, orig	Ch.287 -	877
H 300	Approp, voc rehab, orig	Ch.192 -	527
H 301	Approp, legislative branch, orig	Ch.143 -	392
H 302	Approp, capitol com, orig	Ch.132 -	375
H 304	Approp, fish & game, orig	Ch.193 -	528
H 305	Approp, administration, orig	Ch.134 -	376
H 306	Approp, public defense com, orig	Ch.133 -	376
H 310	Hwy district, carpool, rideshare	Ch.306 -	920
H 311	Community colleges, funding	Ch.194 -	532
H 319	Approp, parks & rec, orig	Ch.195 -	533
H 322	Approp, PUC, orig	Ch.196 -	535
H 323	Approp, H&W medicaid, add'l	Ch.131 -	372

H 324	Approp, financial mgmt, orig	Ch.269 -	810
H 325	Approp, agriculture, orig	Ch.197 -	536
H 326	Legislature, legal action	Ch.305 -	919
H 327	Approp, admin hearing, orig	Ch.198 -	540
H 328	Urban renewal, data centers	Ch.308 -	942
H 330	Cigar tax cap	Ch.291 -	882
H 333	Approp, H&W other programs, orig	Ch.206 -	570
H 335	Approp, pardons & parole, orig	Ch.199 -	541
H 336	Approp, edu bd, ag research, orig	Ch.184 -	504
H 337	Electricians, licensure	Ch.244 -	744
H 340	Voter identification documents	Ch.293 -	886
H 341aaS	Crimes, trafficking, prostitution	Ch.311 -	949
H 343	Approp, edu bd, charter com, orig	Ch.216 -	600
H 344	Approp, libraries comm	Ch.185 -	505
H 345	Approp, cash transfer, trailer	Ch.186 -	507
H 348	Salaries of judges	Ch.294 -	895
H 349aaS	Stray livestock, herd district	Ch.261 -	782
H 350	Approp, H&W behav hlth, orig	Ch.296 -	897
H 351	Approp, correction, orig	Ch.187 -	507
H 352	Approp, soil and water, orig	Ch.188 -	516
H 353	Approp, edu department, orig	Ch.189 -	518
H 354	Approp, transportation, trailer	Ch.264 -	790
H 355	Approp, millennium fund, orig	Ch.217 -	601
H 356	Approp, H&W pub hlth srvs, trailer	Ch.215 -	599
H 357	Approp, correction, add'l	Ch.204 -	568
H 359	Approp, state police, orig	Ch.230 -	708
H 360	Approp, ISP, judicial, add'l	Ch.229 -	708
H 361	Approp, water resources, DEQ, add'l	Ch.302 -	912
H 362	Approp, liquor division, orig	Ch.221 -	690
H 363	Approp, edu bd, career tech, orig	Ch.222 -	691
H 364	Approp, education, trailer	Ch.248 -	765
H 367	Approp, PDC and DHR, trailer	Ch.258 -	777
H 368	Approp, judicial branch, trailer	Ch.254 -	771
H 369	Approp, H&W medicaid, orig	Ch.297 -	902
H 374	Criminal abortions, exceptions	Ch.298 -	906
H 376	HB292 trailer, TECM funds	Ch.234 -	723
H 380	Approp, tax com, cash transf, add'l	Ch.289 -	880

NUMERICAL LIST OF SENATE AND HOUSE JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SCR 101	Emerg med services, statewide plan	972
SCR 103	Rule approval, House and Senate Ag	973
SCR 104	Glenn Harris, honoring	973
SCR 107	Rule rejection, state board of ed	975
SCR 108	Fee rules, approval	975
HCR 1	Governor's address	977
HCR 2	Electoral college, support	977
HCR 3	Natural resources committee	978
HCR 4	Lava Ridge project, concern	979
HCR 5	Rule rejection, assisted living	980
HCR 6	Taiwan	980
HCR 7	Water infrastructure	982
HCR 8	Rule approval, dept of insurance	983
HCR 9	Medicaid, managed care, task force	983
HCR 10	Rule approval, environment	985
HCR 11	Rule approval, occup licenses	985
HCR 13	Rules, occupational licenses	986
HCR 14	Rule approval, health and welfare	987
HCR 15	Rule approval, occup licenses	987
HCR 16	Rule approval, transportation	988
HCR 18	Legislature, recess	989
HJM 2	Abortion, federal courts	967
HJM 4	Water quality standards	968
HJM 5	Grizzly bear delisting	969

NUMERICAL LIST OF EXECUTIVE ORDERS

2022-03	SAGE-GROUSE MANAGEMENT AND SAGE-STEPPE MITIGATION	993
2022-04	EMERGENCY FUNCTIONS, STATE AGENCIES	994
2022-05	THE IDAHO EARLY CHILDHOOD ADVISORY COUNCIL	999
2022-06	BANNING TIKTOK ON STATE DEVICES	1001
2023-01	PACIFIC NORTHWEST ECONOMIC REGION IDAHO COUNCIL	1002
2023-02	NATIONAL FLOOD INSURANCE PROGRAM	1004

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

Senator James E. Risch (R)
350 N. 9th St., Ste. 302
Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

