

IN THE SENATE

SENATE BILL NO. 1053

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 19-4804, IDAHO CODE,  
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2110, IDAHO CODE,  
4 TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS;  
5 AMENDING SECTION 28-4-613, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;  
6 AMENDING SECTION 30-24-801, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-  
7 ERENCE; AMENDING SECTION 30-25-103, IDAHO CODE, TO PROVIDE A CORRECT  
8 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
9 30-25-110, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
10 SECTION 30-25-205, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;  
11 AMENDING SECTION 30-25-701, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-  
12 ERENCE; AMENDING SECTION 30-25-703, IDAHO CODE, TO PROVIDE CORRECT  
13 CODE REFERENCES; AMENDING SECTION 30-25-705, IDAHO CODE, TO PROVIDE  
14 A CORRECT CODE REFERENCE; AMENDING SECTION 30-30-205, IDAHO CODE, TO  
15 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 31-2404, IDAHO CODE,  
16 TO PROVIDE A CORRECT REFERENCE; AMENDING SECTION 33-137, IDAHO CODE,  
17 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-524, IDAHO  
18 CODE, AS ENACTED BY SECTION 1, CHAPTER 64, LAWS OF 2020, TO REDESIGNATE  
19 THE SECTION; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE A CORRECT  
20 CODE REFERENCE; AMENDING SECTION 33-1004B, IDAHO CODE, TO MAKE CODI-  
21 FIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER  
22 62, TITLE 33, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 328, LAWS  
23 OF 2020, TO REDESIGNATE THE CHAPTER AND TO PROVIDE CORRECT CODE REFER-  
24 ENCES; AMENDING SECTION 39-118E, IDAHO CODE, TO PROVIDE A CORRECT CODE  
25 REFERENCE; AMENDING SECTION 39-4429, IDAHO CODE, TO PROVIDE A CORRECT  
26 CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
27 39-5204, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECH-  
28 NICAL CORRECTIONS; AMENDING SECTION 39-5608, IDAHO CODE, TO PROVIDE  
29 CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
30 SECTION 39-5803, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO  
31 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6104, IDAHO CODE, TO  
32 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-7904, IDAHO CODE,  
33 TO PROVIDE A CORRECT RULE REFERENCE; AMENDING SECTION 39-7910, IDAHO  
34 CODE, TO PROVIDE A CORRECT RULE REFERENCE AND TO MAKE TECHNICAL CORREC-  
35 TIONS; AMENDING SECTION 41-2006, IDAHO CODE, TO PROVIDE A CORRECT CODE  
36 REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2804,  
37 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL  
38 CORRECTIONS; AMENDING SECTION 41-2870, IDAHO CODE, TO PROVIDE CORRECT  
39 CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
40 41-3354, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
41 SECTION 41-3401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND  
42 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-3413, IDAHO CODE,  
43 TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS;  
44 AMENDING SECTION 41-3608, IDAHO CODE, TO PROVIDE CORRECT CODE REFER-  
45 ENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-619, IDAHO

1 CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 47-704, IDAHO  
2 CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS;  
3 AMENDING SECTION 49-402D, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS;  
4 AMENDING SECTION 49-443, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO  
5 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1116, IDAHO CODE, TO  
6 REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
7 SECTION 54-4711, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE  
8 TECHNICAL CORRECTIONS; AMENDING SECTION 54-5103, IDAHO CODE, TO PRO-  
9 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-5408, IDAHO CODE, TO  
10 REMOVE SURPLUS VERBIAGE; AMENDING SECTION 67-1401, IDAHO CODE, TO MAKE  
11 CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING  
12 CHAPTER 93, TITLE 67, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 296,  
13 LAWS OF 2019, TO REDESIGNATE THE CHAPTER.

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

15 SECTION 1. That Section 19-4804, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 19-4804. DATA OVERSIGHT COUNCIL. (1) There is hereby created in the  
18 office of the state controller the data oversight council. All requests for  
19 projects, reports, and data analyses generated from the criminal justice in-  
20 tegrated data system must be approved by the data oversight council.

21 (2) The data oversight council shall be comprised of:

22 (a) The governor or his designee;

23 (b) The chief justice of the Idaho supreme court or his designee;

24 (c) The attorney general or his designee;

25 (d) The state controller or his designee;

26 (e) The director of the department of correction or his designee;

27 (f) The executive director of the commission of pardons and parole or  
28 his designee;

29 (g) The director of the department of juvenile corrections or his de-  
30 signee;

31 (h) The director of the department of health and welfare or his de-  
32 signee;

33 (i) The director of the Idaho state police or his designee;

34 (j) The administrator of the office of information technology services  
35 or his designee; and

36 (k) A designee from the state department of education selected by the  
37 governor.

38 (3) Any designee under subsection (2) of this section must be an em-  
39 ployee in the office, agency, or department of his respective designating  
40 authority. Members of the data oversight council shall serve without any ad-  
41 ditional compensation or honorarium.

42 (4) The data oversight council, by majority vote, shall elect a chair-  
43 man among its members who shall serve a term of two (2) years while serving on  
44 the council.

45 (5) All meetings of the data oversight council shall be held in com-  
46 pliance with the open meetings law as provided in chapter 2, title 74, Idaho  
47 Code.

1 (6) The state controller shall work in collaboration with the data  
2 oversight council to manage the criminal justice integrated data system. It  
3 shall be the duty of the state controller, in conjunction with the data over-  
4 sight council, to assure confidentiality of all records and data collected  
5 by the criminal justice integrated data system and to assure compliance  
6 with applicable state and federal laws and rules governing the privacy of  
7 records, data, and personal identifiable information.

8 (7) Any projects, reports, or data analyses in final form produced by  
9 persons authorized to conduct research and analyses under this chapter shall  
10 belong to the requesting local government or state agency or department and  
11 not the office of the state controller.

12 (8) The Idaho legislature, as well as the contributing state agencies  
13 and departments and local governments shall have priority in requesting any  
14 projects, reports, or data analyses to be produced by persons authorized by  
15 the data oversight council. The data oversight council may, in its discre-  
16 tion, deny any requested project, report, or data analysis where it deter-  
17 mines the request is unduly burdensome, voluminous, or cost-prohibitive.

18 (9) The office of the state controller, members of the data oversight  
19 council, and all contributing local governments, state agencies and depart-  
20 ments, or volunteer nongovernmental entities shall be immune from liability  
21 to any person or entity for any invasion of the right to privacy or use of  
22 records or data generated by the criminal justice integrated data system.

23 (10) In collaboration with contributing local governments, state agen-  
24 cies and departments, or volunteer nongovernmental entities and the data  
25 oversight council, the state controller may establish policies addressing  
26 the creation of reports generated through the query of records and data pos-  
27 sessed by the criminal justice integrated data system. Provided, however,  
28 contributing volunteer nongovernmental entities may ~~only~~ collaborate only  
29 with respect to the data or information contributed by that volunteer non-  
30 governmental entity.

31 SECTION 2. That Section 26-2110, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 26-2110. MEMBERSHIP. (a) The membership of a credit union shall be  
34 limited to and consist of the subscribers to the articles of incorporation  
35 and such other persons having the common bond set forth in the articles of in-  
36 corporation as have been duly admitted members, have paid the entrance fee,  
37 if any, as provided in the bylaws, have subscribed and paid for one (1) or  
38 more shares, and have complied with such other requirements as the articles  
39 of incorporation or bylaws may specify.

40 (b) Credit union organizations shall be limited to groups having a com-  
41 mon bond of occupation or association, or to residents within a well-defined  
42 neighborhood, community, or rural district, employees of a common employer,  
43 or members of a bona fide fraternal, religious, cooperative, labor, rural,  
44 educational, or similar organization and members of the immediate family of  
45 such persons.

46 (c) Societies and associations composed entirely of individuals who  
47 are within the field of membership of the credit union may be admitted to  
48 membership in the same manner and under the same conditions as individuals.

1 (d) An individual who leaves the field of membership may be permitted to  
 2 retain his membership in the credit union at the discretion of the board, and  
 3 as provided in the bylaws.

4 (e) An employer, including the state and its political subdivisions,  
 5 may become a member of a credit union, of which its employee is a member, only  
 6 for the purpose of placing shares or deposits in the credit union pursuant  
 7 to an employee deferred compensation plan qualified under chapter 400 of the  
 8 ~~Internal Revenue Code~~ of 1954, as amended, or other retirement plans set  
 9 out in section 26-2151, Idaho Code.

10 ~~(f) Credit unions may become members of other Idaho credit unions for~~  
 11 ~~the purposes provided in section 26-2120, Idaho Code.~~

12 SECTION 3. That Section 28-4-613, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 28-4-613. ERRONEOUS PAYMENT ORDERS. (1) If an accepted payment order  
 15 was transmitted pursuant to a security procedure for the detection of error  
 16 and the payment order (i) erroneously instructed payment to a beneficiary  
 17 not intended by the sender, (ii) erroneously instructed payment in an amount  
 18 greater than the amount intended by the sender, or (iii) was an erroneously  
 19 transmitted duplicate of a payment order previously sent by the sender, the  
 20 following rules apply:

21 (a) If the sender proves that the sender or a person acting on behalf of  
 22 the sender pursuant to section 28-4-614, Idaho Code, complied with the  
 23 security procedure and that the error would have been detected if the  
 24 receiving bank had also complied, the sender is not obliged to pay the  
 25 order to the extent stated in paragraphs (b) and (c) of this subsection.

26 (b) If the funds transfer is completed on the basis of an erroneous  
 27 payment order described in ~~clause~~ (i) or (iii) of this subsection, the  
 28 sender is not obliged to pay the order and the receiving bank is entitled  
 29 to recover from the beneficiary any amount paid to the beneficiary to  
 30 the extent allowed by the law governing mistake and restitution.

31 (c) If the funds transfer is completed on the basis of a payment order  
 32 described in ~~clause~~ (ii) of this subsection ~~of this section~~, the sender  
 33 is not obliged to pay the order to the extent the amount received by the  
 34 beneficiary is greater than the amount intended by the sender. In that  
 35 case, the receiving bank is entitled to recover from the beneficiary the  
 36 excess amount received to the extent allowed by the law governing mis-  
 37 take and restitution.

38 (2) If (i) the sender of an erroneous payment order described in subsec-  
 39 tion (1) of this section is not obliged to pay all or part of the order, and  
 40 (ii) the sender receives notification from the receiving bank that the order  
 41 was accepted by the bank or that the sender's account was debited with re-  
 42 spect to the order, the sender has a duty to exercise ordinary care, on the  
 43 basis of information available to the sender, to discover the error with re-  
 44 spect to the order and to advise the bank of the relevant facts within a rea-  
 45 sonable time, not exceeding ninety (90) days, after the bank's notification  
 46 was received by the sender. If the bank proves that the sender failed to per-  
 47 form that duty, the sender is liable to the bank for the loss the bank proves  
 48 it incurred as a result of the failure, but the liability of the sender may  
 49 not exceed the amount of the sender's order.

1 (3) This section applies to amendments to payment orders to the same ex-  
2 tent it applies to payment orders.

3 SECTION 4. That Section 30-24-801, Idaho Code, be, and the same is  
4 hereby amended to read as follows:

5 30-24-801. EVENTS CAUSING DISSOLUTION. (a) A limited partnership is  
6 dissolved, and its activities and affairs must be wound up, upon the occur-  
7 rence of any of the following:

8 (1) An event or circumstance that the partnership agreement states  
9 causes dissolution;

10 (2) The affirmative vote or consent of all general partners and of lim-  
11 ited partners owning a majority of the rights to receive distributions  
12 as limited partners at the time the vote or consent is to be effective;

13 (3) After the dissociation of a person as a general partner:

14 (A) If the partnership has at least one (1) remaining general  
15 partner, the affirmative vote or consent to dissolve the part-  
16 nership not later than ninety (90) days after the dissociation by  
17 partners owning a majority of the rights to receive distributions  
18 as partners at the time the vote or consent is to be effective; or

19 (B) If the partnership does not have a remaining general partner,  
20 the passage of ninety (90) days after the dissociation, unless be-  
21 fore the end of the period:

22 (i) Consent to continue the activities and affairs of the  
23 partnership and admit at least one (1) general partner is  
24 given by limited partners owning a majority of the rights to  
25 receive distributions as limited partners at the time the  
26 consent is to be effective; and

27 (ii) At least one (1) person is admitted as a general partner  
28 in accordance with the consent;

29 (4) The passage of ninety (90) consecutive days after the dissociation  
30 of the partnership's last limited partner, unless before the end of the  
31 period the partnership admits at least one (1) limited partner;

32 (5) The passage of ninety (90) consecutive days during which the part-  
33 nership has only one (1) partner, unless before the end of the period:

34 (A) The partnership admits at least one (1) person as a partner;

35 (B) If the previously sole remaining partner is only a general  
36 partner, the partnership admits the person as a limited partner;  
37 and

38 (C) If the previously sole remaining partner is only a limited  
39 partner, the partnership admits a person as a general partner;

40 (6) On application by a partner, the entry by the district court of an  
41 order dissolving the partnership on the grounds that:

42 (A) The conduct of all or substantially all the partnership's ac-  
43 tivities and affairs is unlawful; or

44 (B) It is not reasonably practicable to carry on the partnership's  
45 activities and affairs in conformity with the certificate of lim-  
46 ited partnership and partnership agreement; or

47 (7) The signing and filing of a statement of administrative dissolution  
48 by the secretary of state under section ~~24-1-602~~ 30-21-602, Idaho Code.

1 (b) If an event occurs that imposes a deadline on a limited partnership  
 2 under subsection (a) of this section and before the partnership has met the  
 3 requirements of the deadline, another event occurs that imposes a different  
 4 deadline on the partnership under subsection (a) of this section:

5 (1) The occurrence of the second event does not affect the deadline  
 6 caused by the first event; and

7 (2) The partnership's meeting of the requirements of the first deadline  
 8 does not extend the second deadline.

9 SECTION 5. That Section 30-25-103, Idaho Code, be, and the same is  
 10 hereby amended to read as follows:

11 30-25-103. KNOWLEDGE -- NOTICE. (a) A person knows a fact if the per-  
 12 son:

13 (1) Has actual knowledge of it; or

14 (2) Is deemed to know it under subsection (d) (1) of this section or law  
 15 other than this act.

16 (b) A person has notice of a fact if the person:

17 (1) Has reason to know the fact from all the facts known to the person at  
 18 the time in question; or

19 (2) Is deemed to have notice of the fact under subsection (d) (2) of this  
 20 section.

21 (c) Subject to section ~~30-25-210(f)~~ 30-21-212, Idaho Code, a person no-  
 22 tifies another person of a fact by taking steps reasonably required to in-  
 23 form the other person in ordinary course, whether or not those steps cause  
 24 the other person to know the fact.

25 (d) A person not a member is deemed:

26 (1) To know of a limitation on authority to transfer real property as  
 27 provided in section 30-25-302(g), Idaho Code; and

28 (2) To have notice of a limited liability company's:

29 (A) Dissolution ninety (90) days after a statement of dissolution  
 30 under section 30-25-702(b) (2) (A), Idaho Code, becomes effective;

31 (B) Termination ninety (90) days after a statement of termination  
 32 under section 30-25-702(b) (2) (F), Idaho Code, becomes effective;  
 33 and

34 (C) Participation in a merger, interest exchange, conversion, or  
 35 domestication, ninety (90) days after articles of merger, inter-  
 36 est exchange, conversion, or domestication under chapter 22, ti-  
 37 tle 30, Idaho Code, become effective.

