

GENERAL LAWS
OF THE
STATE OF IDAHO



**PASSED AND PUBLISHED BY
THE FIRST EXTRAORDINARY SESSION OF THE
SIXTY-SIXTH IDAHO LEGISLATURE**

**Convened September 1, 2022
Adjourned September 1, 2022**

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

**Chairman Lakey
Senate Judiciary & Rules
Chairman Chaney
House Judiciary, Rules & Administration**

PROCLAMATION

WHEREAS, Article 4, Section 9 of the Constitution of the State of Idaho empowers the Governor, on extraordinary occasions, to convene the Legislature by proclamation; and

WHEREAS, inflation is at a 40-year high, putting gas, groceries, and other necessities out of reach for many Idahoans. Idaho taxpayers and the education system are especially imperiled by the consequences of historic inflation; and

WHEREAS, the State of Idaho's responsible, prudent budgeting has resulted in a record-breaking fiscal surplus, which equips the state to take action now to mitigate the harmful impacts of inflation; and

WHEREAS, by acting now, the state can return a portion of the surplus to Idaho taxpayers and make needed investments in education to counter rising costs and the likely increase in post-secondary enrollment that occurs during times of economic instability; and

WHEREAS, the need to respond to the effects of inflation on taxpayers and the education system constitutes an extraordinary occasion. The state cannot risk inaction in the face of sustained, intransigent inflation;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby proclaim that the 66th Idaho Legislature shall convene in an extraordinary session in the legislative chambers of the Idaho State Capitol in Boise City, Ada County, beginning at the hour of 8:00 a.m. on the 1st day of September 2022, for the following enumerated purpose and no other:

To consider the passage and enactment of the attached RS29902C1, which shall (1) provide a one-time tax rebate of no more than \$500 million, (2) establish a corporate and individual flat tax rate no lower than 5.8%, and (3) dedicate no less than \$410 million to public education.

The Idaho Legislature convened by this Proclamation shall have no power to legislate on any other subjects during the extraordinary session.

I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be delivered to the presiding officers of the Idaho Senate and House of Representatives, to each of the members of the 66th Idaho Legislature, and to the Constitutional Officers of Idaho at the earliest practicable time.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of August, in the year of our Lord two thousand and twenty-two, and of the Independence of the United States of America the two hundred forty-seventh, and of the Statehood of Idaho the one hundred thirty-third.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

CHAPTER 1
(H.B. No. 1)

AN ACT

RELATING TO TAXATION AND THE DISTRIBUTION OF CERTAIN TAX MONEYS; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 63-3024B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO TAX REBATE FUND; PROVIDING FOR A CASH TRANSFER; REPEALING SECTION 63-3024, IDAHO CODE, RELATING TO THE INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS; REPEALING SECTION 63-3025, IDAHO CODE, RELATING TO THE TAX ON CORPORATE INCOME; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3025, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE TAX ON CORPORATE INCOME; REPEALING SECTION 63-3067, IDAHO CODE, RELATING TO REVENUE RECEIVED AND THE STATE REFUND ACCOUNT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3067, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING REVENUE RECEIVED AND THE STATE REFUND ACCOUNT; AMENDING SECTION 63-3015, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 63-3036B, IDAHO CODE, TO REVISE A PROVISION REGARDING BACKUP WITHHOLDING BY PASS-THROUGH ENTITIES; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF SALES AND USE TAX REVENUE; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4305, IDAHO CODE, TO PROVIDE FOR THE IN-DEMAND CAREERS FUND; PROVIDING FOR AN ADVISORY QUESTION TO BE PLACED ON THE BALLOT BEFORE THE VOTERS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. (1) The Legislature finds that inflation is at a 40-year high, putting gas, groceries, and other necessities out of reach for many Idahoans.

(2) The Legislature further finds that, in stark contrast with the federal government and many of Idaho's sister states, the State of Idaho has maintained a structurally balanced budget, built robust reserves, paid off debt, and held the line on spending. As a result, the State of Idaho has a record surplus, while Washington, D.C., has accumulated a \$30 trillion gross national debt.