Russ Fulcher (R), First District
33 E. Broadway Ave., Ste. 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR Brad Little (R)

LIEUTENANT GOVERNOR Scott Bedke (R)

SECRETARY OF STATE Phil McGrane (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Julie A. Ellsworth (R)

ATTORNEY GENERAL Raúl Labrador (R)

SUPERINTENDENT OF PUBLIC INST. Debbie Critchfield (R)

700 W. Jefferson St.
P.O. Box 83720
Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1 - BONNER & BOUNDARY COUNTIES

Scott Herndon (R) Senate 1st Term
246 Otts Road, Sagle 83860
Home 610-2680
Email: SHerndon@senate.idaho.gov
Homebuilder
Education; Finance/JFAC;

Spouse - Arlene Herndon

Mark Sauter (R) House Seat A 1st Term
PO Box 1031, Sandpoint 83864
Home 332-1035
Email: MSauter@house.idaho.gov
Fire Service (Retired)
Agricultural Affairs; Education; Judiciary, Rules & Administration

Sage G. Dixon (R) House Seat B 5th Term
ASSISTANT MAJORITY LEADER
PO Box 206, Ponderay 83852
Home 610-4800
Email: SDixon@house.idaho.gov
Self-employed
Business; Economic Outlook and Revenue Assessment Committee;
Revenue & Taxation; Transportation & Defense; Ways & Means

Spouse - Veronica

2 - BENEWAH, CLEARWATER, KOOTENAI, SHOSHONE, BONNER COUNTIES

Phil Hart (R) Senate 1st Term
Served 4 terms, House 2004-2012
PO Box 540, Kellogg 83837
Home 772-2522 Bus 772-2522 FAX 772-1881
Email: Phil.Hart@senate.idaho.gov
Structural Engineer
Agricultural Affairs; Judiciary & Rules; Transportation

Heather Scott (R) House Seat A 5th Term
PO Box 134, Blanchard 83804
Home 332-1190
Email: HScott@house.idaho.gov
Aquatic Biologist
VICE CHAIR-Judiciary, Rules & Administration
Environment, Energy & Technology; State Affairs

Spouse - Andrew

Dale R. Hawkins (R) House Seat B 1st Term
PO Box 245, Fernwood 83830
Home 568-1275
Email: DHawkins@house.idaho.gov
Small Business Owner/Retired
Commerce & Human Resources; Education; Local Government

Spouse - Debra Hawkins

3 - KOOTENAI COUNTY

Doug Okuniewicz (R) Senate 1st Term
Served 1 term, House 2020-2022
PO Box 810, Hayden 83835
Home 918-1495
Email: DougO@senate.idaho.gov
IP Management/Small Business Owner
CHAIR-Transportation
Resources & Environment

Spouse - Lori

Vito Barbieri (R) House Seat A 7th Term
564 E Prairie Ave, Dalton Gardens 83815
Home 620-0873
Email: VBar@house.idaho.gov
Attorney (Retired)
CHAIR-Environment, Energy & Technology
Business; Ethics and House Policy; State Affairs

Spouse - Joy

Jordan Redman (R) House Seat B 1st Term
1410 Lincoln Way, Coeur d' Alene 83814
Home 252-5070
Email: JRedman@house.idaho.gov
Business Owner
Business; Environment, Energy & Technology; Health & Welfare

Spouse - Amy

4 - KOOTENAI COUNTY

Ben Toews (R) Senate 1st Term
911 N 5th St, Coeur d' Alene 83814
Home 209-7791
Email: BToews@senate.idaho.gov
Entrepreneur
VICE CHAIR-Education
State Affairs; Transportation

Spouse - Elisha

Joe Alfieri (R) House Seat A 1st Term
1200 East Skyline Dr, Coeur d' Alene 83814
Home 699-0021
Email: JAlfieri@house.idaho.gov
Judiciary, Rules & Administration; Local Government; State Affairs

Spouse - Caroline Alfieri

Elaine Price (R) House Seat B 1st Term
1107 E Sherman Ave, Coeur d' Alene 83814
Home 654-3228
Email: EPPrice@house.idaho.gov
Small Business Owner
Commerce & Human Resources; Education; Local Government

Spouse - Richard Price

LEGISLATORS BY DISTRICT (Continued)

5 - KOOTENAI COUNTY

Carl J. Bjerke (R) Senate 1st Term
 212 W Ironwood Dr, Coeur d' Alene 83814
 Home 704-0925
 Email: CBjerke@senate.idaho.gov
 Deputy Chief SMFD (Retired) Spouse - Lesli Bjerke
 VICE CHAIR-Finance/JFAC
 Economic Outlook and Revenue Assessment Committee; Health & Welfare; Joint Millennium Fund Committee

Ron Mendive (R) House Seat A 6th Term
 3732 S Dusty Ln, Coeur d'Alene 83814
 Home 667-9330
 Email: RMendive@house.idaho.gov
 Self-employed, Construction and Land Services (Semi-retired) Spouse - Sherlene
 CHAIR-Resources & Conservation
 Education