38 SECTION 6. That Section 30-25-110, Idaho Code, be, and the same is  
 39 hereby amended to read as follows:

40 30-25-110. APPLICATION TO EXISTING RELATIONSHIPS. (a) Before July 1,  
 41 2017, this chapter governs only:

42 (1) A limited liability company formed on or after July 1, 2015; and

43 (2) Except as otherwise provided in subsection (c) of this section, a  
 44 limited liability company formed before July 1, 2015, that elects, in  
 45 the manner provided in its operating agreement or by law for amending  
 46 the operating agreement, to be subject to this chapter.

1 (b) Except as otherwise provided in subsection (c) of this section, on  
2 and after July 1, 2017, this chapter governs all limited liability compa-  
3 nies.

4 (c) For purposes of applying this chapter to a limited liability com-  
5 pany formed before July 1, 2008:

6 (1) The company's articles of organization are deemed to be the com-  
7 pany's certificate of organization; and

8 (2) For purposes of applying section 30-25-102~~(10)~~(a)(7), Idaho Code,  
9 and subject to section 30-25-107(d), Idaho Code, language in the com-  
10 pany's articles of organization designating the company's management  
11 structure operates as if that language were in the operating agreement.

12 SECTION 7. That Section 30-25-205, Idaho Code, be, and the same is  
13 hereby amended to read as follows:

14 30-25-205. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects  
15 are covered outside this chapter:

16 (1) Signing and filing pursuant to judicial order - section 30-21-210,  
17 Idaho Code.

18 (2) Filing requirements - section 30-21-201, Idaho Code.

19 (3) Effective date and time - section 30-21-203, Idaho Code.

20 (4) Withdrawal of filed record before effectiveness - section 30-21-  
21 204, Idaho Code.

22 (5) Correcting filed record - section 30-21-205, Idaho Code.

23 (6) Duty of secretary of state to file; review of refusal to file; de-  
24 livery of record by secretary of state - sections 30-21-206 and 30-21-214~~2~~,  
25 Idaho Code.

26 (7) Certificate of good standing or registration - section 30-21-208,  
27 Idaho Code.

28 (8) Annual report for secretary of state - section 30-21-213, Idaho  
29 Code.

30 SECTION 8. That Section 30-25-701, Idaho Code, be, and the same is  
31 hereby amended to read as follows:

32 30-25-701. EVENTS CAUSING DISSOLUTION. (a) A limited liability com-  
33 pany is dissolved, and its activities and affairs must be wound up, upon the  
34 occurrence of any of the following:

35 (1) An event or circumstance that the operating agreement states causes  
36 dissolution;

37 (2) The affirmative vote or consent of all the members;

38 (3) The passage of ninety (90) consecutive days during which the com-  
39 pany has no members unless before the end of the period:

40 (A) Consent to admit at least one (1) specified person as a member  
41 is given by transferees owning the rights to receive a majority of  
42 distributions as transferees at the time the consent is to be ef-  
43 fective; and

44 (B) At least one (1) person becomes a member in accordance with the  
45 consent;

46 (4) On application by a member, the entry by the district court of an  
47 order dissolving the company on the grounds that:

1 (A) The conduct of all or substantially all the company's activi-  
2 ties and affairs is unlawful; or

3 (B) It is not reasonably practicable to carry on the company's ac-  
4 tivities and affairs in conformity with the certificate of organi-  
5 zation and the operating agreement; or

6 (C) The managers or those members in control of the company:

7 (i) Have acted, are acting, or will act in a manner that is  
8 illegal or fraudulent; or

9 (ii) Have acted or are acting in a manner that is oppressive  
10 and was, is, or will be directly harmful to the applicant; or

11 (5) The signing and filing of a statement of administrative dissolu-  
12 tion by the secretary of state under section ~~30-25-708~~ 30-21-602, Idaho  
13 Code.

14 (b) In a proceeding brought under subsection (a) (4) (B) of this section,  
15 the court may order a remedy other than dissolution.

16 SECTION 9. That Section 30-25-703, Idaho Code, be, and the same is  
17 hereby amended to read as follows:

18 30-25-703. RESCINDING DISSOLUTION. (a) A limited liability company  
19 may rescind its dissolution, unless a statement of termination applicable to  
20 the company is effective, the district court has entered an order under sec-  
21 tion 30-25-701(a) (4), Idaho Code, dissolving the company, or the secretary  
22 of state has dissolved the company under section ~~30-25-708~~ 30-21-602, Idaho  
23 Code.

24 (b) Rescinding dissolution under this section requires:

25 (1) The affirmative vote or consent of each member;

26 (2) If a statement of dissolution applicable to the limited liability  
27 company has been filed by the secretary of state but has not become ef-  
28 fective, the delivery to the secretary of state for filing of a state-  
29 ment of withdrawal under section ~~30-21-208~~ 30-21-204, Idaho Code, ap-  
30 plicable to the statement of dissolution; and

31 (3) If a statement of dissolution applicable to the limited liability  
32 company is effective, the delivery to the secretary of state for fil-  
33 ing of a statement of rescission stating the name of the company and that  
34 dissolution has been rescinded under this section.

35 (c) If a limited liability company rescinds its dissolution:

36 (1) The company resumes carrying on its activities and affairs as if  
37 dissolution had never occurred;

38 (2) Subject to paragraph (3) of this subsection, any liability incurred  
39 by the company after the dissolution and before the rescission is effec-  
40 tive is determined as if dissolution had never occurred; and

41 (3) The rights of a third party arising out of conduct in reliance on the  
42 dissolution before the third party knew or had notice of the rescission  
43 may not be adversely affected.

44 SECTION 10. That Section 30-25-705, Idaho Code, be, and the same is  
45 hereby amended to read as follows:

46 30-25-705. OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COM-  
47 PANY. (a) A dissolved limited liability company may publish notice of its



1 dissolution and request persons having claims against the company to present  
2 them in accordance with the notice.

3 (b) A notice under subsection (a) of this section must:

4 (1) Be published at least once in a newspaper of general circulation in  
5 the county in this state in which the dissolved limited liability com-  
6 pany's principal office is located or, if the principal office is not  
7 located in this state, in the county in which the office of the company's  
8 registered agent is or was last located;

9 (2) Describe the information required to be contained in a claim, state  
10 that the claim must be in writing, and provide a mailing address to which  
11 the claim is to be sent; and

12 (3) State that a claim against the company is barred unless an action  
13 to enforce the claim is commenced not later than three (3) years after  
14 publication of the notice.

15 (c) If a dissolved limited liability company publishes a notice in ac-  
16 cordance with subsection (2) of this section, the claim of each of the fol-  
17 lowing claimants is barred unless the claimant commences an action to en-  
18 force the claim against the company not later than three (3) years after the  
19 publication date of the notice:

20 (1) A claimant that did not receive notice in a record under section  
21 30-25-704, Idaho Code;

22 (2) A claimant whose claim was timely sent to the company but not acted  
23 on; and

24 (3) A claimant whose claim is contingent at, or based on an event occur-  
25 ring after, the date of dissolution.

26 (d) A claim not barred under this section or section 30-25-704, Idaho  
27 Code, may be enforced:

28 (1) Against a dissolved limited liability company, to the extent of its  
29 undistributed assets; and

30 (2) Except as otherwise provided in section 30-275-706, Idaho Code, if  
31 assets of the company have been distributed after dissolution, against  
32 a member or transferee to the extent of that person's proportionate  
33 share of the claim or of the company's assets distributed to the mem-  
34 ber or transferee after dissolution, whichever is less, but a person's  
35 total liability for all claims under this paragraph may not exceed the  
36 total amount of assets distributed to the person after dissolution.

37 SECTION 11. That Section 30-30-205, Idaho Code, be, and the same is  
38 hereby amended to read as follows:

39 30-30-205. ORGANIZATION OF CORPORATION. (1) After incorporation:

40 (a) If initial directors are named in the articles of incorporation,  
41 the initial directors shall hold an organizational meeting, at the call  
42 of a majority of the directors, to complete the organization of the cor-  
43 poration by appointing officers, adopting bylaws and carrying on any  
44 other business brought before the meeting;

45 (b) If initial directors are not named in the articles, the incorpora-  
46 tor or incorporators shall hold an organizational meeting at the call of  
47 a majority of the incorporators:

48 (i) To elect directors and complete the organization of the in-  
49 corporation; or

1           (ii) To elect a board of directors who shall complete the organi-  
2           zation of the corporation.

3           (2) Action required or permitted by this act to be taken by incorpora-  
4           tors at an organizational meeting may be taken without a meeting if the ac-  
5           tion taken is evidenced by one (1) or more written consents describing the  
6           action taken and signed by each incorporator.

7           (3) An organizational meeting may be held in or out of this state in ac-  
8           cordance with section 30-30-61~~3~~2, Idaho Code.

9           SECTION 12. That Section 31-2404, Idaho Code, be, and the same is hereby  
10          amended to read as follows:

11          31-2404. INDEXES TO BE KEPT. Every recorder must keep:

12          (1) An index of deeds, grants and transfers, labeled "Grantors,"  
13          each page divided into four (4) columns, headed respectively, "Names of  
14          grantors," "Names of grantees," "Date of deeds, grants or transfers" and  
15          "Where recorded."

16          (2) An index of deeds, labeled "Grantees," each page divided into four  
17          (4) columns, headed respectively, "Names of grantees," "Names of grantors,"  
18          "Date of deeds, grants or transfers" and "Where recorded."

19          (3) An index of mortgages, labeled "Mortgagors of real property,"  
20          with the pages thereof divided into five (5) columns, headed respectively,  
21          "Names of mortgagors," "Names of mortgagees," "Date of mortgages," "Where  
22          recorded," and "When discharged."

23          (4) An index of mortgages, labeled "Mortgagees of real property,"  
24          with the pages thereof divided into five (5) columns, headed respectively,  
25          "Names of mortgagees," "Names of mortgagors," "Date of mortgages," "Where  
26          recorded," and "When discharged."

27          (5) An index of release of mortgages, labeled "Releases of mortgages  
28          of real property--mortgagors," with the pages thereof divided into six (6)  
29          columns, headed respectively, "Parties releasing," "To whom releases are  
30          given," "Date of releases," "Where releases are recorded," "Date of mort-  
31          gages released," and "Where mortgages released are recorded."

32          (6) An index of releases of mortgages, labeled "Releases of mortgages  
33          of real property--mortgagees," with the pages thereof divided into six (6)  
34          columns, headed respectively, "Parties whose mortgages are released," "Par-  
35          ties releasing," "Date of releases," "Where recorded," "Date of mortgages  
36          released," and "Where mortgages released are recorded."

37          (7) An index of powers of attorney, labeled "Powers of attorney," each  
38          page divided into five (5) columns, headed respectively, "Names of parties  
39          executing powers," "To whom powers are executed," "Date of powers," "Date of  
40          recording," and "Where powers are recorded."

41          (8) An index of leases, labeled "Lessors," each page divided into four  
42          (4) columns, headed respectively, "Names of lessors," "Names of lessees,"  
43          "Date of leases," and "When and where recorded."

44          (9) An index of leases, labeled "Lessees," each page divided into four  
45          (4) columns, headed respectively, "Names of lessees," "Names of lessors,"  
46          "Date of leases," and "When and where recorded."

47          (10) An index of marriage certificates, labeled "Marriage certifi-  
48          cates--Men," each page divided into six (6) columns, headed respectively,

1 "Men married," "To whom married," "When married," "By whom married," "Where  
2 married," and "Where certificates are recorded."

3 (11) An index of marriage certificates, labeled "Marriage certifi-  
4 cates--Women," each page divided into six (6) columns, headed respectively,  
5 "Women married" (and under this head placing the family names of the women),  
6 "To whom married," "When married," "By whom married," "Where married," and  
7 "Where certificates are recorded."

8 (12) An index of assignments of real property mortgages and leases, la-  
9 beled "Assignments of mortgages and leases--assignors," each page divided  
10 into five (5) columns, headed respectively, "Assignors," "Assignees," "In-  
11 struments assigned," "Date of assignment," and "When and where recorded."

12 (13) An index of assignments of real property mortgages and leases, la-  
13 beled "Assignments of mortgages and leases--assignees," each page divided  
14 into five (5) columns, headed respectively, "Assignees," "Assignors," "In-  
15 struments assigned," "Date of assignments," and "When and where recorded."

16 (14) An index of wills, labeled "Wills," each page divided into four (4)  
17 columns, headed respectively, "Names of testators," "Date of wills," "Date  
18 of probate," and "When and where recorded."

19 (15) An index of official bonds, labeled "Official bonds," each page  
20 divided into five (5) columns, headed respectively, "Names of officers,"  
21 "Names of offices," "Date of bonds," "Amount of bonds," and "When and where  
22 recorded."

23 (16) An index of notices of mechanics' liens, labeled "Mechanics'  
24 liens," each page divided into three (3) columns, headed respectively, "Par-  
25 ties claiming liens," "Against whom claimed," and "Notices, when and where  
26 recorded."

27 (17) An index to transcripts of judgment, labeled "Transcripts of judg-  
28 ments," each page divided into seven (7) columns, headed respectively,  
29 "Judgment debtors," "Judgment creditors," "Amount of judgments," "Where  
30 recorded," "When recovered," "When transcript filed," and "When judgment  
31 satisfied."

32 (18) An index of attachments, labeled "Attachments," each page divided  
33 into six (6) columns, headed respectively, "Parties against whom attach-  
34 ments are issued," "Parties issuing attachments," "Notices of attachments,"  
35 "When recorded," "Where recorded," and "When attachments discharged."

36 (19) An index of notices of the pendency of actions, labeled "Notices  
37 of actions," each page divided into three (3) columns, headed respectively,  
38 "Parties to the actions," "Notices, when recorded," and "Where recorded."

39 (20) An index of the separate property of married women, labeled "Sep-  
40 arate property of married women," each page divided into five (5) columns,  
41 headed respectively, "Names of married women," "Names of their husbands,"  
42 "Nature of instruments recorded," "When recorded," and "Where recorded."

43 (21) An index of possessory claims, labeled "Possessory claims," each  
44 page divided into five (5) columns, headed respectively, "Claimants," "No-  
45 tices," "When received," "Date of notices," and "When and where recorded."

46 (22) An index of homesteads, labeled "Homesteads," each page divided  
47 into five (5) columns, headed respectively, "Claimants," "Date of dec-  
48 laration," "When and where recorded," "Abandonment," and "When and where  
49 recorded."

1 (23) An index of agreements and bonds affecting the title of real prop-  
2 erty, labeled "Real property agreements," each page divided into four (4)  
3 columns, headed respectively, "Vendors," "Vendees," "Date of agreement,"  
4 and "When and where recorded."

5 (24) An index of mining claims, labeled "Mining claims," each page di-  
6 vided into five (5) columns, headed "Locators," "Name of claim," "Date of lo-  
7 cation," "When filed for record," and "Where recorded."

8 (25) An index of water rights, labeled "Water rights," each page divided  
9 into four (4) columns, labeled, "Locators," "Date of notice," "When filed  
10 for record," and "Where recorded."

11 (26) A general index of all papers to be entered as they are filed.

12 (27) An index, labeled "Financing Statements," as required under Part 4  
13 5 of the Uniform Commercial Code--Secured Transactions, chapter 9, title 28,  
14 Idaho Code.

15 (28) In lieu of the above-named indexes, a recorder may create an elec-  
16 tronic management system into which all of the above-named indexes are file  
17 names. Each of these files shall segregate the above-referenced records and  
18 permit search and retrieval capabilities of each file type under each of the  
19 above-enumerated categories.

20 SECTION 13. That Section 33-137, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 33-137. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. (1) A  
23 school district or public charter school may offer digital or online library  
24 resources to students in kindergarten through grade 12 only if the vendor  
25 or other person or entity providing the resources verifies that all the re-  
26 sources will comply with the provisions of subsection (2) of this section.