(3) The Legislature further finds that responsible, prudent budgeting has resulted in the State of Idaho's current record-breaking fiscal position, which equips the state to take action now to mitigate the harmful impacts of inflation.

(4) The Legislature further finds that Idaho taxpayers and the education system are especially imperiled by the consequences of historic inflation, and action is needed now. By acting now, the state can return a portion of the surplus to Idaho taxpayers, make the needed investments in education to counter rising costs, and prepare for the likely increase in workforce development training that occurs during times of economic instability. The state cannot risk inaction in the face of sustained, intransigent inflation.

(5) Therefore, given these findings, the intent of this act is to quickly respond to historic inflation and the harm it is inflicting on Idaho taxpayers and on the education system.

SECTION 2. That Section 63-3024B, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

~~(4) For rebates granted under subsection (3) of this section, the state tax commission shall establish a mechanism by which a taxpayer may choose to donate a rebate owed him under this section to be used for one (1) of the following purposes: public schools, transportation, or parks and recreation. The state tax commission shall report to the governor and legislature the amount of rebates redirected for these specific purposes by December 31, 2022, so that the legislature may appropriate such funds for the intended purposes in the 2023 legislative session. In addition to the rebate granted under subsection (3) of this section, after filing a 2021 Idaho individual income tax return or form 24 on or before December 31, 2022, any full-year resident taxpayer who also filed a 2020 individual income tax return or a form 24 on or before December 31, 2022, shall receive a onetime nontaxable income tax rebate check in an amount approximately equal to ten percent (10%) of the tax amount, if any, reported on 2020 form 40, line 20, or for service members on 2020 form 43, line 42, or three hundred dollars (\$300) per individual return or six hundred dollars (\$600) per joint return, whichever is more. The state tax commission shall issue such rebates during the 2023 fiscal year to the extent possible.~~

SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$500,000,000 from the General Fund to the Idaho Tax Rebate Fund established under section 63-3024B, Idaho Code, on September 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 4. That Section 63-3024, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3024, Idaho Code, and to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. (1) For each taxable year, a tax measured by Idaho taxable income as defined in this chapter is hereby imposed upon every individual, trust, or estate required by this chapter to file a return.

(2) (a) The tax imposed upon individuals, trusts, and estates shall be computed at the rate of five and eight-tenths percent (5.8%) of taxable income over two thousand five hundred dollars (\$2,500).

(b) For taxpayers filing a joint return pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed shall be computed at the rate of five and eight-tenths percent (5.8%) of taxable income over five thousand dollars (\$5,000). For the purposes of this section, a return of a surviving spouse, as defined in section 2(a) of the Internal Revenue Code, and a head of household, as defined in section 2(b) of the Internal Revenue Code, shall be treated as a joint return.

(3) For taxable year 2000 and each year thereafter, the state tax commission shall prescribe a factor that shall be used to compute the Idaho income tax thresholds provided in subsection (2) of this section. The factor shall provide an adjustment to the Idaho tax thresholds so that inflation will not result in a tax increase. The Idaho tax thresholds shall be adjusted as follows: multiply the last threshold amount by the percentage (the consumer price index for the calendar year immediately preceding the calendar year to which the adjusted threshold amount will apply divided by the consumer price index for calendar year 1998). For the purpose of this computation, the consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve (12) month period for the immediately preceding calendar year, without regard to any subsequent adjustments, as adopted by the state tax commission. This adoption shall be exempt from the provisions of chapter 52, title 67, Idaho Code. The consumer price index shall mean the consumer price index for all U.S. urban consumers published by the United States department of labor. The state tax commission shall annually include the factor as provided in this subsection to multiply against Idaho taxable income using the thresholds in this section to arrive at that year's Idaho taxable income for tax threshold purposes.