Tony Wisniewski (R) House Seat B 3rd Term
 PO Box 2483, Post Falls 83854
 Home 889-3437
 Email: TWisniewski@house.idaho.gov
 Engineer (Retired)/Small Business Owner Spouse - Melody
 Commerce & Human Resources; Education; Environment, Energy & Technology

6 - LATAH, LEWIS, NEZ PERCE COUNTIES

Daniel D. Foreman (R) Senate 1st Term
 Served 1 term, Senate 2016-2018
 PO Box 8254, Moscow 83843
 Home 332-1405 Bus 301-0110
 Email: DForeman@senate.idaho.gov
 USAF Colonel/Idaho Law Enforcement Spouse - Maria
 (Retired)
 VICE CHAIR-Judiciary & Rules
 Agricultural Affairs; Commerce & Human Resources

Lori McCann (R) House Seat A 2nd Term
 1027 Bryden Avenue, Lewiston 83501
 Home 743-5517 Bus 743-5517 FAX 743-1009
 Email: LMcCann@house.idaho.gov
 Business Owner, Cattle Rancher, and Property Developer Spouse - William Vern McCann, Jr.
 VICE CHAIR-Education
 Agricultural Affairs; Commerce & Human Resources

Brandon Mitchell (R) House Seat B 2nd Term
 PO Box 8897, Moscow 83843
 Home 596-5001 Bus 997-8285
 Email: BMitchell@house.idaho.gov
 Small Business Owner Spouse - Marcie
 VICE CHAIR-Transportation & Defense
 Business; Health & Welfare; Joint Millennium Fund Committee

7 - ADAMS, IDAHO, NEZ PERCE COUNTIES

Cindy J. Carlson (R) Senate 1st Term
 1525 Big Salmon Rd, Riggins 83549
 Home 494-2633 Bus 628-3133
 Email: CCarlson@senate.idaho.gov
 Business Owner Spouse - Guy Carlson
 Agricultural Affairs; Change in Employee Compensation Committee; Education; Joint Millennium Fund Committee; Transportation

Mike Kingsley (R) House Seat A 4th Term
 3413 Bluebird Cir, Lewiston 83501
 Home 791-8600 Bus 791-8600
 Email: MKingsley@house.idaho.gov
 Semi-retired Spouse - Carolyn
 VICE CHAIR-Local Government
 Change in Employee Compensation Committee; Commerce & Human Resources; Health & Welfare

Charlie Shepherd (R) House Seat B 2nd Term
 PO Box 293, Pollock 83547
 Home 859-0023
 Email: CShepherd@house.idaho.gov
 SRJSD243 Maintenance Supervisor Spouse - Susan
 VICE CHAIR-Resources & Conservation
 Revenue & Taxation; Transportation & Defense

8 - BOISE, VALLEY, ELMORE, CUSTER COUNTIES

Geoff Schroeder (R) Senate 1st Term
 300 S 10th E, Mountain Home 83647
 Home 332-1344
 Email: GSchroeder@senate.idaho.gov
 City Attorney and Prosecutor Spouse - Kenda
 VICE CHAIR-Local Government & Taxation
 Agricultural Affairs; Resources & Environment

Matthew "Matt" Bundy (R) House Seat A 2nd Term
 1735 Castle Way, Mountain Home 83647
 Home 599-2379 Bus 587-2570
 Email: MBundy@house.idaho.gov
 Teacher/Retired USAF Spouse - Colette
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Appropriations/JFAC; Environment, Energy & Technology; Ethics and House Policy;

Megan Blanksma (R) House Seat B 4th Term
 MAJORITY LEADER
 595 S Thacker Rd, Hammett 83627
 Home 366-7976 Bus 366-2349 FAX 366-2370
 Email: MBlanksma@house.idaho.gov
 Agribusiness Owner/Operator Spouse - Jeffery
 Health & Welfare; Legislative Council; Resources & Conservation; Transportation & Defense; Ways & Means

LEGISLATORS BY DISTRICT (Continued)

9 - PAYETTE, WASHINGTON, CANYON COUNTIES

Abby Lee (R) Senate 5th Term
 ASSISTANT MAJORITY LEADER
 5370 Elmore Rd, Fruitland 83619
 Home 332-1325
 Email: ALee@senate.idaho.gov
 Public Relations
 Health & Welfare; Judiciary & Rules; State Affairs

Jacyn Gallagher (R) House Seat A 1st Term
 827 Pringle Road, Weiser 83672
 Home 960-0051 Bus 960-0051
 Email: JGallagher@house.idaho.gov
 Retired Spouse - Bob
 Agricultural Affairs; Health & Welfare; Judiciary, Rules &
 Administration

Judy Boyle (R) House Seat B 8th Term
 PO Box 57, Midvale 83645
 Home 355-3225 Bus 355-3225 FAX 355-3225
 Email: JBoyle@house.idaho.gov
 Agriculture and Writer
 Agricultural Affairs; Education; Resources & Conservation

10 - ADA & CANYON COUNTIES

Tammy Nichols (R) Senate 1st Term
 Served 2 terms, House 2018-2022
 10 S Hawthorne Dr #651, Middleton 83644
 Home 917-2409
 Email: TNichols@senate.idaho.gov
 Small Business Owner
 VICE CHAIR-Agricultural Affairs
 Education