27 (2) Digital or online library resources offered by school districts  
28 or public charter schools to students in kindergarten through grade 12 must  
29 have safety policies and technology protection measures that:

30 (a) Prohibit and prevent a user of the resource from sending, receiv-  
31 ing, viewing, or downloading materials that are deemed to be harmful to  
32 minors, as defined by section 18-1514, Idaho Code; and

33 (b) Filter or block access to obscene materials, materials harmful to  
34 minors, and materials that depict the sexual exploitation of a minor, as  
35 defined in chapter 15, title 18, Idaho Code.

36 (3) Notwithstanding any contract provision to the contrary, if a  
37 provider of digital or online library resources fails to comply with the re-  
38 quirements of subsection (2) of this section, the school district or public  
39 charter school may withhold further payments, if any, to the provider pend-  
40 ing verification of compliance with that subsection.

41 (4) If a provider of digital or online library resources fails to timely  
42 verify that the provider is in compliance with the requirements of subsec-  
43 tion (2) of this section, the school district or public charter school may  
44 consider the provider's act of noncompliance a breach of contract.

45 (5) No later than December 1 of each year, the Idaho commission for li-  
46 braries shall submit to the governor and the senate and house of representa-  
47 tives education committees an aggregate written report on any issues related  
48 to provider compliance with technology protection measures required by sub-  
49 section (2) of this section.

1 SECTION 14. That Section 33-524, Idaho Code, as enacted by Section 1,  
2 Chapter 64, Laws of 2020, be, and the same is hereby amended to read as fol-  
3 lows:

4 33-5245. ADVANCE ENROLLMENT FOR MILITARY DEPENDENTS. Each school dis-  
5 trict shall establish a process under which a child may enroll in or regis-  
6 ter for courses at a school in the school district, regardless of where such  
7 child resides at the time of enrollment or registration, if the child is a de-  
8 pendent of a member of the United States armed forces who has received trans-  
9 fer orders to a location in Idaho and will, upon such transfer, reside in the  
10 school district.

11 SECTION 15. That Section 33-1002, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
14 gram is calculated as follows:

15 (1) State Educational Support Funds. Add the state appropriation, in-  
16 cluding the moneys available in the public school income fund, together with  
17 all miscellaneous revenues to determine the total state funds.

18 (2) From the total state funds subtract the following amounts needed  
19 for state support of special programs provided by a school district:

20 (a) Pupil tuition-equivalency allowances as provided in section  
21 33-1002B, Idaho Code;

22 (b) Transportation support program as provided in section 33-1006,  
23 Idaho Code;

24 (c) Feasibility studies allowance as provided in section 33-1007A,  
25 Idaho Code;

26 (d) The approved costs for border district allowance, provided in sec-  
27 tion 33-1403, Idaho Code, as determined by the state superintendent of  
28 public instruction;

29 (e) The approved costs for exceptional child approved contract al-  
30 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
31 determined by the state superintendent of public instruction;

32 (f) Salary-based apportionment calculated as provided in sections  
33 33-1004 through 33-1004F, Idaho Code;

34 (g) Unemployment insurance benefit payments according to the provi-  
35 sions of section 72-1349A, Idaho Code;

36 (h) For expenditure as provided by the public school technology pro-  
37 gram;

38 (i) For employee severance payments as provided in section 33-521,  
39 Idaho Code;

40 (j) For distributions to the Idaho digital learning academy as provided  
41 in section 33-1020, Idaho Code;

42 (k) For charter school facilities funds and reimbursements paid pur-  
43 suant to section 33-5208(5), Idaho Code;

44 (l) For an online course portal as provided for in section 33-1024,  
45 Idaho Code;

46 (m) For advanced opportunities as provided for in chapter 46, title 33,  
47 Idaho Code;

1 (n) For additional math and science courses for high school students as  
2 provided in section 33-1021, Idaho Code;

3 (o) For leadership premiums as provided in section 33-1004J, Idaho  
4 Code;

5 (p) For master teacher premiums as provided in section 33-1004I, Idaho  
6 Code;

7 (q) For the support of provisions that provide a safe environment con-  
8 ductive to student learning and maintain classroom discipline, an allo-  
9 cation of three hundred dollars (\$300) per support unit;

10 (r) An amount specified in the appropriation bill for the public  
11 schools educational support program for counseling support as provided  
12 for in section 33-1212A, Idaho Code, shall be distributed for grades 8  
13 through 12 as follows:

14 (i) For school districts and public charter schools with one hun-  
15 dred (100) or more students enrolled in grades 8 through 12, a pro  
16 rata distribution based on students enrolled in grades 8 through  
17 12 or eighteen thousand dollars (\$18,000), whichever is greater;

18 (ii) For school districts and public charter schools with fewer  
19 than one hundred (100) students enrolled in grades 8 through 12,  
20 one hundred eighty dollars (\$180) per student enrolled in grades  
21 8 through 12 or nine thousand dollars (\$9,000), whichever is  
22 greater;

23 (s) An amount specified in the public schools educational support pro-  
24 gram appropriation bill for literacy intervention pursuant to section  
25 33-1616, Idaho Code, the disbursements made to the school districts  
26 and public charter schools in the aggregate shall not exceed the total  
27 amount appropriated for this purpose and shall be based on the actual  
28 costs of such intervention programs. School districts and public char-  
29 ter schools shall be reimbursed in full or in pro rata based on the  
30 average number of students in kindergarten through grade 3 who score ba-  
31 sic or below basic on the fall statewide reading assessment in the prior  
32 three (3) years;

33 (t) For mastery-based education as provided for in section 33-16302,  
34 Idaho Code;

35 (u) For pay for success contracting as provided in section 33-125B,  
36 Idaho Code; and

37 (v) Any additional amounts as required by statute to effect administra-  
38 tive adjustments or as specifically required by the provisions of any  
39 bill of appropriation;

40 to secure the total educational support distribution funds.

41 (3) Average Daily Attendance. The total state average daily attendance  
42 shall be the sum of the average daily attendance of all of the school dis-  
43 tricts of the state. The state board of education shall establish rules set-  
44 ting forth the procedure to determine average daily attendance and the time  
45 for, and method of, submission of such report. Average daily attendance cal-  
46 culation shall be carried out to the nearest hundredth. Computation of av-  
47 erage daily attendance shall also be governed by the provisions of section  
48 33-1003A, Idaho Code.

49 (4) Support Units. The total state support units shall be determined  
50 by using the tables set out hereafter called computation of kindergarten

1 support units, computation of elementary support units, computation of sec-  
 2 ondary support units, computation of exceptional education support units,  
 3 and computation of alternative school support units. The sum of all of the  
 4 total support units of all school districts of the state shall be the total  
 5 state support units.

6 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

7	Average Daily		
8	Attendance	Attendance Divisor	Units Allowed
9	41 or more....	40.....	1 or more as computed
10	31 - 40.99 ADA....	-.....	1
11	26 - 30.99 ADA....	-.....	.85
12	21 - 25.99 ADA....	-.....	.75
13	16 - 20.99 ADA....	-.....	.6
14	8 - 15.99 ADA....	-.....	.5
15	1 - 7.99 ADA....	-.....	count as elementary

16 COMPUTATION OF ELEMENTARY SUPPORT UNITS

17	Average Daily		Minimum Units
18	Attendance	Attendance Divisor	Allowed
19	300 or more ADA.....	.....	.. 15
20		..23...grades 4,5 & 6....	
21		..22...grades 1,2 & 3....1994-95	
22		..21...grades 1,2 & 3....1995-96	
23		..20...grades 1,2 & 3....1996-97	
24		and each year thereafter.	
25	160 to 299.99 ADA...	20.....	8.4
26	110 to 159.99 ADA...	19.....	6.8
27	71.1 to 109.99 ADA...	16.....	4.7
28	51.7 to 71.0 ADA...	15.....	4.0
29	33.6 to 51.6 ADA...	13.....	2.8
30	16.6 to 33.5 ADA...	12.....	1.4
31	1.0 to 16.5 ADA...	n/a.....	1.0

32 COMPUTATION OF SECONDARY SUPPORT UNITS

33	Average Daily		Minimum Units
34	Attendance	Attendance Divisor	Allowed
35	750 or more....	18.5.....	47
36	400 - 749.99 ADA....	16.....	28
37	300 - 399.99 ADA....	14.5.....	22
38	200 - 299.99 ADA....	13.5.....	17

1	100 - 199.99 ADA....	12 .....	9
2	99.99 or fewer	Units allowed as follows:	
3	Grades 7-12	.....	8
4	Grades 9-12	.....	6
5	Grades 7- 9	.....	1 per 14 ADA
6	Grades 7- 8	.....	1 per 16 ADA

7                    COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

8	Average Daily		Minimum Units
9	Attendance	Attendance Divisor	Allowed
10	14 or more....	14.5 .....	1 or more as
11			computed
12	12 - 13.99....	- .....	1
13	8 - 11.99....	- .....	.75
14	4 - 7.99....	- .....	.5
15	1 - 3.99....	- .....	.25

16                    COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

17                    (Computation of alternative school support units shall include  
18                    grades 6 through 12)

19	Pupils in Attendance	Attendance Divisor	Minimum Units
20			Allowed
21	12 or more.....	12 .....	1 or more as
22			computed

23                    In applying these tables to any given separate attendance unit, no  
24                    school district shall receive less total money than it would receive if it  
25                    had a lesser average daily attendance in such separate attendance unit. In  
26                    applying the kindergarten table to a kindergarten program of fewer days  
27                    than a full school year, the support unit allowance shall be in ratio to the  
28                    number of days of a full school year. The attendance of students attending  
29                    an alternative school in a school district reporting fewer than one hundred  
30                    (100) secondary students in average daily attendance shall not be assigned  
31                    to the alternative table if the student is from a school district reporting  
32                    fewer than one hundred (100) secondary students in average daily attendance,  
33                    but shall instead be assigned to the secondary table of the school district  
34                    in which they are attending the alternative school, unless the alternative  
35                    school in question serves students from multiple districts reporting fewer  
36                    than one hundred (100) secondary students in average daily attendance. The  
37                    tables for exceptional education and alternative school support units shall  
38                    be applicable only for programs approved by the state department of educa-  
39                    tion following rules established by the state board of education. Moneys  
40                    generated from computation of support units for alternative schools shall be  
41                    utilized for alternative school programs. School district administrative



1 and facility costs may be included as part of the alternative school expen-  
2 ditures.

3 (5) State Distribution Factor per Support Unit. Divide educational  
4 support program distribution funds, after subtracting the amounts necessary  
5 to pay the obligations specified in subsection (2) of this section, by the  
6 total state support units to secure the state distribution factor per sup-  
7 port unit.

8 (6) District Support Units. The number of support units for each school  
9 district in the state shall be determined as follows:

10 (a) (i) Divide the actual average daily attendance, excluding stu-  
11 dents approved for inclusion in the exceptional child educational  
12 program, for the administrative schools and each of the separate  
13 schools and attendance units by the appropriate divisor from the  
14 tables of support units in this section, then add the quotients  
15 to obtain the district's support units allowance for regular stu-  
16 dents, kindergarten through grade 12 including alternative school  
17 students. Calculations in application of this subsection shall be  
18 carried out to the nearest hundredth.

19 (ii) Divide the combined totals of the average daily attendance  
20 of all preschool, kindergarten, elementary, secondary, juvenile  
21 detention center students and students with disabilities approved  
22 for inclusion in the exceptional child program of the district by  
23 the appropriate divisor from the table for computation of excep-  
24 tional education support units to obtain the number of support  
25 units allowed for the district's approved exceptional child pro-  
26 gram. Calculations for this subsection shall be carried out to the  
27 nearest hundredth when more than one (1) unit is allowed.

28 (iii) The total number of support units of the district shall be  
29 the sum of the total support units for regular students, subpara-  
30 graph (i) of this paragraph, and the support units allowance for  
31 the approved exceptional child program, subparagraph (ii) of this  
32 paragraph.

33 (b) Total District Allowance Educational Program. Multiply the dis-  
34 trict's total number of support units, carried out to the nearest hun-  
35 dredth, by the state distribution factor per support unit and to this  
36 product add the approved amount of programs of the district provided in  
37 subsection (2) of this section to secure the district's total allowance  
38 for the educational support program.

39 (c) District Share. The district's share of state apportionment is the  
40 amount of the total district allowance, paragraph (b) of this subsec-  
41 tion.

42 (d) Adjustment of District Share. The contract salary of every noncer-  
43 tificated teacher shall be subtracted from the district's share as cal-  
44 culated from the provisions of paragraph (c) of this subsection.

45 (7) Property Tax Computation Ratio. In order to receive state funds  
46 pursuant to this section, a charter district shall utilize a school mainte-  
47 nance and operation property tax computation ratio for the purpose of calcu-  
48 lating its maintenance and operation levy that is no greater than that which  
49 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used  
50 herein, the term "property tax computation ratio" shall mean a ratio deter-

1 mined by dividing the district's certified property tax maintenance and op-  
2 eration budget by the actual or adjusted market value for assessment pur-  
3 poses as such values existed on December 31, 1993. Such maintenance and op-  
4 eration levy shall be based on the property tax computation ratio multiplied  
5 by the actual or adjusted market value for assessment purposes as such values  
6 existed on December 31 of the prior calendar year.

7 SECTION 16. That Section 33-1004B, Idaho Code, be, and the same is  
8 hereby amended to read as follows:

9 33-1004B. CAREER LADDER. School districts shall receive an allocation  
10 for instructional staff and pupil service staff based on their staffs' posi-  
11 tion on the career ladder as follows:

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

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

21 (3) Instructional staff and pupil service staff on the professional  
22 compensation rung with four (4) years of experience shall move one (1) cell  
23 on the professional compensation rung unless they have failed to meet the  
24 professional compensation rung performance criteria for three (3) of the  
25 previous four (4) years. Instructional staff and pupil service staff on the  
26 professional compensation rung who meet the performance criteria for three  
27 (3) of the previous five (5) years, one (1) of which must be during the fourth  
28 or fifth year, shall move one (1) cell. Allocations for instructional staff  
29 and pupil service staff who do not meet the professional compensation rung  
30 performance criteria for three (3) of the previous five (5) years, one (1) of  
31 which must be during the fourth or fifth year, shall remain at the previous  
32 fiscal year allocation level. This also applies to the educational alloca-  
33 tion.

34 (4) Instructional staff and pupil service staff in their first year of  
35 holding an advanced professional endorsement shall be placed in the first  
36 cell of the advanced professional compensation rung.

37 (5) Instructional staff and pupil service staff on the advanced profes-  
38 sional compensation rung who met the performance criteria for the advanced  
39 professional rung in the previous year shall move one (1) cell on the ad-  
40 vanced professional compensation rung. Allocations for instructional staff  
41 and pupil service staff who do not meet the advanced professional compensa-  
42 tion rung performance criteria shall remain at the previous fiscal year al-  
43 location level. This also applies to the additional education allocation.

44 (6) Career technical education instructional staff holding an occupa-  
45 tional specialist certificate shall be placed on the career ladder as fol-  
46 lows:

47 (a) Instructional staff new to working in an Idaho public school:

48 (i) With two (2) or three (3) years of industry experience in a  
49 field closely related to the subjects they seek to teach shall be

1 placed in an equivalent cell to instructional staff who have been  
2 on the career ladder and met the movement requirements for one (1)  
3 year;

4 (ii) With four (4) or five (5) years of industry experience in a  
5 field closely related to the subjects they seek to teach shall be  
6 placed in an equivalent cell to instructional staff who have been  
7 on the career ladder and met the movement requirements for two (2)  
8 years;

9 (iii) With six (6) or seven (7) years of industry experience in a  
10 field closely related to the subjects they seek to teach shall be  
11 placed in an equivalent cell to instructional staff who have been  
12 on the career ladder and met the movement requirements for three  
13 (3) years; and

14 (iv) With eight (8) or more years of industry experience in a  
15 field closely related to the subjects they seek to teach shall be  
16 placed in an equivalent cell to instructional staff who have been  
17 on the career ladder and met the movement requirements for four (4)  
18 years; and

19 (b) Existing career technical education instructional staff on the  
20 residency compensation rung shall have their placement updated con-  
21 sistent with the provisions of paragraph (a) of this subsection if the  
22 update would result in a rung higher than their current placement.