(4) In the case of a trust that is an electing small business trust as defined in section 1361 of the Internal Revenue Code, the special rules for taxation of such trusts contained in section 641 of the Internal Revenue Code shall apply, except that the individual rate provided in subsection (2) (a) of this section shall apply in computing tax due under this chapter.

(5) The state tax commission may promulgate rules defining the conditions upon which such returns shall be filed.

SECTION 6. That Section 63-3025, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3025, Idaho Code, and to read as follows:

63-3025. TAX ON CORPORATE INCOME. (1) For each taxable year, a tax is hereby imposed on the Idaho taxable income of a corporation, other than an S corporation, that transacts or is authorized to transact business in this state or has income attributable to this state. The tax shall be equal to five and eight-tenths percent (5.8%) of Idaho taxable income.

(2) In the case of an S corporation that is required to file a return under section 63-3030, Idaho Code, a tax is hereby imposed at the rate provided in subsection (1) of this section upon both:

(a) Net recognized built-in gain attributable to this state. The amount of net recognized built-in gain attributable to this state shall be computed in accordance with section 1374 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code; and

(b) Excess net passive income attributable to this state. The amount of excess net passive income attributable to this state shall be computed in accordance with section 1375 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code.

(3) The tax imposed by subsection (1) or (2) of this section shall not be less than twenty dollars (\$20.00); provided that the twenty-dollar (\$20.00) minimum payment shall not be collected from nonproductive mining corporations.

(4) The tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025A, Idaho Code.

SECTION 8. That Section 63-3067, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3067, Idaho Code, and to read as follows:

63-3067. REVENUE RECEIVED -- STATE REFUND ACCOUNT. (1) A sum equal to the amount withheld under section 63-3035A, Idaho Code, shall be distributed fifty percent (50%) to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system, and fifty percent (50%) shall be distributed to the counties to be utilized for county juvenile probation services. These funds shall be distributed quarterly to the counties based upon the percentage the population of the county bears to the population of the state as a whole.

(2) Except as may otherwise be provided by law, all moneys received by the state of Idaho under this chapter shall be deposited by the state tax commission, as received by it, with the state treasurer and shall be placed in and become a part of the general fund under the custody of the state treasurer. Provided, however, that an amount equal to twenty percent (20%) of the amount deposited with the state treasurer shall be placed in the state refund account, which is hereby created for the purpose of repaying overpayments and for the purpose of paying any other erroneous receipts illegally assessed or collected, penalties collected without authority, and taxes and licenses unjustly assessed or collected or that are excessive in amount. Whenever necessary for the purpose of making prompt payment of refunds, the board of examiners, upon request from the state tax commission and after review, may authorize the state tax commission to transfer any additional specific amount from income tax collections to the state refund account. There is appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds provided in this section. Claims for and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho.

(3) Any unencumbered balance remaining in the state refund account on June 30 of each and every year in excess of the sum of five million dollars (\$5,000,000) shall be transferred to the general fund, and the state controller is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 10. That Section 63-3015, Idaho Code, be, and the same is hereby amended to read as follows:

63-3015. ESTATES AND TRUSTS. (1) An estate is treated as a resident estate if the decedent was a resident of Idaho on the date of death.

(2) A trust, other than a qualified funeral trust, is treated as a resident trust if three (3) or more of the following conditions existed for the entire taxable year:

- (a) The domicile or residency of the grantor is in Idaho;
- (b) The trust is governed by Idaho law;
- (c) The trust has real or tangible personal property located in Idaho;
- (d) The domicile or residency of the trustee is in Idaho;
- (e) The administration of the trust takes place in Idaho. Administration of the trust includes conducting trust business, investing trust assets, making administrative decisions, recordkeeping and preparation and filing of tax returns.

(3) A trust, other than a qualified funeral trust, is treated as a part-year resident trust each day of the taxable year during which three (3) or more of the conditions specified in subsection (2) of this section existed.