Mike Moyle (R) House Seat A 13th Term
 SPEAKER OF THE HOUSE
 480 N Plummer Rd, Star 83669
 Home 286-7842 Bus 286-7842
 Email: MMoyle@house.idaho.gov
 Agribusiness Spouse - Janet
 Legislative Council

Bruce D. Skaug (R) House Seat B 2nd Term
 1226 E Karcher Rd, Nampa 83687
 Home 466-0030 Bus 466-0030 FAX 466-8903
 Email: BSkaug@house.idaho.gov
 Attorney Spouse - Debra
 CHAIR-Judiciary, Rules & Administration
 Local Government; State Affairs

11 - CANYON COUNTY

Chris T. Trakel (R) Senate 1st Term
 PO Box 315, Caldwell 83606
 Home (986) 210-7653
 Email: CTrakel@senate.idaho.gov
 U.S. Marine Corps (Retired) Spouse - Nicole Trakel
 Local Government & Taxation; Transportation

Julie Yamamoto (R) House Seat A 2nd Term
 2619 S Willow Brook Pl, Caldwell 83605
 Home 989-4487
 Email: JYamamoto@house.idaho.gov
 Retired Educator/Administrator Spouse - Leland Sasaki
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee; Resources
 & Conservation; Transportation & Defense

Christopher M. "Chris" Allgood (R) House Seat B 1st Term
 1322 Wilson St, Caldwell 83605
 Home 249-0876
 Email: CAllgood@house.idaho.gov
 Private Investigator/City Spouse - Alisha
 Councilman/Retired Police Officer
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

12 - CANYON COUNTY

Ben Adams (R) Senate 1st Term
 Served 1 term, House 2020-2022
 1921 Hoover St, Nampa 83686
 Home 546-9393
 Email: BADams@senate.idaho.gov
 Public Speaker Spouse - Rebecca
 VICE CHAIR-Resources & Environment
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Local Government & Taxation

Jeff J. Cornilles (R) House Seat A 1st Term
 1313 W Raelin Drive, Nampa 83686
 Home 880-3562 Bus 880-3562
 Email: JCCornilles@house.idaho.gov
 Life and Employee Benefits Sales Spouse - Keriann Cornilles
 Business; Local Government; Revenue & Taxation

Jaron Crane (R) House Seat B 1st Term
 PO Box 1804, Nampa 83653
 Home 466-0613 Bus 466-0613
 Email: JCrane@house.idaho.gov
 Business Owner Spouse - Clarissa J. Crane
 Business; State Affairs; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

Brian Lenney (R) Senate 1st Term
 PO Box 3753, Nampa 83653-3753
 Home 614-1289
 Email: BLenney@senate.idaho.gov
 VICE CHAIR-Commerce & Human Resources
 Education

Brent Crane (R) House Seat A 9th Term
 PO Box 86, Nampa 83653
 Bus 466-0613 FAX 461-4815
 Email: BCrane@house.idaho.gov
 Vice President - Crane Alarm Service Spouse - Rochenda
 CHAIR-Ethics and House Policy
 CHAIR-State Affairs
 Business

Kenny Wroten (R) House Seat B 1st Term
 PO Box 3324, Nampa 83653
 Home 989-8292 Bus 884-6983 FAX 463-4804
 Email: KWroten@house.idaho.gov
 Banking/Business Development Spouse - Diane Wroten
 Judiciary, Rules & Administration; Local Government; Revenue &
 Taxation

14 - GEM & ADA COUNTIES

C. Scott Grow (R) Senate 4th Term
 4250 W Sugarberry Ct, Eagle 83616
 Home 870-4000
 Email: SGrow@senate.idaho.gov
 Retired CPA/Business Owner Spouse - Rhonda
 CHAIR-Finance
 CO-CHAIR-JFAC
 Economic Outlook and Revenue Assessment Committee; Joint
 Legislative Oversight/JLOC; Legislative Council; Local
 Government & Taxation

Edward H. "Ted" Hill (R) House Seat A 1st Term
 2488 E Windrose Street, Eagle 83616
 Home 407-2102
 Email: THill@house.idaho.gov
 Airline Pilot Spouse - Heidi Hill
 Education; Resources & Conservation; Transportation & Defense

Josh Tanner (R) House Seat B 1st Term
 PO BOX 125, Eagle 83616
 Home 781-5211
 Email: JTanner@house.idaho.gov
 Business Owner Spouse - Dominique Tanner
 Appropriations/JFAC; Resources & Conservation

15 - ADA COUNTY

James R. "Rick" Just (D) Senate 1st Term
 11544 W Jenilyn Court, Boise 83713
 Home 362-9892 Bus 362-9892
 Email: RJust@senate.idaho.gov
 Writer Spouse - Rinda Just
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Local Government & Taxation; Transportation

Steve Berch (D) House Seat A 3rd Term
 PO Box 4903, Boise 83711
 Home 890-9339
 Email: SBerch@house.idaho.gov
 Businessman
 Business; Education; Joint Legislative Oversight/JLOC; Local
 Government