23 (~~67~~) In addition to the allocation amount specified for the applicable  
24 cell on the career ladder, school districts shall receive an additional al-  
25 location amount for career technical education instructional staff holding  
26 an occupational specialist certificate in the area for which they are teach-  
27 ing in the amount of three thousand dollars (\$3,000), which shall be des-  
28 ignated for career technical education staff and included as part of their  
29 salary.

30 (~~78~~) In addition to the allocation amount specified for the applica-  
31 ble cell on the career ladder, school districts shall receive an additional  
32 allocation amount for instructional staff and pupil service staff holding  
33 a professional or an advanced professional endorsement who have acquired  
34 additional education and meet the professional or advanced professional  
35 compensation rung performance criteria. In determining the additional ed-  
36 ucation allocation amount, only transcribed credits and degrees on file  
37 with the teacher certification office of the state department of education,  
38 earned at an institution of higher education accredited by a body recognized  
39 by the state board of education or credits earned through an internship or  
40 work experience approved by the state board of education, shall be allowed.  
41 All credits and degrees earned must be in a relevant pedagogy or content area  
42 as determined by the state department of education. Additional education  
43 allocation amounts are not cumulative. Instructional staff whose initial  
44 certificate is an occupational specialist certificate shall be treated as BA  
45 degree-prepared instructional staff. Credits earned by such occupational  
46 specialist instructional staff after initial certification shall be cred-  
47 ited toward the education allocation. Additional education allocations  
48 are:

49 (a) For instructional staff and pupil service staff holding a profes-  
50 sional or an advanced professional endorsement, a baccalaureate degree

1 and twenty-four (24) or more credits, two thousand dollars (\$2,000) per  
2 fiscal year.

3 (b) For instructional staff and pupil service staff holding a profes-  
4 sional or an advanced professional endorsement and a master's degree,  
5 three thousand five hundred dollars (\$3,500) per fiscal year.

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

7 Base					
8 Allocation	1	2	3	4	5
9 Residency	\$40,000	\$40,500	\$41,000		
10 Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000
11 Advanced					
12 Professional	\$52,000				

13 (d) Effective July 1, 2021, the allocation shall be:

14 Base					
15 Allocation	1	2	3	4	5
16 Residency	\$40,369	\$40,990	\$41,611		
17 Professional	\$42,991	\$44,836	\$46,681	\$48,526	\$50,370
18 Advanced					
19 Professional	\$52,734	\$53,207			

20 (e) Effective July 1, 2022, the allocation shall be:

21 Base					
22 Allocation	1	2	3	4	5
23 Residency	\$40,742	\$41,486	\$42,231		
24 Professional	\$43,488	\$45,302	\$47,116	\$48,930	\$50,743
25 Advanced					
26 Professional	\$53,478	\$54,442	\$55,389		

27 (f) Effective July 1, 2023, the allocation shall be:

28 Base					
29 Allocation	1	2	3	4	5
30 Residency	\$41,118	\$41,988	\$42,860		
31 Professional	\$43,990	\$45,773	\$47,555	\$49,337	\$51,119
32 Advanced					
33 Professional	\$54,233	\$55,705	\$57,165	\$58,613	

34 (g) Effective July 1, 2024, the allocation shall be:

35 Base					
36 Allocation	1	2	3	4	5
37 Residency	\$41,500	\$42,500	\$43,500		
38 Professional	\$44,500	\$46,250	\$48,000	\$49,750	\$51,500
39 Advanced					
40 Professional	\$55,000	\$57,000	\$59,000	\$61,000	\$63,000



1 33-~~6201~~6301. DEFINITIONS. As used in this chapter:

2 (1) "Board" means the state board of education.

3 (2) "Disability" means a developmental disability as defined in 45 CFR  
4 1325.3 or a learning disability, mental illness, or traumatic brain injury  
5 as defined in board rule.

6 (3) "Division" means the division of vocational rehabilitation.

7 (4) "Extended employment services" or "EES" means long-term main-  
8 tenance services that assist participants in maintaining employment or  
9 gaining employment skills in preparation for community employment or that  
10 provide assistance to adult participants within an industry or a business  
11 setting or a community rehabilitation program intended to maintain paid  
12 employment. Extended employment services include individual supported em-  
13 ployment, group community-based supported employment, and work services.

14 (5) "Group community-based supported employment" means self-employ-  
15 ment or paid employment that is:

16 (a) For a group of no more than eight (8) participants who are paid at  
17 least minimum wage and who, because of their disabilities, need ongoing  
18 support to maintain employment;

19 (b) Conducted in a variety of community and industry settings where the  
20 participants have opportunities to interact with coworkers or others  
21 without known paid work supports at least to the extent that those op-  
22 portunities typically exist in that work setting;

23 (c) Supported by training and supervision needed to maintain that em-  
24 ployment; and

25 (d) Not conducted in the work services area of a provider.

26 (6) "Individual community-supported employment" means self-employ-  
27 ment or paid employment:

28 (a) For which a participant is paid a competitive wage;

29 (b) For which the participant, because of the participant's disabili-  
30 ty, needs ongoing support to maintain the employment;

31 (c) That is conducted in a community or industry setting where persons  
32 without known paid work supports are employed; and

33 (d) Is supported by authorized activities needed to sustain paid work  
34 by persons with disabilities, including but not limited to supervision,  
35 training, and transportation.

36 (7) "Individual program plan" means a plan for extended employment ser-  
37 vices appropriate for an individual participant based on the participant's  
38 needs and personal goals.

39 (8) "Participant" means a person eligible for and enrolled in the  
40 extended employment services program established pursuant to section  
41 33-~~6202~~6302, Idaho Code.

42 (9) "Program" means the extended employment services program estab-  
43 lished pursuant to section 33-~~6202~~6302, Idaho Code.

44 (10) "Provider" means a community rehabilitation program services  
45 provider approved by the division to provide extended employment services.

46 (11) "Work services" means activities, typically conducted on provider  
47 premises, intended to assist participants in understanding the value and de-  
48 mands of work and developing functional capacities that increase or maintain  
49 the skill sets of participants to achieve and maintain employment.

1           33-~~6202~~6302. PROGRAM ESTABLISHED. (1) There is hereby established in  
2 the board an extended employment services (EES) program for the purpose of  
3 increasing employment opportunities for program participants. The program  
4 shall be administered by the division. Extended employment services offered  
5 under the program are separate and apart from any federal program but may  
6 be collaborative with and supportive of federal programs. Administrative  
7 costs charged to the EES program shall be limited, subject to federal indi-  
8 rect cost rate matching requirements, and subject to audit and review.

9           (2) Program services shall be:

10           (a) Provided when eligible individuals do not have access to comparable  
11 services or have fully utilized comparable services for which they are  
12 eligible; and

13           (b) Separate and apart from and delivered subsequent to vocational re-  
14 habilitation services as defined in 29 U.S.C. 705(40), provided by the  
15 division.

16           33-~~6203~~6303. ELIGIBILITY. (1) A person is eligible to participate in  
17 the program if the person:

18           (a) Has a disability that constitutes a barrier to maintaining paid em-  
19 ployment without long-term vocational support;

20           (b) Is sixteen (16) years of age or older; and

21           (c) Is an Idaho resident.

22           (2) The division may periodically review a participant's eligibility  
23 and service level need for the program.

24           33-~~6204~~6304. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject  
25 to available funding, the program shall provide the following services to  
26 participants, as appropriate:

27           (a) Individual community-supported employment;

28           (b) Group community-based supported employment; and

29           (c) Work services.

30           (2) The services provided to a participant shall be based on the partic-  
31 ipant's individual program plan, as developed according to board rule.

32           33-~~6205~~6305. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL  
33 -- AGREEMENT REVIEW. (1) The division shall approve any person or entity  
34 before such person or entity may provide extended employment services un-  
35 der the program. The division shall enter an agreement with each program  
36 provider. The agreement shall specify:

37           (a) Requirements for the provider;

38           (b) Services to be offered by the provider;

39           (c) Scope of work under the agreement;

40           (d) Service fees; and

41           (e) Other terms, conditions, and provisions as determined by the divi-  
42 sion and agreed to by the provider.

43           (2) The division may terminate or revoke the approval status and dis-  
44 continue authorizing or purchasing services from providers for actions in  
45 violation of the agreement or rules promulgated by the board.

46           (3) A provider agreement shall be reviewed annually and is subject to  
47 revision as required by the division in cooperation with providers.

1           33-62066306. PROGRAM IMPLEMENTATION. The board is hereby authorized  
2 to take such actions as are necessary to implement the provisions of this  
3 chapter, including promulgation of necessary rules.

4           SECTION 18. That Section 39-118E, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6           39-118E. SMALL BUSINESS ASSISTANCE. The department shall implement a  
7 small business assistance program as required in 42 U.S.C. 7661Aa.

8           SECTION 19. That Section 39-4429, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10           39-4429. BOOKS AND RECORDS TO BE PRESERVED -- ENTRY AND INSPECTION BY  
11 DEPARTMENT OF ENVIRONMENTAL QUALITY. Every person or entity subject to the  
12 imposition of the fees specified in section 39-4427, Idaho Code, shall keep  
13 complete and accurate records, including itemized invoices and manifests  
14 for federally regulated types and quantities of hazardous waste ultimately  
15 disposed of at a hazardous waste facility or site in Idaho. All books, doc-  
16 uments and papers, computer tapes, discs, and other records required to be  
17 kept by this section shall be preserved for a period of at least five (5)  
18 years from the date of the records or the date of the entries appearing in the  
19 records, unless the department in writing, authorized their destruction or  
20 disposal at an earlier date. For purposes of this chapter, at any time during  
21 usual business hours, the department or duly authorized agents or employ-  
22 ees, may enter any place of business of the owner or operator of a hazardous  
23 waste facility or site where hazardous wastes are disposed and inspect the  
24 premises, the records required to be kept under this chapter, and the haz-  
25 ardous wastes or other chemicals contained therein, to determine whether  
26 or not all the applicable provisions of sections 39-4427 and 39-4428, Idaho  
27 Code, are being fully complied with. Trade secret information obtained by  
28 the department under the provisions of this section shall be treated in the  
29 same manner as such information obtained under section 39-4411, Idaho Code.  
30 If the department, or any of its authorized agents or employees is unreason-  
31 ably denied free access or is unreasonably hindered or interfered with in  
32 making the examination of a hazardous waste facility or site, that hindrance  
33 or interference shall constitute grounds for suspension or revocation of the  
34 facility's or the site's permit by the director of the department of environ-  
35 mental quality under subsection ~~(b)~~ (A) (2) of section 39-4413, Idaho Code.

36           SECTION 20. That Section 39-5204, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38           39-5204. COMPOSITION. The council shall consist of seven (7) members  
39 appointed by the governor. At least one (1) member shall reside in each of  
40 the ~~seven (7)~~ substate regions established pursuant to section 39-104, Idaho  
41 Code. Members shall be ~~representative of~~ represent persons who ~~have been~~ are  
42 victims of domestic violence, care providers, law enforcement officials,  
43 medical and mental health personnel, counselors, and interested and con-  
44 cerned members of the general public.



1 SECTION 21. That Section 39-5608, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 39-5608. LIABILITY OF ACTIONS UNDER THIS CHAPTER. (1) The partici-  
4 pant, his designee, or legal representative, if such is responsible, shall  
5 be liable for any acts of the participant performed or committed while re-  
6 ceiving care or services under the provisions of this chapter.

7 (2) The department shall not be held liable for any actions under this  
8 chapter, except pursuant to section 39-5603(132), Idaho Code, when the  
9 representative of the department is acting on behalf of the participant,  
10 his designee, or legal representative; however, the provisions of section  
11 39-5603(140), Idaho Code, shall remain in force.

12 (3) Nothing in this chapter shall exempt the provider of services from  
13 any liability caused by such provider's negligence, abuse, or other improper  
14 action of the provider.

15 SECTION 22. That Section 39-5803, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 39-5803. DEFINITIONS. As used in this chapter:

18 (1) "Panel" means the site review panel created in section 39-58142,  
19 Idaho Code.

20 (2) "Committee" means the state hazardous waste management planning  
21 committee created in section 39-5805, Idaho Code.

22 (3) "Department" means the department of environmental quality.

23 (4) "Designated facility" means a hazardous waste treatment, storage  
24 or disposal facility ~~which that~~ has received a permit or has interim status  
25 under title II of the solid waste disposal act or has a permit from the state  
26 authorized under section 3006 of title II of the solid waste disposal act (42  
27 ~~U.S.C.A. section 3006~~ U.S.C. 6926).

28 (5) "Director" means the director of the department of environmental  
29 quality.

30 (6) "Disposal" is defined in section 39-4403, Idaho Code.

31 (7) "Disposal facility" means a facility or a part of a facility at  
32 which managed hazardous waste, as defined by rule, is intentionally placed  
33 into or on any land or water and at which hazardous waste will remain after  
34 closure.

35 (8) "Generator" is defined in section 39-4403, Idaho Code.

36 (9) "Hazardous waste" is defined in section 39-4403, Idaho Code.

37 (10) "Hazardous waste management" is defined in section 39-4403, Idaho  
38 Code.

39 (11) "On-site" means on the same or geographically contiguous property  
40 ~~which that~~ may be divided by a public or private right-of-way if the entrance  
41 and exit between the pieces of property are at a crossroads intersection and  
42 access is by crossing rather than going along the right-of-way. Noncontigu-  
43 ous pieces of property owned by the same person but connected by a right-of-  
44 way ~~which that~~ the owner controls and to which the public does not have access  
45 is also considered on-site property.

46 (12) "Operator" means the person responsible for the overall operation  
47 of a disposal, treatment or storage facility with approval of the director  
48 either by contract or permit.

1 (13) "Person" is defined in section 39-4403, Idaho Code.

2 (14) "Plan" means the state hazardous waste management plan prepared  
3 under the provisions of section 39-5806, Idaho Code.

4 (15) "Storage" is defined in section 39-4403, Idaho Code.

5 (16) "Storage facility" means a facility or part of a facility at which  
6 managed hazardous waste, as defined by rule and regulation, is subject to  
7 storage.

8 (17) "Title II of the solid waste disposal act" means sections 1001  
9 through 8006 of public law 89-272, 42 U.S.C. 6901, 6902 through 6910, 6912  
10 through 6940, and 6942 through 6986.

11 For purposes of this chapter, words and phrases defined in section  
12 39-4403, Idaho Code, shall carry the same meaning when used in this chapter  
13 unless the context clearly denotes otherwise.

14 SECTION 23. That Section 39-6104, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 39-6104. INCORPORATION BY REFERENCE. P.L. 103-416, amended by P.L.  
17 107-273, November 2, 2002, 8 U.S.C. 1184(1) and 22 CFR ~~see. 514.44~~ 41.63(e),  
18 F.R. volume 60, No. 197, 8 CFR ~~see. 214.12~~, 8 CFR ~~see. 245~~ and 18 U.S.C. 1001  
19 are incorporated by reference.

20 SECTION 24. That Section 39-7904, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 39-7904. SITE APPROVAL REQUIRED -- SITE APPROVAL IS SUPPLEMENTAL --  
23 LOCAL OPTION -- LOCAL ACTION REQUIRED FOR DEPARTMENT ACTION. (1) No person  
24 may construct or expand a large swine facility regulated by this chapter  
25 without first obtaining site approval from the director as provided in this  
26 chapter.