(4) A qualified funeral trust is treated as a resident trust if its trustee has elected treatment as a qualified funeral trust pursuant to section 685 of the Internal Revenue Code where, at the time of the initial funding of the trust, the trust is required to be established under the laws of this state or, in the absence of such a requirement, where a funeral home or cemetery located in this state is identified to provide the services or merchandise, or both, under the terms of a preneed contract requiring the establishment of the trust.

(5) Qualified funeral trusts having a single trustee may file a single, composite return pursuant to rules of the state tax commission. Each beneficiary's interest in a qualified funeral trust included in the composite return under this section shall be taxed as a separate trust for the purposes of application of the ~~rate-schedules~~ tax imposed in section 63-3024, Idaho Code, and determination of the filing requirement in section 63-3030, Idaho Code. The composite return shall not be a return of a person under section 63-3082, Idaho Code.

(6) If the estate does not qualify as a resident estate, it is treated as a nonresident estate.

(7) If the trust does not qualify as a resident or part-year resident trust, it is treated as a nonresident trust.

(8) For purposes of determining residency status of a trust, no distinction is made between inter vivos trusts and testamentary trusts or between revocable trusts and irrevocable trusts.

SECTION 11. That Section 63-3036B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3036B. PASS-THROUGH ENTITIES -- BACKUP WITHHOLDING. (1) A pass-through entity, as defined in section 63-3006C, Idaho Code, that is transacting business in Idaho during a taxable year shall withhold tax as prescribed in this section.

(2) For each nonresident individual who has income described in subsection (2) of section 63-3022L, Idaho Code, the pass-through entity shall withhold tax on the individual's share of income from the pass-through entity required to be included in Idaho taxable income of the individual, at the highest marginal rate applicable for the taxable year under section 63-3024, Idaho Code.

(3) A pass-through entity is not required to withhold taxes under this section:

(a) In regard to an individual who is a resident of Idaho as defined in section 63-3013, Idaho Code; or

(b) If the pass-through entity is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code, that is treated as a partnership for purposes of the Internal Revenue Code and that has agreed to file an annual information return reporting the name, address, taxpayer identification number and other information requested by the state tax commission concerning each unitholder whose distributive share of partnership income from Idaho sources is more than five hundred dollars (\$500); or

(c) If withholding is not required pursuant to a rule adopted under this section; or

(d) In regard to an individual who is not a resident of Idaho as defined in section 63-3013, Idaho Code, but for whom the pass-through entity has reported and paid the tax relating to said individual on a composite return pursuant to section 63-3022L, Idaho Code. An entity may rely upon information provided by the individual indicating state of residency as prescribed in the rules of the state tax commission.

(4) A pass-through entity that is required to withhold tax under this section shall file a withholding return with the state tax commission setting forth the amount of income described in subsection (2) of section 63-3022L, Idaho Code, the amount of tax withheld under this section and any other information required by the state tax commission. The return shall be filed with the state tax commission on the form and taxes withheld under this section shall be paid to the state tax commission in the time and manner prescribed by rules of the state tax commission. To the extent the state tax commission finds practicable, the rules shall generally conform to the requirements of section 63-3035, Idaho Code.

(5) A pass-through entity that is required to withhold tax under the provisions of this section shall furnish a statement to each individual on whose behalf tax is withheld. The statement shall state the amount of tax withheld on behalf of the individual for the taxable year of the pass-through entity. The statement shall be made on a form prescribed by the state tax commission and shall contain any other information required by it.

(6) A pass-through entity is liable to this state for amounts of tax required to be withheld and paid under the provisions of this section. A pass-through entity is not liable to an officer, director, or individual owner of an interest in the pass-through entity for amounts required to be withheld under the provisions of this section that were paid to the state tax commission as prescribed in this section. Amounts required to be withheld and paid over to the state tax commission under this section that are not withheld or paid over at the time and in the manner required by the provisions of this section shall be a deficiency in tax as defined in section 63-3044, Idaho Code.

(7) For purposes of this section, "individual" shall have the same meaning as in subsection (6) of section 63-3022L, Idaho Code.