Dori Healey (R) House Seat B 1st Term
 12404 W View Ridge Street, Boise 83709
 Home 718-0464
 Email: DHealey@house.idaho.gov
 Advanced Practice Registered Nurse Spouse - Patrick Healey
 Commerce & Human Resources; Health & Welfare; Local
 Government

16 - ADA COUNTY

Alison "Ali" Rabe (D) Senate 1st Term
 Served 1 term, Senate 2020-2021
 6161 West Plantation Lane, Boise 83703
 Home 283-4010
 Email: ARabe@senate.idaho.gov
 Executive Director - Jesse Tree Spouse - Riley Hickox
 Legislative Council; Local Government & Taxation; Transportation

Sofia R. Galaviz (D) House Seat A 1st Term
 PO Box 7096, Boise 83707
 Home 332-1083
 Email: SGalaviz@house.idaho.gov
 Educator
 Education; Legislative Council; Local Government; Resources &
 Conservation

Colin Nash (D) House Seat B 2nd Term
 6833 W Russett St, Boise 83704
 Home 546-9004
 Email: CNash@house.idaho.gov
 Attorney Spouse - Hailey
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Judiciary, Rules & Administration

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Carrie Semmelroth (D) Senate 2nd Term
 4224 W Fairmont Street, Boise 83706
 Home 332-1352
 Email: CSemmelroth@senate.idaho.gov
 Higher Education / Consulting Partner - Graham Wright
 Agricultural Affairs; Education; Joint Millennium Fund Committee;
 Resources & Environment

John Gannon (D) House Seat A 6th Term
 Served 1 term, House 1990-1992
 1104 S Johnson St, Boise 83705
 Home 343-1608 Bus 433-0629
 Email: JGannon@house.idaho.gov
 Attorney Spouse - Bev
 Change in Employee Compensation Committee; Ethics and House
 Policy; Judiciary, Rules & Administration; State Affairs;
 Transportation & Defense

Sue Chew (D) House Seat B 9th Term
 3604 W. Kootenai St., Boise 83705
 Home 332-1049
 Email: SChew@house.idaho.gov
 Licensed Pharmacist
 Commerce & Human Resources; Environment, Energy &
 Technology; Ethics and House Policy; Health & Welfare

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 6th Term
 Served 1 term, House 2012-2013
 MINORITY CAUCUS CHAIR
 3578 S Crosspoint Ave, Boise 83706
 Home 861-6434
 Email: JWardEngelking@senate.idaho.gov
 Teacher (Retired) Spouse - Kay Frank
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Economic Outlook and Revenue Assessment
 Committee; Education; Finance/JFAC; Joint Millennium Fund
 Committee

Hana Rubel (D) House Seat A 6th Term
 MINORITY LEADER
 2750 Migratory Dr, Boise 83706
 Home 866-4776
 Email: IRubel@house.idaho.gov
 Attorney
 Business; Environment, Energy & Technology; Health & Welfare;
 Joint Legislative Oversight/JLOC; Legislative Council; Ways &
 Means

Brooke Green (D) House Seat B 3rd Term
 4936 E Woodcutter Drive, Boise 83706
 Home 332-1080 Bus 387-6318
 Email: BGreen@house.idaho.gov
 Senior Transportation Planner Spouse - Jeremy Byington
 Appropriations/JFAC; Business; Ethics and House Policy; Joint
 Millennium Fund Committee; Legislative Council; Local
 Government; State Affairs

19 - ADA COUNTY

Melissa Wintrow (D) Senate 2nd Term
 Served 3 terms, House 2014-2020
 MINORITY LEADER
 PO Box 83720, Boise 83720-0081
 Home 332-1339
 Email: MWintrow@senate.idaho.gov
 Education
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Health & Welfare; Judiciary & Rules; Legislative Council; State
 Affairs

Lauren Necochea (D) House Seat A 3rd Term
 ASSISTANT MINORITY LEADER
 PO Box 1634, Boise 83701
 Home 332-1078
 Email: LNecochea@house.idaho.gov
 Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Resources & Conservation;
 Revenue & Taxation; Ways & Means

Chris Mathias (D) House Seat B 2nd Term
 PO Box 8753, Boise 83707
 Home 332-1076
 Email: CMathias@house.idaho.gov
 Self-employed Spouse - Katie
 Agricultural Affairs; Education; Ethics and House Policy; Judiciary,
 Rules & Administration

20 - ADA COUNTY

Chuck Winder (R) Senate 8th Term
 PRESIDENT PRO TEMPORE
 5528 N Ebbetts Ave, Boise 83713
 Home 332-1301
 Statehouse: Ph null
 Email: CWinder@senate.idaho.gov
 Businessman Spouse - Dianne
 Legislative Council; State Affairs; Transportation

Joe A. Palmer (R) House Seat A 8th Term
 1524 N Meridian Rd, Meridian 83642
 Home 332-1062
 Email: JPalmer@house.idaho.gov
 Self-employed Spouse - Leslie
 CHAIR-Transportation & Defense
 CO-CHAIR-Legislative Conference Committee
 Business; State Affairs