27 (2) The site approval required by this chapter for construction or ex-  
28 pansion of a large swine facility is required in addition to requirements  
29 of any rules of the department. Further, the site approval required by this  
30 chapter must be obtained in addition to any other license, permit or approval  
31 required by law or rule.

32 (3) This chapter does not preempt the local regulation of swine facil-  
33 ities. This chapter provides boards of county commissioners and governing  
34 bodies of cities with an optional procedure for siting swine facilities. If  
35 boards of county commissioners and governing bodies of cities do not exer-  
36 cise their option to comply with this chapter, they are not subject to its  
37 provisions and may exercise individual authority to accept, regulate or re-  
38 ject swine facilities independently of this chapter.

39 (4) This chapter applies only if the board of county commissioners or  
40 governing body of a city, whichever has jurisdiction over the site for a pro-  
41 posed swine facility, chooses to comply with this chapter. If a board of  
42 county commissioners or a governing body of a city with jurisdiction chooses  
43 not to comply with this chapter, the department is not required to take any  
44 action under this chapter.

45 (5) Boards of county commissioners and governing bodies of cities that  
46 choose to comply with this chapter shall signify compliance by resolution or  
47 ordinance communicated to the director in writing.

1 (6) If a board of county commissioners or a governing body of a city  
 2 chooses to comply with this chapter, the department does not have to issue a  
 3 determination or notice of environmental suitability of facility location  
 4 pursuant to its rules for swine facilities, IDAPA ~~16.01.09~~ 58.01.09.

5 SECTION 25. That Section 39-7910, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 39-7910. DUTIES OF THE DIRECTOR RELATIVE TO APPLICATIONS. (1) Upon de-  
 8 termination that a siting application is complete, the director shall:

9 (a) Notify the permanent panel members, the city and/or county in which  
 10 the swine facility site is located, the director of the department of  
 11 fish and game, the director of the ~~department of law enforcement~~ Idaho  
 12 state police, and other state agencies as deemed appropriate by the di-  
 13 rector.

14 (b) Publish a notice that the application has been received, as pro-  
 15 vided in section 60-109, Idaho Code, in a newspaper having major circu-  
 16 lation in the county and the immediate vicinity of the site. The notice  
 17 shall contain a map indicating the location of the site, a description  
 18 of the proposed action and the location where the application may be re-  
 19 viewed. The notice shall describe the procedure by which the siting ap-  
 20 proval under this chapter may be granted.

21 (2) Upon notification by the director, the chairman shall immediately  
 22 notify the representatives of the state to the panel and the public members.  
 23 The chairman shall also notify the applicable county and city for their ap-  
 24 pointment of members as provided in subsection (2) of section 39-7908, Idaho  
 25 Code. Within thirty (30) days after the notification, the board of commis-  
 26 sioners of the county and the city council shall select the members to serve  
 27 on the panel. The panel shall be created at that time and notification of the  
 28 creation of the panel shall be made to the chairman.

29 (3) Within thirty (30) days after appointment of panel members, the  
 30 panel shall meet to review and establish a timetable for the consideration of  
 31 the draft site approval.

32 (4) The panel shall:

33 (a) Set a date and arrange for publication of notice of a public hear-  
 34 ing, in a newspaper having major circulation in the vicinity of the pro-  
 35 posed site, at its first meeting. The public notice shall:

36 (i) Contain a map indicating the location of the site and proposed  
 37 facility, a description of the proposed action, and the location  
 38 where the application for a siting approval may be reviewed and  
 39 where copies may be obtained;

40 (ii) Identify the time, place and location for the public hearing  
 41 held to receive public comment and input on the application for a  
 42 siting approval;

43 (b) Publish the notice not less than thirty (30) days before the date of  
 44 the public hearing, and the notice shall be, at a minimum, a twenty (20)  
 45 days' notice as provided in section 60-109, Idaho Code.

46 (5) Comment and input on the proposed siting of the swine facility may  
 47 be presented orally or in writing at the public hearing, and shall continue  
 48 to be accepted in writing by the panel for thirty (30) days after the public  
 49 hearing date. The public hearing shall be held in the same county as the pro-

1 posed site. If the proposed site is adjacent to a city or populated area in  
 2 a neighboring county, it is recommended that public hearings also be held in  
 3 the neighboring county.

4 (6) The panel shall consider, but not be limited to, the following:

5 (a) The risk of the spread of disease or impact upon public health from  
 6 improper treatment, storage or incineration methods;

7 (b) The impact on local units of government where the proposed swine fa-  
 8 cility is to be located in terms of health, safety, cost and consistency  
 9 with local planning and existing development;

10 (c) The nature of the probable environmental and public health impact;

11 (d) The financial capability of the applicant to construct, operate and  
 12 close the swine facility-; and

13 (e) Impact on adjacent property values.

14 (7) The panel shall consider the concerns and objections submitted by  
 15 the public. The panel shall facilitate efforts to provide that the concerns  
 16 and objections are mitigated by proposing additional conditions regarding  
 17 the construction of the swine facility. The panel may propose conditions  
 18 ~~which~~ that integrate the provisions of the city or county ordinances, per-  
 19 mits or requirements.

20 (8) Within one hundred eighty (180) days after creation, the panel  
 21 shall issue an approval letter, approval letter with conditions, or rejec-  
 22 tion. If the panel recommends conditions, a clear statement of the need for  
 23 a condition must be submitted to the director. If the panel recommends re-  
 24 jection, a clear statement of the reasons for the rejection must be submitted  
 25 to the director.

26 (9) The director shall not issue a permit to operate under IDAPA  
 27 ~~16.01.09~~ 58.01.09, unless a site has been approved by the site review panel.  
 28 Approval of a site by the panel does not require the director to issue a per-  
 29 mit to operate under IDAPA ~~16.01.09~~ 58.01.09.

30 SECTION 26. That Section 41-2006, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 41-2006. PUBLIC EMPLOYEE GROUPS. The lives of a group of individuals  
 33 may be insured under a policy issued to the departmental head or to an associ-  
 34 ation of public employees formed for purposes other than obtaining insurance  
 35 and having, when the policy is placed in force, a membership in the classes  
 36 eligible for insurance of not less than seventy-five ~~per cent~~ percent (75%)  
 37 of the number of employees eligible for membership in such classes, which as-  
 38 sociation or departmental head shall be deemed the policyholder, to insure  
 39 members of such association or public employees for the benefit of persons  
 40 other than the departmental head, the association or any of its officials,  
 41 subject to the following requirements:

42 (1) The persons eligible for insurance under the policy shall be all of  
 43 the members of the association or employees of the department, or all of any  
 44 class or classes thereof determined by conditions pertaining to their em-  
 45 ployment, ~~or to~~ their membership in the association, or both.

46 (2) The premium for the policy shall be paid by the policyholder, ei-  
 47 ther from the association's own funds, ~~or~~ from charges collected from the in-  
 48 sured members or employees specifically for the insurance, or from both. Any  
 49 charges collected from the insured members or employees specifically for the

1 insurance, and the dues of the association if they include the cost of insur-  
 2 ance, shall be collected through deductions by the employer from salaries of  
 3 the members or employees. Such deductions from salary may be paid by the em-  
 4 ployer to the association or directly to the insurer. No policy may be placed  
 5 in force unless and until at least seventy-five ~~per cent~~ percent (75%) of the  
 6 then-eligible members of the association or employees of the department, ex-  
 7 cluding any as to whom evidence of individual insurability is not satisfac-  
 8 tory to the insurer, have elected to be covered and have authorized their em-  
 9 ployer to make the required deductions from salary.

10 (3) Charges collected from the insured members or employees specifi-  
 11 cally for the insurance, and the dues of the association if they include the  
 12 cost of insurance, shall be determined according to each attained-age group  
 13 or in not less than four (4) reasonably spaced attained-age groups. In no  
 14 event shall the rate of such dues or charges be level for all members or em-  
 15 ployees regardless of attained age.

16 (4) The policy must cover at least five (5) persons at the date of issue.

17 (5) The amounts of insurance under the policy must be based upon some  
 18 plan precluding individual selection ~~either~~ by the members, the employees,  
 19 or by the association. Such amounts shall in no event exceed three thousand  
 20 dollars (\$3,000) in the case of any member or employee, and shall not exceed  
 21 five hundred dollars (\$500) in the case of retired members or employees and  
 22 members or employees over age sixty-five (65) years.

23 (6) As used herein, "employees" means employees of the United States  
 24 government, or of any state, or of any political subdivision or instrumen-  
 25 tality of any of them.

26 (7) Groups heretofore or hereafter written under section ~~59-1201~~  
 27 67-5763, Idaho Code, are not subject to this section.

28 SECTION 27. That Section 41-2804, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 41-2804. INCORPORATION. (1) This section applies to stock and mutual  
 31 insurers hereafter incorporated in this state.

32 (2) Incorporators. Seven (7) or more individuals who are citizens of  
 33 this state may incorporate a stock insurer; ten (10) or more of such individ-  
 34 uals may incorporate a mutual insurer.

35 (3) Articles of incorporation. The incorporators shall prepare and ex-  
 36 ecute in triplicate articles of incorporation in accordance with the appli-  
 37 cable provisions of chapters 21 and ~~30~~ 29, title 30, Idaho Code, known as the  
 38 "General Business Corporation" laws of this state, but subject to the fol-  
 39 lowing requirements:

40 (a) In addition to matters required or permitted under such general  
 41 business corporation laws ~~which are~~ not inconsistent with this provi-  
 42 sion or this code, the articles of incorporation shall set forth:

43 (i) The name of the corporation, which shall comply with section  
 44 41-311, Idaho Code.

45 (ii) The kinds of insurance, as defined in this code, ~~which~~ that  
 46 the corporation is formed to transact.

47 (iii) If a stock corporation, its authorized capital stock, the  
 48 number of shares of stock into which divided and the par value

1 of each such share, which par value shall be at least one dollar  
 2 (\$1.00). Shares without par value shall not be authorized.  
 3 (iv) If a stock corporation, the extent, if any, to which shares of  
 4 its stock are subject to assessment.  
 5 (v) If a mutual corporation, the maximum contingent liability of  
 6 its members, for payment of losses and expenses incurred, other  
 7 than as to nonassessable policies issued as permitted under sec-  
 8 tion 41-2849, Idaho Code; such liability shall be as stated in the  
 9 articles of incorporation, but shall not be less than one (1) nor  
 10 more than six (6) annual premiums for the member's policy.  
 11 (vi) The name and residence address of each incorporator, and  
 12 whether each such incorporator is a citizen of this state.  
 13 (b) Articles of incorporation shall be filed as provided in section  
 14 41-2805, Idaho Code.

15 SECTION 28. That Section 41-2870, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 41-2870. DEFINITIONS. As used in this act:  
 18 (1) "Securities" means instruments as defined in section 28-8-  
 19 102(1)(a), Idaho Code.  
 20 (2) "Clearing corporation" means a corporation as defined in section  
 21 28-8-102(3)(1)(e), Idaho Code.  
 22 (3) "Direct participant" means a national bank, state bank or trust  
 23 company ~~which that~~ maintains an account in its name in a clearing corporation  
 24 and through which an insurance company participates in a clearing corpora-  
 25 tion.  
 26 (4) "Federal reserve book-entry system" means the computerized systems  
 27 sponsored by the United States department of the treasury and certain agen-  
 28 cies and instrumentalities of the United States for holding and transferring  
 29 securities of the United States government and such agencies and instrumen-  
 30 talities, respectively, in federal reserve banks through banks ~~which that~~  
 31 are members of the federal reserve system.  
 32 (5) "Member bank" means a national bank, state bank or trust company  
 33 ~~which that~~ is a member of the federal reserve system and to which an insurance  
 34 company participates in the federal reserve book-entry system.

35 SECTION 29. That Section 41-3354, Idaho Code, be, and the same is hereby  
 36 amended to read as follows:

37 41-3354. ANCILLARY SUMMARY PROCEEDINGS. The director in his sole  
 38 discretion may institute proceedings under sections 41-~~3339~~3309 through  
 39 41-3311, Idaho Code, at the request of the director or other appropriate  
 40 insurance official of the domiciliary state of any foreign or alien insurer  
 41 having property located in this state.

42 SECTION 30. That Section 41-3401, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 41-3401. SCOPE OF CHAPTER. (1) This chapter shall apply to every indi-  
 45 vidual, person, firm, corporation, association, or organization of any kind

1 hereafter engaging or purporting to engage in the provision of all or part of  
 2 any health care service, as hereinafter defined, for its subscribers in ex-  
 3 change for periodic prepayments in identifiable amount by or as to such sub-  
 4 scribers.

5 (2) This chapter does not apply as to:

6 (a) Insurers or fraternal benefit societies authorized to transact the  
 7 kind of insurance involved pursuant to other chapters of this code.

8 (b) Fraternal and other organizations exempted under section  
 9 41-32423237, Idaho Code, from the provisions of chapter 32 ~~of this code,~~  
 10 title 41, Idaho Code.

11 (c) Health care services provided by an employer to his employees and  
 12 their dependents, with or without contribution to the costs thereof  
 13 by such employees, through health care service facilities owned, em-  
 14 ployed, or controlled by the employers.

15 (d) Contracts between employers and physicians or hospitals, relative  
 16 to the care and treatment of employees of such employers, which con-  
 17 tracts are subject to the jurisdiction of the industrial commission of  
 18 Idaho.

19 (e) Infrequent instances of prepayment by or for the patient direct to  
 20 the licensee or hospital for specific services thereafter rendered to  
 21 such patient by such licensee or hospital.

22 SECTION 31. That Section 41-3413, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 41-3413. SERVICES AND BENEFITS WHICH MAY BE PROVIDED PROFESSIONAL  
 25 SERVICE CORPORATIONS. (1) A professional service corporation shall have the  
 26 right to provide to its subscribers part or all of the following services and  
 27 benefits only:

28 (a) Professional services furnished to the subscriber by one (1) or  
 29 more specified categories of participant licensees, as such categories  
 30 are referred to in section 41-3403(9), Idaho Code, and subject to the  
 31 requirements of section 41-3408(43), Idaho Code, (qualifications for  
 32 authority) as to each such category;

33 (b) Indemnity in reasonable amounts s with respect to professional ser-  
 34 vices and drugs (under subscribers' contracts providing for services  
 35 of participant licensee pharmacists) furnished to the subscriber by  
 36 nonparticipant licensees of the same category or categories as par-  
 37 ticipant licensees of the service corporation, but subject to section  
 38 41-3408(43), Idaho Code, (qualifications for authority);

39 (c) Indemnity in reasonable amounts s with respect to hospital services  
 40 furnished the subscriber while under the care and treatment of a li-  
 41 censee entitled to practice in such hospital;

42 (d) Indemnity in reasonable amounts s with respect to appliances, pros-  
 43 thetics, and similar devices and replacements, and ambulance, x-ray,  
 44 physiotherapy, and similar services; and

45 (e) Indemnity in reasonable amounts with respect to services rendered  
 46 to the subscriber by licensees of a category or categories specified in  
 47 the subscriber's contract including any category of licensee defined  
 48 in section 41-3403(9), Idaho Code, or rendered by other persons spec-  
 49 ified in the subscriber's contract, duly licensed by the state to en-

1 gage in any health care profession or practice. The portion of the to-  
 2 tal charges to subscribers for such coverage as is authorized by this  
 3 ~~subsection (e) paragraph~~ shall not exceed one-third (1/3) of the total  
 4 charges to all subscribers made by the service corporation for all ser-  
 5 vices and benefits rendered in any calendar year.

6 (2) This section shall not be deemed to prohibit such a corporation from  
 7 acting as compensated servicing agent as to health care services to be pro-  
 8 vided by any public agency, or under agreements between other parties not so-  
 9 licited by such corporation.