SECTION 12. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho

transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

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

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

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

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

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

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

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

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

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

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

(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and
2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(iii) Following the distribution required by subparagraph (i) of this paragraph, forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
2. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.
3. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
4. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

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

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter

of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

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

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

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

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

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

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

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received. If

a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

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

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

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

(16) (a) Four and five-tenths percent (4.5%), but not less than eighty million dollars (\$80,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

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

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

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

SECTION 13. That Chapter 43, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-4305, Idaho Code, and to read as follows:

33-4305. IN-DEMAND CAREERS FUND. (1) There is hereby established in the state treasury the in-demand careers fund.

(2) Moneys in the in-demand careers fund are subject to legislative appropriation and shall consist of the following:

- (a) Legislative appropriations;
- (b) Donations and contributions made to the fund; and
- (c) Interest earned on idle moneys in the fund.

SECTION 14. The Legislature finds and declares that responding to the effects of inflation is of importance to the citizens of the State of Idaho. As a representative body, members of the Legislature desire to be responsive and responsible to these citizens. For this reason, the Legislature herewith submits an advisory question to the electors of Idaho on the 2022 general election ballot. The results will guide the Legislature as to whether the ongoing elements of this act shall continue.

The Secretary of State shall have the question below placed on the 2022 general election ballot and shall take necessary steps to have the results on the question tabulated. The question shall be as follows:

"Do you approve or disapprove of the State of Idaho using the record budget surplus to refund \$500 million back to hardworking Idaho taxpayers, cut ongoing income taxes by more than \$150 million, and put more money in our classrooms by increasing education and student funding by a record \$410 million?

Your approval of this effort would combat historic inflation by returning money to taxpayers, creating a simple flat tax, and making the single largest investment in public education in Idaho history."

The advisory question provided for in this act is hereby declared to be a measure for the purposes of Chapter 66, Title 67, Idaho Code, and the provisions of Chapter 66, Title 67, Idaho Code, shall apply thereto. The advisory question shall be included to the extent practicable in the voters' pamphlet as provided in Section 34-1812C, Idaho Code. Notwithstanding any other provision of law, the Secretary of State shall cause this advisory question to be placed on the 2022 Idaho general election ballot immediately following Senate Joint Resolution 102 and preceding all other ballot measures. The ballot shall require each voter to answer the advisory question by selecting "approve" or "disapprove."

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

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Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

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GENERAL LAWS
OF THE
STATE OF IDAHO



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

**Convened January 9, 2023
Adjourned April 6, 2023**

Volume 1

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

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

CHAPTER 1
(H.B. No. 21)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO REVISE THE DEFINITION OF "INTERNAL REVENUE CODE"; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. The term "Internal Revenue Code" means the Internal Revenue Code, as amended and in effect on the first day of January 2022 2023, except that Internal Revenue Code sections 85 and ~~461(1)~~ are is applied as in effect on January 1, 2020.

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

Approved February 15, 2023

CHAPTER 2
(H.B. No. 1)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1203A, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR POSTELECTION AUDITS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1203A, Idaho Code, be, and the same is hereby amended to read as follows:

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

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

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

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

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

- (i) Be selected by lot by the secretary of state without the use of a computer at an open public meeting governed by the provisions of chapter 2, title 74, Idaho Code; and
- (ii) Not exceed five percent (5%) of the precincts in the county or one (1) precinct, whichever is greater. Provided, however, that multiple precincts may be selected in any county if the number of ballots from the precincts so selected is less than two thousand one hundred (2,100).

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

The provisions of this paragraph apply only to a county that:

- (i) Does not organize the storage of its early or absentee ballots by precinct;
- (ii) Organizes the storage of such ballots by day, batch, legislative district, or tabulation machine; and
- (iii) Publicly reports the election results for early or absentee ballots by day, batch, legislative district, or tabulation machine on the county's website prior to the secretary of state's selection of precincts to be audited.