James Holtzclaw (R) House Seat B 6th Term
 3720 N Heritage View Ave, Meridian 83646
 Home 284-9542
 Email: JHoltzclaw@house.idaho.gov
 Real Estate Broker/Small Business Owner Spouse - Luisa Uribe
 CHAIR-Commerce & Human Resources
 Change in Employee Compensation Committee; State Affairs;
 Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Treg A. Bernt (R) Senate 1st Term
 531 S Tiburon Ave, Meridian 83642
 Home 917-2883
 Email: TBernt@senate.idaho.gov
 Small Business Owner Spouse - Tiffanie Bernt
 VICE CHAIR-State Affairs
 Legislative Council; Local Government & Taxation

James Petzke (R) House Seat A 1st Term
 2628 S Afleet Ave, Meridian 83642
 Home 450-5615
 Email: JPetzke@house.idaho.gov
 Business Owner
 Appropriations/JFAC; Business; Transportation & Defense

Jeff Ehlers (R) House Seat B 1st Term
 3313 W Cherry Lane #1024, Meridian 83642
 Home 278-2818
 Email: JEhlers@house.idaho.gov
 CFO/CPA/Small Business Owner Spouse - Karla
 VICE CHAIR-Business
 Agricultural Affairs; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 5th Term
 PO Box 267, Meridian 83680
 Home 779-2022
 Email: LDenHartog@senate.idaho.gov
 Homemaker Spouse - Scott
 VICE CHAIR-Transportation
 Education; Resources & Environment

John Vander Woude (R) House Seat A 7th Term
 Served 1 term, House 2006-2008
 5311 Ridgewood Rd, Nampa 83687
 Home 888-4210
 Email: JVanderWoude@house.idaho.gov
 Farmer Spouse - Judy
 CHAIR-Health & Welfare
 CO-CHAIR-Joint Millennium Fund Committee
 Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Legislative Council;
 Resources & Conservation

Jason A. Monks (R) House Seat B 6th Term
 3865 S Black Cat Rd, Meridian 83687
 Home 884-8684 Bus 884-8684 FAX 895-8013
 Email: JMonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 CHAIR-Revenue & Taxation
 Economic Outlook and Revenue Assessment Committee;
 Transportation & Defense

23 - OWYHEE, CANYON, ADA COUNTIES

Todd M. Lakey (R) Senate 6th Term
 12905 Venezia Ct, Nampa 83651
 Home 908-4415 Bus 908-4415
 Email: TLakey@senate.idaho.gov
 Attorney Spouse - Jan
 CHAIR-Judiciary & Rules
 Commerce & Human Resources

Melissa Durrant (R) House Seat A 1st Term
 4000 W Hubbard Road, Kuna 83634
 Home 941-1963
 Email: MDurrant@house.idaho.gov
 Homemaker Spouse - Neil
 Resources & Conservation; Revenue & Taxation

Tina Lambert (R) House Seat B 1st Term
 PO Box 1324, Caldwell 83606
 Home 504-8647
 Email: TLambert@house.idaho.gov
 Home Educator (Retired) Spouse - David Lambert
 Appropriations/JFAC; Environment, Energy & Technology;
 Judiciary, Rules & Administration

24 - CAMAS, GOODING, TWIN FALLS COUNTIES

Glenneda Zuiderveld (R) Senate 1st Term
 PO Box 3123, Twin Falls 83303
 Home 280-0716
 Email: GZuiderveld@senate.idaho.gov
 Self-employed Spouse - Tom
 VICE CHAIR-Health & Welfare
 Agricultural Affairs

Chenele Dixon (R) House Seat A 1st Term
 3430 Harvest Moon Drive, Kimberly 83341
 Home 332-1024
 Email: CDixon@house.idaho.gov
 Educator and Realtor Spouse - Michael Dixon
 Health & Welfare; Judiciary, Rules & Administration; Local
 Government

Steve Miller (R) House Seat B 1st Term
 Served 3 terms, House 2012-2018
 1208 E 200 N, Fairfield 83327
 Home 332-1061
 Email: SMiller@house.idaho.gov
 Farmer/Rancher Spouse - Cheryl
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Commerce & Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

25 - TWIN FALLS COUNTY

Linda Wright Hartgen (R) Senate 1st Term
 Served 2 terms, House 2018-2022
 1681 Wildflower Ln, Twin Falls 83301
 Home 332-1318 FAX 733-5790
 Email: LHartgen@senate.idaho.gov
 Trial Court Administrator (Retired) Spouse - Stephen
 CHAIR-Agricultural Affairs
 Commerce & Human Resources; Judiciary & Rules

Lance W. Clow (R) House Seat A 6th Term
 2170 Bitterroot Dr, Twin Falls 83301
 Home 733-5767
 Email: LClow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Greg L. Lanting (R) House Seat B 1st Term
 355 Elm St N, Twin Falls 83301
 Home 490-3511
 Email: GLanting@house.idaho.gov
 School Administrator (Retired) Significant Other - Dana DeHaan
 Business; Education; Transportation & Defense