10 SECTION 32. That Section 41-3608, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 41-3608. OBLIGATIONS AND POWERS OF ASSOCIATION. (1) The association  
 13 shall:

14 (a) Be obligated to pay covered claims existing prior to the order of  
 15 liquidation arising within thirty (30) days after the order of liquida-  
 16 tion, or before the policy expiration date if less than thirty (30) days  
 17 after the order of liquidation, or before the insured replaces the pol-  
 18 icy or causes its cancellation, if he does so within thirty (30) days of  
 19 the order of liquidation. Such obligation shall be satisfied by paying  
 20 to the claimant an amount as follows:

21 (i) The full amount of a covered claim for benefits under a  
 22 worker's compensation insurance coverage;

23 (ii) An amount not exceeding ten thousand dollars (\$10,000) per  
 24 policy for covered claim for the return of unearned premium;

25 (iii) An amount not exceeding three hundred thousand dollars  
 26 (\$300,000) per claim for all other covered claims.

27 (b) In no event shall the association be obligated to pay a claimant an  
 28 amount in excess of the obligation of the insolvent insurer under the  
 29 policy or coverage from which the claim arises.

30 Notwithstanding any other provision of this chapter, a covered claim  
 31 shall not include any claim filed with the association after the earlier  
 32 of: (i) eighteen (18) months after the date of the order of liquidation,  
 33 or (ii) the final date set by the court for the filing of claims against  
 34 the liquidator or receiver of an insolvent insurer and shall not include  
 35 any claim filed with the association or a liquidator for protection af-  
 36 farded under the insured policy for incurred-but-not-reported losses.  
 37 Any obligation of the association to defend an insured shall cease upon  
 38 the association's payment by settlement releasing the insured or on a  
 39 judgment of an amount equal to the lesser of the association's covered  
 40 claim obligation limit or the applicable policy limit.

41 (c) Be deemed the insurer to the extent of its obligation on the covered  
 42 claims and to such extent shall have all rights, duties, and obligations  
 43 of the insolvent insurer as if the insurer had not become insolvent in-  
 44 cluding, but not limited to, the right to pursue and retain salvage and  
 45 subrogation recoverable on paid covered claim obligations.

46 (d) Assess member insurers separately for amounts necessary to pay the  
 47 obligations of the association under paragraph (a) of this subsection  
 48 subsequent to an insolvency, the expenses of handling covered claims  
 49 subsequent to an insolvency and other expenses authorized by this chap-



1 ter. The assessments of each member insurer shall be in the proportion  
2 that the net direct written premiums of the member insurer for the cal-  
3 endar year preceding the assessment on the kinds of insurance covered  
4 by the account bears to the net direct written premiums of all member  
5 insurers for the calendar year preceding the assessment on the kinds of  
6 insurance covered by the account. Each member insurer shall be notified  
7 of the assessment not later than thirty (30) days before it is due. No  
8 member insurer may be assessed in any one (1) year an amount greater  
9 than one percent (1%) of that member insurer's net direct written pre-  
10 mi-ums for the calendar year preceding the assessment. If the maximum  
11 assessment, together with the other assets of the association in the ac-  
12 count, does not provide in any one (1) year an amount sufficient to make  
13 all necessary payments, the funds available shall be prorated and the  
14 unpaid portion shall be paid as soon thereafter as funds become avail-  
15 able. The association shall pay claims in any order ~~which~~ that it deems  
16 reasonable, including the payment of claims as such are received from  
17 the claimants or in groups or categories of claims. The association  
18 may exempt or defer, in whole or in part, the assessment of any member  
19 insurer, if the assessment would cause the member insurer's financial  
20 statement to reflect amounts of capital or surplus less than the minimum  
21 amounts required for a certificate of authority by any jurisdiction in  
22 which the member insurer is authorized to transact insurance; provided,  
23 however, that during the period of deferment, no dividends shall be  
24 paid to shareholders or policyholders. Deferred assessments shall be  
25 paid when such payment will not reduce capital or surplus below required  
26 minimums. Such payments shall be refunded to those companies receiving  
27 larger assessments by virtue of such deferment, or at the election of  
28 any such company, credited against future assessments. Each member  
29 insurer may set off against any assessment, authorized payments made on  
30 covered claims and expenses incurred in the payment of such claims by  
31 the member insurer if they are chargeable to the account.

32 (e) Investigate claims brought against the association and adjust,  
33 compromise, settle, and pay covered claims to the extent of the associa-  
34 tion's obligation and deny all other claims and may review settlements,  
35 releases and judgments to which the insolvent insurer or its insureds  
36 were parties to determine the extent to which such settlements, re-  
37 leases and judgments may be properly contested. The association shall  
38 have the right to appoint or substitute and to direct legal counsel re-  
39 tained under liability insurance policies for the defense of covered  
40 claims.

41 (f) Handle claims through its employees or through one (1) or more in-  
42 surers or other persons designated as servicing facilities. Designa-  
43 tion of a servicing facility is subject to the approval of the director,  
44 but such designation may be declined by a member insurer.

45 (g) Reimburse each servicing facility for obligations of the associa-  
46 tion paid by the facility and for expenses incurred by the facility  
47 while handling claims on behalf of the association and shall pay the  
48 other expenses of the association authorized by this chapter.

49 (2) The association may:

1 (a) Employ or retain such persons as are necessary to handle claims and  
2 perform other duties of the association.

3 (b) Borrow funds necessary to effect the purposes of this chapter in ac-  
4 cord with the plan of operation.

5 (c) Sue or be sued, and such power to sue includes the power and right  
6 to intervene as a party before any court that has jurisdiction over the  
7 insolvent insurer as defined by this chapter.

8 (d) Negotiate and become a party to such contracts as are necessary to  
9 carry out the purpose of this chapter.

10 (e) Perform such other acts as are necessary or proper to effectuate the  
11 purpose of this chapter.

12 (f) Refund to the member insurers in proportion to the contribution of  
13 each member insurer ~~that the amount which that~~, in the opinion of the  
14 board of directors, will not be needed for the purposes of this chapter  
15 within two (2) years from the date the association receives the refund  
16 from the receivership.

17 (g) Subject to approval by the director, provide claims handling ser-  
18 vices to any ~~run-off~~ runoff insurer, provided the association expenses  
19 related to such services are fully reimbursed. Normal defenses appli-  
20 cable to guaranty fund handling of covered claims shall not apply to  
21 ~~run-off~~ runoff claim handling and no guaranty fund assets shall be used  
22 for ~~run-off~~ runoff claim or expense payment. There shall be no lia-  
23 bility on the part of, and no cause of action of any nature shall arise  
24 against, any member insurer, the association or its agents or employ-  
25 ees, the board of directors or any person serving as a representative  
26 of any director for any action taken or any failure to act by them in the  
27 performance of their activities under the provisions of this paragraph.  
28 For purposes of this paragraph, "~~run-off~~runoff insurer" means a prop-  
29 erty and casualty insurer that has:

30 (i) Total adjusted capital under risk-based capital requirements  
31 in an amount less than the authorized control level risk-based  
32 capital as defined in section 41-5401(1~~4~~3) (a), Idaho Code, and  
33 has indicated that it will cease writing new insurance policies,  
34 either as part of its corrective action plan or pursuant to being  
35 placed under regulatory control; or

36 (ii) Total adjusted capital under risk-based capital re-  
37 quirements in an amount less than the mandatory control level  
38 risk-based capital as defined in section 41-5401(1~~4~~3) (c), Idaho  
39 Code, and that has not been placed into liquidation pursuant to  
40 sections 41-3317 and 41-3318, Idaho Code.

41 SECTION 33. That Section 42-619, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 42-619. ALTERNATE PLAN FOR PAYMENT OF DISTRICT EXPENSES -- TREASURER  
44 -- ELECTION -- OATH AND BOND -- REMOVAL -- COMPENSATION. (1) The county com-  
45 missioners of any county, having determined that providing the service of  
46 payment of water district expenses by the county treasurer from water dis-  
47 trict funds pursuant to section 42-613(2), Idaho Code, is an undue burden  
48 upon the county and shall no longer be provided, shall notify the director  
49 of the department of water resources of this action by December 1 in the year

1 preceding the year for which the action shall first be effective by providing  
2 to the director a certified copy of the resolution of the commissioners tak-  
3 ing such action.

4 (2) Notice of the action of the county commissioners shall be given to  
5 the water users of the district by the department of water resources together  
6 with the notice of the annual meeting given pursuant to section 42-605, Idaho  
7 Code.

8 (3) At each annual meeting of a district for which the county commis-  
9 sioners have taken the action provided for in subsection (1) of this section,  
10 or for which the water users have taken the action provided for in section  
11 42-613(3), Idaho Code, the water users shall provide for the election and ap-  
12 pointment of a water district treasurer. If a water district treasurer is  
13 not elected at the annual meeting, and one is found to be necessary, the di-  
14 rector of the department of water resources is authorized to appoint a water  
15 district treasurer and fix the treasurer's compensation. The water district  
16 treasurer shall keep a complete, accurate and permanent record of all moneys  
17 received by and disbursed for and on behalf of the district. The water dis-  
18 trict treasurer shall deposit all moneys of the district in a designated de-  
19 pository approved at the annual meeting and shall comply with the public de-  
20 pository law as contained in chapter 1, title 57, Idaho Code.

21 (4) Before undertaking the duties of the office, the water district  
22 treasurer shall take and subscribe to an oath before an officer authorized by  
23 the laws of the state to administer oaths, to faithfully perform the duties  
24 of the office, and shall file the oath with the director of the department of  
25 water resources. Upon issuance by the director of a certificate confirming  
26 the election or appointment of a water district treasurer, the actions taken  
27 by the water district treasurer in fulfillment of the duties of the office  
28 are covered by the state group surety bond as provided in sections 59-801  
29 through 59-804, Idaho Code. A duly appointed treasurer that is reelected in  
30 consecutive years shall not be required to take and file additional oaths  
31 with the department of water resources for each consecutive year the trea-  
32 surer is reelected.

33 (5) The water district treasurer shall serve until a successor is  
34 elected or appointed, and qualified. A water district treasurer may be re-  
35 moved from office by the director for failure to perform the duties of the  
36 office in the manner provided for removal of a watermaster as provided by  
37 section 42-605(9), Idaho Code.

38 (6) Compensation for the services of the water district treasurer shall  
39 be set at the annual meeting and may be established on a fixed-sum, per diem,  
40 or voluntary basis. If a water district treasurer is appointed by the direc-  
41 tor in the absence of being elected at the annual meeting, the director shall  
42 fix the compensation to be paid, if any.

43 (7) With respect to any district for which the county commissioners  
44 have taken the action provided for in subsection (1) of this section, or  
45 for which the water users have taken the action provided for in section  
46 42-613(3), Idaho Code, the county auditor shall in the time and manner  
47 provided by section 63-1202, Idaho Code, transmit to the water district  
48 treasurer of the water district a settlement of all moneys belonging to  
49 such district paid into the county treasury and apportioned to such water  
50 district on or after the second Monday of the preceding month; provided, how-

1 ever, that in the months of July and January, the money may be transmitted no  
2 later than the 25th of the month. The treasurer of the water district shall  
3 immediately deposit the funds in the designated depository for the district.

4 (8) The treasurer of the water district shall disburse moneys from the  
5 water district account only upon submission of a written voucher approved by  
6 the watermaster for expenses incurred for water district purposes related  
7 to the delivery of water or by a voucher approved by the chairman of the ad-  
8 visory committee for activities pursuant to resolutions adopted by the wa-  
9 ter users from district funds or funds retained pursuant to section 42-613A,  
10 Idaho Code.

11 (9) It shall be the duty of the water district treasurer to prepare a  
12 statement of the financial affairs of the district at the end of each fiscal  
13 year and to file the statement with the director of the department of water  
14 resources. An audit of the financial affairs of the district shall be made as  
15 required in section 67-450B, Idaho Code. A certified copy of the audit shall  
16 be filed with the director of the department of water resources following the  
17 audit.

18 (10) In water districts with an annual budget of seven thousand five  
19 hundred dollars (\$7,500) or less, the water users may, by resolution adopted  
20 at the annual meeting, authorize the watermaster to serve as water district  
21 treasurer. Watermasters in water districts with annual budgets in excess of  
22 seven thousand five hundred dollars (\$7,500) shall not be authorized to act  
23 as water district treasurer.

24 SECTION 34. That Section 47-704, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 47-704. LEASES OF MINERAL RIGHTS IN STATE LANDS. (1) The state board of  
27 land commissioners may lease in tracts of sizes as the board may deem fair for  
28 prospecting, exploration, and mining of mineral deposits, except for leases  
29 for oil, gas and other hydrocarbons that may be contained in any portion of  
30 the unsold lands of the state or that may be contained in state lands sold  
31 with a reservation of mineral deposits or that belong to the state of Idaho  
32 by reason of being situate between the high water marks of navigable rivers  
33 of the state, for such annual rental, not less than one dollar (\$1.00) per  
34 acre per annum, and for such royalty upon the product as the board may deem  
35 fair and in the interest of the state, except in the case of state oil and  
36 gas leases wherein the royalty to the state shall be not less than twelve and  
37 one-half percent (12 1/2%), and provided that the minimum royalty shall not  
38 be less than two and one-half percent (2 1/2%) and not more than market condi-  
39 tions.

40 (2) All mineral leases, except leases for oil, gas, and other hydrocar-  
41 bons, and geothermal resources of state school lands and for lands belonging  
42 to the state of Idaho, shall be for a term of up to twenty (20) years and shall  
43 be continued if any of the following provisions are met:

44 (a) Precious metals, minerals, mineral concentrates, mineral prod-  
45 ucts, or ores are produced in paying quantities;

46 (b) The lessee has negotiated and remitted a prepaid royalty no less  
47 than five dollars (\$5.00) per acre per year;

48 (c) The lessee in good faith conducts exploration, prospecting, work,  
49 or mining operations thereon;

1 (d) The mineral lease is undergoing a regulatory approval process for  
2 exploration, prospecting, or mining; or

3 (e) The lessee conducts work on land adjacent or near the leased  
4 premises as a single mining operation, including construction of infra-  
5 structure associated with mining.

6 (3) Provided, that the leaseholder of any mineral lease except leases  
7 for oil, gas, and other hydrocarbons, and geothermal resources heretofore or  
8 hereafter issued, upon the expiration of the initial lease and all renewals  
9 thereof, shall be given the preferential right to renew such lease or renewal  
10 leases under such readjustment of the terms and conditions as the board may  
11 determine to be necessary in the interest of the state.

12 (4) All applications received, whether by mail or by personal delivery  
13 over the counter, shall be immediately stamped with the date and hour of fil-  
14 ing. Simultaneous filings result when two (2) or more applications are re-  
15 ceived for the same lands during the same hour of the same day. Simultaneous  
16 filings shall be resolved by competitive bidding. This provision does not  
17 apply to applications received from an applicant having a preferential right  
18 under this section. In the absence of a simultaneous filing, and except for  
19 lands and resources which may be designated for competitive bidding, right  
20 of priority to a mineral lease shall be determined by the first qualified ap-  
21 plicant who shall file a completed, signed application on the form of the de-  
22 partment of lands or exact copy thereof between the hours of 8:00 a.m. and  
23 5:00 p.m. during any business day, together with the application fee set by  
24 the board.

25 (5) Applications for mineral leases shall be made under oath in such  
26 form as the board may prescribe, and the applicant shall describe the land,  
27 specify the particular mineral or minerals, and give such additional infor-  
28 mation as may be required by the rules and regulations of the board. If the  
29 applicant for a lease has previously filed a certificate of location, as pro-  
30 vided in section 47-703, Idaho Code, upon any part of the land desired to be  
31 leased, such application shall be given a preferential right to the land cov-  
32 ered by his location; that no lands upon which a mineral location has been  
33 duly made and recorded as provided in section 47-703, Idaho Code, shall be  
34 leased for mining purposes during the two (2) year periods to any applicant  
35 except the person having made such location; provided, however, that no lo-  
36 cations may be made for oil and gas deposits or lands, or for geothermal re-  
37 sources.