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

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

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

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

Approved February 21, 2023

CHAPTER 3
(H.B. No. 8)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO REMOVE A PROVISION REGARDING UNLADEN WEIGHT PERMITS, TO REVISE A PROVISION REGARDING TEMPORARY PERMITS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-432, Idaho Code, be, and the same is hereby amended to read as follows:

49-432. TEMPORARY REGISTRATION FOR RESIDENTS AND NONRESIDENTS -- FEES.

(1) (a) When a vehicle or combination of vehicles subject to registration is to be moved upon on the public highways in the state of Idaho, the department may issue a permit in lieu of registration for any vehicle or combination of vehicles upon the payment of a fee as set forth in the following schedule:

- (a) (i) One-hundred-twenty (120) hour permit
 - Single vehicle\$60.00
 - Combination of vehicles, where such combination of vehicles includes more than one (1) unregistered vehicle.....\$120.00
 - (b) (ii) Fuel permit\$60.00
 - (c) (iii) Thirty (30) day unladen weight permit\$60.00
- An owner-operator vehicle moving between lessee fleets where the vehicle registration was issued in the name of the former lessee shall be eligible for a thirty (30) day unladen weight permit for the unladen movement from the point of entry into the state to the destination of the new lessee's place of business.

(b) If an annual registration is purchased within thirty (30) calendar days of issuance of a permit under paragraph (a) or (c) (i) or (iii) of this subsection (1), the amount of the permit fee shall be applied to the registration fee. No portion of a permit fee is subject to refund.

(2) (a) Permits to operate a vehicle or combination of vehicles in excess of the registered maximum gross vehicle weight up to a maximum of one hundred twenty-nine thousand (129,000) pounds gross vehicle weight shall be:

- (a) (i) One hundred twenty (120) hour permit to increase gross weight\$50.00
- (b) (ii) Thirty (30) day permit to increase gross vehicle weight:

Maximum Registered Gross Weight of Vehicle (Pounds)	Temporary Permitted Maximum Gross Weight (Pounds)					
	80,000	86,000	96,000	106,000	116,000	129,000
50,001-60,000	\$225	\$250	\$275	\$300	\$325	\$350

(b) The permit issued pursuant to this subsection ~~(2)~~ shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable. At the time of purchasing a permit, the applicant may purchase additional permits in any combination which that does not exceed a maximum of ninety (90) days.

(3) Permits issued pursuant to subsection (1) or (2) of this section shall be limited to three (3) per vehicle in a calendar year, except for those permits provided for in subsection (1) ~~(b)~~ and ~~(c)~~ (a) (ii) and (iii) of this section. The provisions of this subsection ~~(3)~~ with respect to limiting the number of permits issued shall not apply to transporters and wreckers as defined in sections 49-121 and 49-124, Idaho Code, or to laden dealer and manufacturer plates as provided for in sections 49-411(4) and 49-1627(5), Idaho Code.

~~(4) A temporary permit shall be in a form, and issued under rules adopted by the board, and shall be displayed at all times while the vehicle is being operated on the highways by posting the permit upon the windshield of each vehicle or in another prominent place, where it may be readily legible. A temporary permit shall be readily available in a form required by the rules of the board at all times while the vehicle is being operated.~~

(5) Any permit issued pursuant to subsection (2) of this section shall be purchased prior to movement of the vehicle on a highway, and such permit shall be in addition to and available only to a vehicle which that is currently and validly registered in Idaho pursuant to section 49-432(1), 49-434(1), 49-434(8) (c) or 49-435, Idaho Code.

(6) The department may select vendors to serve as agents on state highways for the purpose of selling permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated at the rate of three dollars (\$3.00) per permit sold, and he shall collect the fees specified in this section and pay the fees to the department. The vendor shall guarantee payment by giving a bond to the state in a sum as shall be fixed by the board, the premium on the bond to be paid by the department.