26 - BLAINE, LINCOLN, JEROME COUNTIES

Ron C. Taylor (D) Senate 1st Term
 419 South 2nd Ave, Hailey 83333
 Home 831-1726
 Email: RTaylor@senate.idaho.gov
 Retired Spouse - Alex
 Agricultural Affairs; Health & Welfare; Resources & Environment

Ned Burns (D) House Seat A 2nd Term
 MINORITY CAUCUS CHAIR
 PO Box 693, Bellevue 83313
 Home 332-1174
 Email: NBurns@house.idaho.gov
 Realtor Spouse - Sara
 Joint Millennium Fund Committee; Resources & Conservation;
 Revenue & Taxation; Transportation & Defense; Ways & Means

Jack Nelsen (R) House Seat B 1st Term
 253 E 650 N, Jerome 83338
 Home 320-1921 Bus 320-1921
 Email: JNelsen@house.idaho.gov
 Retired Spouse - Emily
 Agricultural Affairs; Education; Resources & Conservation

27 - CASSIA, MINIDOKA, ONEIDA COUNTIES

Kelly Arthur Anthon (R) Senate 5th Term
 MAJORITY LEADER
 725 E 300 S, Burley 83318
 Home 654-4099
 Email: KAnthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Judiciary & Rules; Legislative Council; State Affairs

Douglas T. Pickett (R) House Seat A 1st Term
 625 W 1700 S, Oakley 83346
 Home 862-3387
 Email: DPickett@house.idaho.gov
 Rancher Spouse - Brady
 Agricultural Affairs; Joint Legislative Oversight/JLOC; Resources
 & Conservation; Revenue & Taxation

Clay Handy (R) House Seat B 1st Term
 29 S 150 E, Burley 83318
 Home 332-1074
 Email: CHandy@house.idaho.gov Spouse - Kristine Hansen
 Appropriations/JFAC; Judiciary, Rules & Administration;
 Transportation & Defense

28 - BANNOCK, FRANKLIN, POWER COUNTIES

Jim Guthrie (R) Senate 6th Term
 Served 1 term, House 2010-2012
 320 S Marsh Creek Rd, McCammon 83250
 Home 251-9303
 Email: JGuthrie@senate.idaho.gov
 Rancher/Business Owner
 CHAIR-State Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Richard W. "Rick" Cheatum (R) House Seat A 1st Term
 2475 Ada Street, Pocatello 83201
 Home 339-2629
 Email: RCheatum@house.idaho.gov
 Retired Spouse - Debra L. Cheatum
 Commerce & Human Resources; Local Government; Revenue &
 Taxation

Dan Garner (R) House Seat B 1st Term
 PO Box 43, Clifton 83228
 Home 244-0999
 Email: DGarner@house.idaho.gov
 Farmer/Rancher Spouse - Sherri-Jo Garner
 Agricultural Affairs; Education; Judiciary, Rules & Administration

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

James D. Ruchti (D) Senate 1st Term
 Served 2 terms, House 2006-2010
 Served 1 term, House 2020-2022
 ASSISTANT MINORITY LEADER
 1490 Windsong Lane, Pocatello 83201
 Home 251-4104 Bus 478-5100 FAX 232-5100
 Email: JRuchti@senate.idaho.gov
 Attorney Spouse - Wendy
 Commerce & Human Resources; Joint Legislative Oversight/JLOC;
 Judiciary & Rules; Legislative Council; State Affairs

Dustin Manwaring (R) House Seat A 2nd Term
 Served 1 term, House 2016-2018
 MAJORITY CAUCUS CHAIR
 1469 W Quinn Road, Pocatello 83202
 Home 252-5295
 Email: DManwaring@house.idaho.gov
 Attorney Spouse - Whitney
 Resources & Conservation; Revenue & Taxation; Transportation &
 Defense; Ways & Means

Nate Roberts (D) House Seat B 1st Term
 PO Box 2173, Pocatello 83206
 Home 269-1230
 Email: NRoberts@house.idaho.gov
 Electrician Spouse - Kirsten
 Agricultural Affairs; Commerce & Human Resources; Health &
 Welfare

30 - BINGHAM & BUTTE COUNTIES

Julie VanOrden (R) Senate 2nd Term
 Served 3 terms, House 2012-2018
 425 S 1100 W, Pingree 83262
 Home 684-4052 Bus 684-4052
 Email: JVanOrden@senate.idaho.gov
 Agribusiness Co-owner/Homemaker Spouse - Garth
 CHAIR-Health & Welfare
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC;

David M. Cannon (R) House Seat A 2nd Term
 75 E Judicial St, Blackfoot 83221
 Home 332-1086 Bus 406-9637
 Email: DCannon@house.idaho.gov
 Attorney Spouse - Lisa
 CO-CHAIR-Joint Legislative Oversight/JLOC
 VICE CHAIR-Revenue & Taxation
 Agricultural Affairs; Judiciary, Rules & Administration

Julianne Young (R) House Seat B 3rd Term
 275 N 400 West, Blackfoot 83221
 Home 201-1898
 Email: JYoung@house.idaho.gov
 Homemaker/Mother Spouse - Kevin
 VICE CHAIR-State Affairs
 Environment, Energy & Technology; Ethics and House Policy;
 Judiciary, Rules & Administration