38 (6) Any motorized exploration as defined in section 47-703, Idaho Code,  
39 on the lands between the ordinary high water marks of any navigable river  
40 of the state shall be prohibited except upon written approval by the board  
41 and submission of a bond to the department in the form and amount set by the  
42 board; and, if applicable, an operator shall also comply with the Idaho  
43 dredge and placer mining protection act, chapter 13, title 47, Idaho Code;  
44 provided, that in all instances an operator shall comply with the stream  
45 protection act and all other applicable laws and rules of the state.

46 (7) Upon receipt by the state board of land commissioners of an appli-  
47 cation to lease any lands which may belong to the state of Idaho by reason of  
48 being situate between the high water marks of navigable rivers of the state,  
49 the board shall cause, at the expense of the applicant, a notice of such ap-  
50 plication to be published once a week for two (2) issues in a newspaper of

1 general circulation in the county or counties in which said lands described  
2 in said application are situated. The board or its authorized representa-  
3 tive shall hold a public hearing on the application, if requested in writ-  
4 ing, no later than thirty (30) days after the last published notice by ten  
5 (10) persons whose lawful rights to use the waters applied for may be injured  
6 thereby, or by an association presenting a petition with signatures of not  
7 less than ten (10) such aggrieved parties; provided that the board may order  
8 a public hearing in the first instance. The board shall consider fully all  
9 written and oral submissions respecting the application.

10 (8) Provided, however, that the state board of land commissioners shall  
11 send notice of any such application for leasing the bed of navigable rivers  
12 to the director of the department of water resources, who, if the director  
13 thinks advisable, shall at the expense of the applicant make an investiga-  
14 tion. If said investigation shows that the rights of interested parties may  
15 be jeopardized by the issuance of the proposed lease, the director shall give  
16 notice of such applications to parties affected thereby. If it shall appear  
17 to the state board of land commissioners that the leasing of any lands be-  
18 tween the high water marks of any navigable river will be injurious to the  
19 rights of any person or persons having the right to the use of the waters  
20 thereof, for irrigation, power, or any other lawful purpose, the state board  
21 of land commissioners shall deny such application.

22 (9) Mineral leases granted according to this section, including but not  
23 limited to leases that have been awarded but not executed, shall comply with  
24 the following terms and conditions:

25 (a) After granting of a lease, no fees or payments shall be charged to  
26 lessees except for royalty payments, including prepaid and production,  
27 and rent per acre per annum.

28 (b) Rent per acre per annum may be indexed for inflation, but no more  
29 than three percent (3%) per annum. The rental paid shall be deducted  
30 from the royalties as they accrue for the life of the lease.

31 (c) No more than one (1) lease may be issued for the same mineral on the  
32 same land.

33 (d) Only one (1) lessee may hold multiple mineral leases on the same  
34 land.

35 (e) In the event of an exchange or sale involving leased lands, the pur-  
36 chaser shall accept and be assigned to perform the exact terms and con-  
37 ditions set forth in the lease as the lessor.

38 (f) The leaseholder demonstrates a mineral resource is present on the  
39 public lands using industry standard to estimate or project a mineral  
40 resource that is likely viable for future mineral development. The  
41 board shall recognize its role as a partner on behalf of state lands and  
42 provide confidentiality to the leaseholders regarding resource esti-  
43 mates that may be reported. If the leaseholder determines in the future  
44 to drop any mineral lease, the board may use this information for pub-  
45 lic consumption to encourage and support mineral development on those  
46 leases.

47 (g) No less than one hundred eighty (180) days prior to the expiration  
48 date of the mineral lease, lease terms and conditions shall be fairly  
49 modified and readjusted if needed. If an agreement cannot be reached,

1 the lessor and lessee shall engage in good faith mediation. The lease  
2 shall remain in full force and effect during the mediation.

3 SECTION 35. That Section 49-402D, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS.

6 (1) (a) For any new special license plate program approved by the legis-  
7 lature, the program sponsor shall, before issuance of any such special  
8 license plate, meet the prequalification process outlined in this sec-  
9 tion. The program sponsor for any special plate program shall:

10 (ai) Submit a financial plan for the use of the proceeds from the  
11 special license plate sales and certify that all such proceeds  
12 shall be deposited in the highway distribution account, except  
13 with respect to any new special plate that may be established for  
14 the benefit of an Idaho college or university pursuant to section  
15 49-418A, Idaho Code, or a military license plate; and

16 (bii) Designate an individual who shall be deemed responsible by  
17 the agency for certifying compliance with the requirements of this  
18 section and working with the department.

19 (ab) The department is authorized and shall adopt and promulgate rules  
20 to carry out the provisions of this section.

21 (2) If the request for a special license plate is approved by the de-  
22 partment, the following requirements, in addition to those set out in sub-  
23 section (1) of this section, shall be met by September 1 prior to the next  
24 legislative session and prior to the issuance of any special license plates  
25 approved by the legislature.

26 (a) The applicant shall deposit estimated programming and administra-  
27 tive costs with the department to be utilized for programming costs of  
28 the specialty plate. Administrative costs in the amount of one thousand  
29 dollars (\$1,000) shall be nonrefundable.

30 (b) In addition to the requirements provided for in section 49-402C,  
31 Idaho Code, the applicant requesting a special license plate program  
32 shall provide to the department an acceptable plate design.

33 (c) The applicant shall transmit to the department a list of two hundred  
34 fifty (250) applicants, whose vehicles are currently registered in the  
35 state of Idaho, who intend to purchase the specialty plate when avail-  
36 able, as evidenced by completing forms provided by the department.

37 (3) The department shall submit the completed applications for special  
38 license plate programs that meet the requirements of this section to the  
39 chairmen of the senate transportation committee and the house of representa-  
40 tives transportation and defense committee each year on behalf of the agency  
41 to be included for consideration in the next legislative session.

42 (4) On an annual basis, by December 1 of each calendar year, the spon-  
43 sor of a special license plate program shall prepare an annual report, which  
44 shall be made available on request and shall be forwarded to the department.  
45 Such report shall include an accounting of revenues and expenditures asso-  
46 ciated with the funds collected for the special license plate program. The  
47 department shall compile and forward such reports to the chairmen of the sen-  
48 ate transportation committee and the house of representatives transporta-  
49 tion and defense committee by January 15 of each year. Failure of the agency

1 to provide such report by the due date shall result in the discontinuation of  
 2 the special license plate program sales on January 1. The provisions of this  
 3 section shall exclude special plates established for the highway distribu-  
 4 tion account, an Idaho college or university pursuant to section 49-418A,  
 5 Idaho Code, and military license plate programs.

6 (5) Any decision by the department that the special license plate pro-  
 7 gram application does not meet the provisions of this section may be appealed  
 8 to the director of the department. Such notice of appeal shall be made in  
 9 writing within twenty (20) days of the notice of denial. For all denied ap-  
 10 plications, the department shall, at the next legislative session, report  
 11 to the senate and house of representatives transportation committees on such  
 12 denied applications and the reason for the denials.

13 SECTION 36. That Section 49-443, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND  
 16 CONTENTS. (1) The assessor or the department shall furnish to every owner  
 17 whose vehicle is registered or licensed by that office, pursuant to sections  
 18 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles regis-  
 19 tered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code,  
 20 or a motorcycle, trailer, truck-tractor, or semitrailer; one (1) restricted  
 21 vehicle license plate for all-terrain vehicles, utility type vehicles and  
 22 motorbikes licensed pursuant to this chapter; and two (2) license plates  
 23 for every other motor vehicle. If a vehicle is issued one (1) plate only,  
 24 that plate shall be displayed in accordance with the provisions of section  
 25 49-428, Idaho Code. For vehicles registered under the provisions of section  
 26 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed  
 27 on the rear of the vehicle.

28 Commencing January 1, 1992, the color and design of the plates shall be  
 29 comparable to the color and design of the statehood centennial issue of li-  
 30 cense plates with blue numerals and letters on a multicolored red, white and  
 31 blue background. Each license plate must bear upon its face the inscriptions  
 32 "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate  
 33 for all-terrain vehicles, utility type vehicles and motorbikes shall be a  
 34 white background with black numerals and letters, with "Idaho Restricted Ve-  
 35 hicle" and the year of its expiration on its face and no other inscription.  
 36 The restricted vehicle license plate shall be the same size required for the  
 37 motorcycle license plate.

38 Every license plate shall have displayed upon it the registration num-  
 39 ber assigned to the vehicle and its owner and the name "Idaho," which may be  
 40 abbreviated. The plates issued under the provisions of section 49-402(1),  
 41 Idaho Code, and the required letters and numerals, including an identifica-  
 42 tion of the county in which the motor vehicle to which the plates will be af-  
 43 fixed is registered, shall be of sufficient size to be plainly readable from  
 44 a distance of seventy-five (75) feet during daylight, and each license plate  
 45 and registration sticker shall be treated with a fully reflectorized mate-  
 46 rial according to specifications prescribed by the board.

47 (2) License plates shall be valid for a period of ten (10) years begin-  
 48 ning with the date of issuance of new plates. At the end of the ninth year,



1 the registered owner shall receive notice of the date upon which the plates  
2 will expire.

3 For specialty license plate programs discontinued pursuant to the  
4 provisions of section 49-402C, Idaho Code, a registrant with a specialty  
5 license plate currently registered under the program may use such license  
6 plate for up to ten (10) years from the date of issuance. This provision  
7 is intended to permit the use of the specialty plate by the registrant re-  
8 gardless of the number of persons who purchase the specialty plate. The  
9 registrant shall be required to pay the special plate program fees provided  
10 for specialty plates pursuant to this chapter. Such fees shall be deposited  
11 into the state highway account. For purposes of section 49-434, Idaho Code,  
12 as it applies to commercial vehicles, and section 49-435, Idaho Code, the  
13 department shall provide new plates bearing the same number or, upon request  
14 from the registered owner, the next available number.

15 (3) If a license plate number has expired as provided in subsection (2)  
16 of this section and is not renewed within sixty (60) days of its expiration,  
17 the plate number shall be available for use by another registrant. To obtain  
18 a specific number in the recycled license plate number file, the owner of a  
19 registered vehicle may contact the county regarding availability.

20 The provisions of this subsection shall apply only to vehicles regis-  
21 tered under the provisions of section 49-402(1), Idaho Code, and section  
22 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

23 (4) License plates issued for vehicles required to be registered in  
24 accordance with the provisions of sections 49-402 and 49-402A, Idaho Code,  
25 shall be issued color-coded red, white or blue registration validation  
26 stickers showing the year of registration. Each registration validation  
27 sticker shall bear a number from 1 through 12, which number shall correspond  
28 to the month of the calendar year in which the registration of the vehicle  
29 expires and shall be affixed to the lower right-hand corner of the plates  
30 within the outlined rectangular area.

31 (5) License plates for utility trailers registered under the provi-  
32 sions of section 49-402A, Idaho Code, that are issued for five (5) or ten (10)  
33 years and license plates for rental utility trailers registered under the  
34 provisions of section 49-434, Idaho Code, that are issued for up to five (5)  
35 years shall use the design in effect on the date of manufacture. If a design  
36 change occurs, plates from the effective date of the design change shall be  
37 manufactured using the new design. Unexpired plates need not be reissued to  
38 conform to a design change.

39 (6) For license plates that are lost, stolen, mutilated, or illegible,  
40 the owner shall apply for a duplicate or substitute. The assessor shall also  
41 furnish for each registration, and to validate the license plate, a pres-  
42 sure-sensitive, uniquely numbered, color-coded red, white or blue regis-  
43 tration sticker, except for trailers and semitrailers registered under the  
44 provisions in section 49-434, Idaho Code. License plates issued for state,  
45 county and city motor vehicles shall be valid for ten (10) years pursuant  
46 to subsection (2) of this section and remain on the vehicle for which issued  
47 from year to year, and need no renewal or validation sticker.

48 (7) Whenever a vehicle is completely destroyed by fire or accident and  
49 the operator submits satisfactory proof of that destruction to the depart-  
50 ment or appropriate assessor's office, or the owner wishes to transfer the

1 remaining registration, use increment and fees shall be transferred to the  
 2 replacement vehicle for a service transfer fee of five dollars (\$5.00),  
 3 which fee shall be retained by the registering authority. None of the orig-  
 4 inal fees shall be subject to refund.

5 (8) The department shall furnish a printed or an electronic copy of the  
 6 registration card to every owner whose vehicle is registered under sections  
 7 49-434 and 49-435, Idaho Code. — Code.

8 (9) The board shall have authority to require the return to the depart-  
 9 ment of all license plates and registration stickers upon termination of the  
 10 lawful use of them by the owner.

11 (10) The board may promulgate such rules as are necessary to implement  
 12 the provisions of this section.

13 SECTION 37. That Section 54-1116, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --  
 16 PROBATION. The board may refuse to issue or may refuse to renew or may suspend  
 17 or may revoke any license, or may place the holder thereof on a term of proba-  
 18 tion, after proper hearing, upon finding that the holder of such license com-  
 19 mitted or is subject to any of the following acts or omissions:

20 (1) Conviction of a crime that reflects upon the qualifications, func-  
 21 tions, or duties of the respective license. ~~that is deemed relevant in ac-~~  
 22 ~~cordance with section 67-9411(1), Idaho Code~~

23 (2) Unprofessional conduct, which is hereby defined to include:

24 (a) Misrepresentation or fraud in the conduct of mortician or funeral  
 25 director services;

26 (b) False or misleading advertising as the holder of a license for the  
 27 practice of mortician or funeral director services; advertising or us-  
 28 ing the name of a person who is not an employee of the establishment in  
 29 connection with that of any establishment;

30 (c) Solicitation of dead human bodies by the licensee, his agents, as-  
 31 sistants or employees, whether such solicitation occurs before death or  
 32 after death; provided, that this shall not be deemed to prohibit general  
 33 advertising;

34 (d) Employment by the licensee of persons known as "cappers," or  
 35 "steerers," or "solicitors," or other such persons, to solicit or  
 36 obtain agreements with the public for the performance of mortician ser-  
 37 vices;

38 (e) Employment, directly or indirectly, of any resident trainee,  
 39 agent, assistant, employee, or other person, on part or full time, or on  
 40 commission, for the purpose of calling upon individuals or institutions  
 41 by whose influence dead human bodies may be turned over to a particular  
 42 mortician, funeral director or establishment;

43 (f) The direct or indirect payment, or offer of payment, of a commission  
 44 by the licensee, his agents, assistants, or employees for the purpose of  
 45 securing business;

46 (g) Gross immorality;

47 (h) Aiding or abetting an unlicensed person to practice mortician or  
 48 funeral director services;

- 1 (i) Using profane, indecent or obscene language in the presence of a  
 2 dead human body, or within the immediate hearing of the family or rel-  
 3 atives of a deceased whose body has not yet been interred or otherwise  
 4 disposed of;
- 5 (j) Violation of any of the provisions of this chapter;
- 6 (k) Violation of any state law, ~~or~~ municipal or county ordinance, or  
 7 rule authorized under this chapter affecting the handling, custody,  
 8 care, processing or transportation of dead human bodies;
- 9 (l) Fraud or misrepresentation in obtaining or renewing a license;
- 10 (m) Refusing to promptly surrender the custody of a dead human body  
 11 upon the express order of the person lawfully entitled to the custody  
 12 thereof;
- 13 (n) Solicitation or acceptance, directly or indirectly, of a request,  
 14 before need, for an agreement to provide mortician services or funeral  
 15 supplies at a price less than that offered by such person to others at  
 16 time of need;
- 17 (o) Violation of any statutes of any state having to do with prearrange-  
 18 ment or prefinancing of mortician services or funeral supplies; and
- 19 (p) Failing an inspection conducted by the board or the board's agent.

20 SECTION 38. That Section 54-4711, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and  
 23 welfare of the public, the board, in accordance with the requirements of  
 24 chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew  
 25 a license, certification, or permit, or may suspend or revoke a license,  
 26 certification, or permit, under such conditions as the board may require, if  
 27 the applicant or holder of the license, certification, or permit has:

- 28 (1) Been convicted of a crime ~~that is~~ deemed relevant in accordance with  
 29 section 67-9411(1), Idaho Code; ~~that reflects on the qualifications, func-~~  
 30 ~~tions, or duties of an acupuncturist~~
- 31 (2) Obtained or attempted to obtain the issuance or renewal of a li-  
 32 cense, certification or permit pursuant to this chapter by means of fraud,  
 33 misrepresentation or concealment of material facts;
- 34 (3) Engaged in the practice of acupuncture in a manner that does not  
 35 meet the generally accepted standards for the practice of acupuncture within  
 36 the state of Idaho;
- 37 (4) Failed to maintain the confidentiality of records or other informa-  
 38 tion pertaining to an identifiable client, except as required or authorized  
 39 by law;
- 40 (5) Engaged in any conduct that constitutes an abuse or exploitation of  
 41 a client arising out of the trust and confidence placed in the acupuncturist  
 42 by the client;
- 43 (6) Engaged in conduct that violates the provisions of this chapter,  
 44 the rules of the board or the terms of any permit issued by the board;
- 45 (7) Failed to comply with a board order entered in a disciplinary mat-  
 46 ter;
- 47 (8) Had a license revoked or suspended or has been otherwise disci-  
 48 plined by the board or the proper authorities of another state, territory, or  
 49 jurisdiction of the United States or another country; or

1 (9) Had a license or certification in a related field revoked or sus-  
 2 pended or has been otherwise disciplined in Idaho or another state, terri-  
 3 tory, or jurisdiction of the United States or another country.

4 SECTION 39. That Section 54-5103, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 54-5103. EXEMPTIONS FROM LICENSURE. This chapter is not intended to  
 7 and does not prohibit, restrict, or apply to:

8 (1) The practice of a profession by individuals who are licensed, cer-  
 9 tified, registered, or otherwise authorized under other laws of this state  
 10 and are performing services within the authorized scope of practice;

11 (2) The practice of naturopathic medicine by an individual employed by  
 12 the federal government while the individual is engaged in the performance of  
 13 duties prescribed by the laws and regulations of the United States;

14 (3) An individual rendering aid in an emergency, when no fee or other  
 15 consideration for the service is charged, received, expected, or contem-  
 16 plated;

17 (4) An individual engaged in the sale of vitamins, health foods,  
 18 over-the-counter homeopathic products, dietary supplements, herbs, or  
 19 other products of nature, the sale of which is not otherwise prohibited under  
 20 state or federal law;

21 (5) The practice by a licensed naturopathic physician duly licensed  
 22 in another state, territory, or the District of Columbia when that licensed  
 23 naturopathic physician is called into this state for consultation with a  
 24 physician licensed pursuant to this chapter or chapter 18, title 54, Idaho  
 25 Code;

26 (6) The practice of naturopathic medicine by a student enrolled in an  
 27 approved naturopathic medical program. Services shall be performed pur-  
 28 suant to a course of instruction or assignments from an instructor and under  
 29 the supervision and observation of the instructor or a naturopathic medical  
 30 doctor; or

31 (7) The practice of the complementary and alternative healing methods  
 32 and treatments as described in section 54-1804(1) (~~§1~~), Idaho Code.

33 (8) This section shall take effect on July 1, 2020.

34 SECTION 40. That Section 54-5408, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have  
 37 the power to deny any application for or renewal of a license or to revoke,  
 38 suspend or otherwise sanction any such license issued pursuant to this chap-  
 39 ter and to limit or restrict the practice of any driving instructor or driv-  
 40 ing business upon a determination by the board that the person or business:

41 (a) Was convicted, found guilty, received a withheld judgment or sus-  
 42 pended sentence in this or any other state of any action constituting a  
 43 crime that reflects upon the qualifications, functions, or duties of a  
 44 driving business or driving business instructor; ~~that is deemed rele-~~  
 45 ~~vant in accordance with section 67-9411(1), Idaho Code~~

46 (b) Violated the provisions of this chapter or rules, standards of con-  
 47 duct and practice, or any ethical codes as may be adopted by the board;

1 (c) Is or has been negligent or reckless in the practice of driver edu-  
2 cation; or

3 (d) Has had any license, certificate or registration to work as a driv-  
4 ing instructor or operate as a driving business suspended or revoked in  
5 any jurisdiction. A certified copy of the order of suspension or revo-  
6 cation shall be prima facie evidence of such suspension or revocation.

7 (2) Every person or business subject to disciplinary proceedings shall  
8 be afforded an opportunity for hearing. All proceedings hereunder shall be  
9 in accordance with chapter 52, title 67, Idaho Code.

10 (3) The board may, pursuant to an order of discipline, require the per-  
11 son or business to pay an administrative fine not to exceed one thousand dol-  
12 lars (\$1,000) for each violation identified in the order.

13 SECTION 41. That Section 67-1401, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in  
16 this chapter, it is the duty of the attorney general:

17 (1) To perform all legal services for the state and to represent the  
18 state and all departments, agencies, offices, officers, boards, commis-  
19 sions, institutions and other state entities in all courts and before all  
20 administrative tribunals or bodies of any nature. Representation shall be  
21 provided to those entities exempted pursuant to the provisions of section  
22 67-1406, Idaho Code. Whenever required to attend upon any court or adminis-  
23 trative tribunal, the attorney general shall be allowed necessary and actual  
24 expenses, all claims for which shall be audited by the state board of exam-  
25 iners.

26 (2) To advise all departments, agencies, offices, officers, boards,  
27 commissions, institutions and other state entities in all matters involving  
28 questions of law.

29 (3) After judgment in any of the causes referred to in this chapter, to  
30 direct the issuing of such process as may be necessary to carry the same into  
31 execution.

32 (4) To account for and pay over to the proper officer all moneys re-  
33 ceived ~~which~~ that belong to the state.

34 (5) To enforce the Idaho charitable solicitation act, chapter 12, title  
35 48, Idaho Code; the Idaho nonprofit hospital sale or conversion act, chap-  
36 ter 15, title 48, Idaho Code; to supervise charitable organizations, as such  
37 term is defined in section 48-1903(4), Idaho Code; and to enforce whenever  
38 necessary any noncompliance or departure from the charitable purpose of such  
39 charitable organizations as set forth and provided in chapter 19, title 48,  
40 Idaho Code.

41 (6) To give an opinion in writing, without fee, to the legislature or  
42 either house thereof, or any senator or representative, and to the gover-  
43 nor, secretary of state, treasurer, state controller, and the superinten-  
44 dent of public instruction, when requested, upon any question of law relat-  
45 ing to their respective offices. The attorney general shall keep a record of  
46 all written opinions rendered by the office and such opinions shall be com-  
47 piled annually and made available for public inspection. All costs incurred  
48 in the preparation of said opinions shall be borne by the office of the attor-

1 ney general. A copy of the opinions shall be furnished to the supreme court  
2 and to the state librarian.

3 (7) When required by the public service, to repair to any county in the  
4 state and assist the prosecuting attorney thereof in the discharge of du-  
5 ties.

6 (8) To bid upon and purchase, when necessary, in the name of the state,  
7 and under the direction of the state controller, any property offered for  
8 sale under execution issued upon judgments in favor of or for the use of the  
9 state, and to enter satisfaction in whole or in part of such judgments as the  
10 consideration for such purchases.

11 (9) Whenever the property of a judgment debtor in any judgment men-  
12 tioned in subsection (8) of this section has been sold under a prior judg-  
13 ment, or is subject to any judgment, lien, or encumbrance, taking precedence  
14 of the judgment in favor of the state, under the direction of the state  
15 controller, to redeem such property from such prior judgment, lien, or en-  
16 cumbrance; and all sums of money necessary for such redemption must, upon the  
17 order of the board of examiners, be paid out of any money appropriated for  
18 such purposes.

19 (10) When necessary for the collection or enforcement of any judgment  
20 hereinbefore mentioned, to institute and prosecute, in behalf of the state,  
21 such suits or other proceedings as may be necessary to set aside and annul all  
22 conveyances fraudulently made by such judgment debtors; the cost necessary  
23 to the prosecution must, when allowed by the board of examiners, be paid out  
24 of any appropriations for the prosecution of delinquents.

25 (11) To exercise all the common law power and authority usually apper-  
26 taining to the office and to discharge the other duties prescribed by law.

27 (12) To report to the governor, ~~at the time required by this section,~~ the  
28 condition of the affairs of the attorney general's office and of the reports  
29 received from prosecuting attorneys.

30 (13) To appoint deputy attorneys general and special deputy attorneys  
31 general and other necessary staff to assist in the performance of the du-  
32 ties of the office. Such deputies and staff shall be nonclassified employees  
33 within the meaning of section 67-5302, Idaho Code.

34 (14) To establish a medicaid fraud control unit pursuant to the provi-  
35 sions of section 56-226, Idaho Code, and to exercise concurrent investiga-  
36 tive and prosecutorial authority and responsibility with county prosecutors  
37 to prosecute persons for the violation of the criminal provisions of chap-  
38 ter 2, title 56, Idaho Code, and for criminal offenses that are not defined  
39 in said chapter 2, title 56, Idaho Code, but that involve or are directly re-  
40 lated to the use of medicaid program funds or services provided through the  
41 medicaid program.

42 (15) To seek injunctive and any other appropriate relief as expedi-  
43 tiously as possible to preserve the rights and property of the residents  
44 of the state of Idaho, and to defend as necessary the state of Idaho, its  
45 officials, employees, and agents in the event that any law or regulation  
46 violating the public policy set forth in the Idaho health freedom act, chap-  
47 ter 90, title 39, Idaho Code, is enacted by any government, subdivision, or  
48 agency thereof.

49 (16) To establish an internet crimes against children unit pursuant to  
50 the provisions of section 67-1410, Idaho Code, and to exercise concurrent

1 investigative and prosecutorial authority and responsibility with county  
 2 prosecutors to prosecute persons for the violation of the criminal provi-  
 3 sions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which  
 4 may also encompass criminal offenses that are not defined in said sections  
 5 but that involve or are directly related to child pornography and sollicita-  
 6 tion of minors for pornography, prostitution or sex-related offenses.

7 (17) To respond to allegations of violation of state law by elected  
 8 county officers, to investigate such claims, to issue appropriate findings  
 9 and to refer such cases for further investigation and prosecution pursuant  
 10 to section 31-2002, Idaho Code.

11 (18) To establish a sobriety and drug monitoring program to reduce the  
 12 number of people on Idaho's highways who drive under the influence of alco-  
 13 hol or drugs, to reduce the number of repeat offenders for certain offenses  
 14 in which the abuse of alcohol or drugs was a contributing factor, and to in-  
 15 crease pretrial and posttrial options for prosecutors and judges in respon-  
 16 ding to repeat DUI offenders and offenders for certain crimes in which the  
 17 abuse of alcohol or drugs was a contributing factor in the commission of the  
 18 crime, and to adopt such rules and establish such fees as are necessary for  
 19 the operation of said program, as set forth by law.

20 SECTION 42. That Chapter 93, Title 67, Idaho Code, as enacted by Section  
 21 1, Chapter 296, Laws of 2019, be, and the same is hereby amended to read as  
 22 follows:

23 CHAPTER 934  
 24 OCCUPATIONAL LICENSING REFORM ACT

25 67-~~9301~~9401. SHORT TITLE. This chapter shall be known and may be cited  
 26 as the "Occupational Licensing Reform Act."

27 67-~~9302~~9402. DECLARATION OF POLICY. The Idaho legislature, recogniz-  
 28 ing a need for occupational licensing reform, declares it to be the policy of  
 29 the state to adopt a comprehensive and proactive approach to reducing occu-  
 30 pational licensing constraints and barriers.

31 67-~~9303~~9403. DEFINITIONS. As used in this chapter:

32 (1) "Honorable conditions" means an honorable discharge or a general  
 33 discharge "under honorable conditions."

34 (2) "Licensing authority" means any agency, bureau, commission, de-  
 35 partment, division, or professional or occupational licensing board charged  
 36 with granting, suspending, or revoking the license, certificate, registra-  
 37 tion, permit, or other authorization of any person to practice a profession  
 38 or occupation, including but not limited to the professional and occupa-  
 39 tional licensing boards within the department of self-governing agencies.

40 (3) "Licensure" means a license, certificate, registration, permit, or  
 41 other authorization of any person to practice a profession or occupation.

42 (4) "Military" means the armed forces or reserves of the United States,  
 43 including the army, navy, marine corps, coast guard, air force, and the re-  
 44 serve components thereof, the national guard of any state, the military re-  
 45 serves of any state, or the naval militia of any state.

1 (5) "Veteran" means any person who has been discharged or released from  
2 active duty in the armed forces under honorable conditions provided the per-  
3 son has served on active duty for a minimum of one hundred eighty (180) con-  
4 secutive days.

5 67-~~9304~~9404. MILITARY EDUCATION, TRAINING, AND SERVICE -- QUALIFICA-  
6 TIONS FOR LICENSURE. A licensing authority shall accept relevant and appli-  
7 cable military education, training, or service by an individual as a member  
8 of the armed forces or a veteran toward the qualifications to receive licen-  
9 sure. Each licensing authority shall promulgate applicable rules to imple-  
10 ment the provisions of this section.

11 67-~~9305~~9405. EXPEDITED APPLICATION -- MEMBERS OF THE MILITARY, VETER-  
12 ANS, AND SPOUSES. A licensing authority shall expedite the application of a  
13 member of the military, a former member of the military after discharge under  
14 honorable conditions, a veteran, or a spouse of any such person, to receive  
15 licensure if such member, former member, veteran, or spouse possesses nec-  
16 cessary education, qualifications, licensure, or certification from another  
17 state, district, or territory of the United States, or in any branch of the  
18 armed forces or the national guard. Each licensing authority shall promul-  
19 gate applicable rules to implement the provisions of this section.

20 67-~~9306~~9406. LICENSURE BY ENDORSEMENT -- MEMBERS OF THE MILITARY,  
21 VETERANS, AND SPOUSES. (1) A licensing authority shall establish a procedure  
22 for the issuance of licensure by endorsement to a member of the military, a  
23 former member of the military after discharge under honorable conditions, a  
24 veteran, or a spouse of any such person, if such person possesses current,  
25 valid, and unrestricted licensure in another state, district, or territory  
26 of the United States, or in any branch of the armed forces or the national  
27 guard. Each licensing authority shall promulgate applicable rules to imple-  
28 ment the provisions of this subsection.

29 (2) Subsection (1) of this section shall not apply to a person who is a  
30 member of a profession or occupation covered by an interstate licensure com-  
31 pact that the person's home state and Idaho have each adopted. In such a sit-  
32 uation, a person shall apply for licensure pursuant to the terms of the ap-  
33 plicable licensure compact rather than through licensure by endorsement. A  
34 person from a state that has not adopted an interstate licensure compact that  
35 Idaho has adopted is eligible for licensure by endorsement, provided that  
36 such person is otherwise eligible for licensure by endorsement under this  
37 section; however, such licensure shall be valid only in Idaho. A licensing  
38 authority for a profession or occupation affected by an interstate licensure  
39 compact that Idaho has adopted shall promulgate applicable rules to imple-  
40 ment the provisions of this subsection.

41 67-~~9307~~9407. REPORT TO LEGISLATURE. A licensing authority shall, by  
42 January 1, 2020, prepare and deliver to an appropriate germane legislative  
43 committee information regarding the rules, if any, implemented under this  
44 chapter.