31 - CLARK, FREMONT, JEFFERSON, LEMHI COUNTIES

Van T. Burtenshaw (R) Senate 3rd Term
 Served 2 terms, House 2014-2018
 PO Box 130, Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: VBurtenshaw@senate.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 CHAIR-Resources & Environment
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Economic Outlook
 and Revenue Assessment Committee; Finance/JFAC;

Jerald Raymond (R) House Seat A 1st Term
 Served 1 term, House 2018-2020
 3352 E 750 North, Menan 83434
 Home 317-8777
 Email: JRaymond@house.idaho.gov
 Rancher/Livestock Consultant Spouse - Cheri
 VICE CHAIR-Agricultural Affairs
 Resources & Conservation; Revenue & Taxation

Rod Furniss (R) House Seat B 3rd Term
 346 N 4456 East, Rigby 83442
 Home 589-1100
 Email: RFurniss@house.idaho.gov
 Insurance Sales/Land Developer Spouse - Jan
 VICE CHAIR-Environment, Energy & Technology
 Appropriations/JFAC; Business;

32 - BONNEVILLE COUNTY

Kevin Cook (R) Senate 2nd Term
 1184 E Lazy Lane, Idaho Falls 83404
 Home 521-6776
 Email: KCook@senate.idaho.gov
 Software Engineer Spouse - Cheri
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 Finance/JFAC; Local Government & Taxation

Stephanie Jo Mickelsen (R) House Seat A 1st Term
 9088 N River Rd, Idaho Falls 83402
 Home 524-1295 Bus 745-6626
 Email: SMickelsen@house.idaho.gov
 CFO Mickelsen Farms, LLC Spouse - Mark Mickelsen
 Environment, Energy & Technology; Resources & Conservation;
 Revenue & Taxation

Wendy Horman (R) House Seat B 6th Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Commerce & Human Resources; Economic Outlook and Revenue
 Assessment Committee; Environment, Energy & Technology;
 Legislative Council

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Dave Lent (R) Senate 3rd Term
 1186 Caysie Cir, Idaho Falls 83402
 Home 521-0716
 Email: DLent@senate.idaho.gov
 Nuclear Facility Training Manager Spouse - Terri
 (Retired)
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Joint Legislative Oversight/JLOC

Barbara Ehardt (R) House Seat A 4th Term
 961 J St, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: BEhardt@house.idaho.gov
 Manager - Athletic Club
 CHAIR-Local Government
 Education; Judiciary, Rules & Administration

Marco Adam Erickson (R) House Seat B 2nd Term
 646 Crestview Ave, Idaho Falls 83402
 Home 241-5665
 Email: MErickson@house.idaho.gov
 Coalition Program Director Spouse - Emily
 VICE CHAIR-Health & Welfare
 Joint Millennium Fund Committee; Judiciary, Rules &
 Administration; Local Government

34 - MADISON COUNTY

Doug Ricks (R) Senate 2nd Term
 Served 1 term, House 2018-2020
 140 S 3rd East, Rexburg 83440
 Home 557-9665
 Email: DRicks@senate.idaho.gov
 Self-employed Spouse - Melissa
 CHAIR-Local Government & Taxation
 Commerce & Human Resources; Judiciary & Rules

Jon O. Weber (R) House Seat A 2nd Term
 64 E Main St, Rexburg 83440
 Home 390-6128
 Email: JWeber@house.idaho.gov
 Small Business Owner Spouse - Heather
 CHAIR-Ways & Means
 Commerce & Human Resources; Local Government; Revenue &
 Taxation

Britt Raybould (R) House Seat B 1st Term
 Served 1 term, House 2018-2020
 PO Box 653, Rexburg 83440
 Home 419-0768 Bus 419-0768
 Email: BRaybould@house.idaho.gov
 Farmer/CFO/Business Strats
 Appropriations/JFAC; Environment, Energy & Technology; Ethics
 and House Policy; Resources & Conservation

35 - BANNOCK, BEAR LAKE, BONNEVILLE, CARIBOU, TETON COUNTIES

Mark Harris (R) Senate 5th Term
 MAJORITY CAUCUS CHAIR
 1619 8- Mile Creek Rd, Soda Springs 83276
 Home 547-3360
 Email: MHarris@senate.idaho.gov
 Rancher Spouse - Cheryl
 Health & Welfare; Resources & Environment; State Affairs

Kevin Andrus (R) House Seat A 3rd Term
 6948 E Old Oregon Trail Rd, Lava Hot Springs 83246
 Home 240-0201
 Email: KAndrus@house.idaho.gov
 Rancher/Horse Trainer Spouse - Shelby
 CHAIR-Agricultural Affairs
 Business; State Affairs

Josh Wheeler (R) House Seat B 1st Term
 1849 S Foothill Rd, Ammon 83401
 Home 360-3926 FAX 522-5927
 Email: JoshWheeler@house.idaho.gov
 Contractor Spouse - Laramie Linning
 Wheeler
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Environment, Energy & Technology; Health &
 Welfare