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

Approved February 23, 2023

CHAPTER 4
(H.B. No. 7)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE FOR THE DISQUALIFICATION OF A DRIVER CONVICTED OF HUMAN TRAFFICKING, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-335, Idaho Code, be, and the same is hereby amended to read as follows:

49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LICENSE. (1) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if convicted in the form of a judgment or withheld judgment of a first violation under any state or federal law of:

- (a) Operating a motor vehicle while under the influence of alcohol or a controlled substance;
- (b) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or bodily substance is 0.04 or more;
- (c) Leaving the scene of an accident involving a motor vehicle driven by the person;
- (d) Using a motor vehicle in the commission of any felony;
- (e) Operating a commercial motor vehicle when the person's class A, B or C commercial driver's license driving privileges were revoked, suspended or canceled, or during a time when such person was disqualified from operating a commercial motor vehicle, if the reason for such revocation, suspension, cancellation or disqualification was the result of a violation that occurred while the person was operating a commercial motor vehicle;
- (f) Causing a fatality through negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

(2) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if the person refuses to submit to or submits to and fails a test to determine the driver's alcohol, drug or other intoxicating substances concentration while operating a motor vehicle.

(3) If any of the offenses specified in subsection (1) or (2) of this section occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three (3) years.

(4) A person is disqualified for the period of time specified in 49 CFR part 383 if found to have committed two (2) or more of any of the offenses specified in subsection (1) or (2) of this section, or any combination of those offenses, arising from two (2) or more separate incidents.

(5) A person is disqualified for the period of time specified in 49 CFR part 383 from operating a commercial motor vehicle who uses a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession of a controlled substance with the intent to manufacture, distribute or dispense such controlled substance.

(6) A person who uses a commercial motor vehicle in the commission of a felony involving an act or practice of trafficking in persons, as described in 22 U.S.C. 7102 and section 18-8602(1) (a), Idaho Code, is disqualified for the period of time specified in 49 CFR 383 from operating a commercial motor vehicle.

~~(6)~~ (7) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three (3) year period. A conviction for reckless driving shall be considered a serious traffic violation if committed while operating a commercial motor vehicle or a noncommercial motor vehicle, as specified in 49 CFR part 383.

~~(7)~~ (8) A person who drives, operates, or is in physical control of a commercial motor vehicle within this state while having any detectable amount of alcohol in his system or who refuses to submit to an alcohol test must be placed out of service for twenty-four (24) hours and be subject to the provisions of section 18-8002, Idaho Code.

~~(8)~~ (9) It is unlawful to violate an out-of-service order. A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle is disqualified for not less than:

- (a) One hundred eighty (180) days ~~not~~ or more than one (1) year for a first conviction;
- (b) Two (2) years ~~not~~ or more than five (5) years for a second conviction arising from separate incidents during any ten (10) year period;
- (c) Three (3) years ~~not~~ or more than five (5) years for three (3) or more convictions arising from separate incidents during any ten (10) year period.

~~(9)~~ (10) A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle and while transporting hazardous materials required to be placarded under the hazardous materials transportation act, or while operating motor vehicles designed to transport sixteen (16) or more people including the driver, is disqualified for not less than:

- (a) One hundred eighty (180) days ~~not~~ or more than two (2) years for a first conviction;
- (b) Three (3) years ~~not~~ or more than five (5) years for subsequent convictions arising from separate incidents in any ten (10) year period.

~~(10)~~ (11) A person is disqualified from operating a commercial motor vehicle if convicted of a railroad grade crossing violation as specified in 49 CFR part 383 or applicable state laws while operating a commercial motor vehicle. The disqualification shall be for a period of:

- (a) Sixty (60) days for a first conviction;
- (b) One hundred twenty (120) days for a second conviction during any three (3) year period;
- (c) One (1) year for a third or subsequent conviction during any three (3) year period.

~~(11)~~ (12) A person is disqualified from operating a commercial motor vehicle if the federal motor carrier safety administration has determined the person's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

- (a) An imminent hazard disqualification may not exceed one (1) year in duration. The driver, or a representative on his or her behalf, may file an appeal of the disqualification with the assistant administrator, adjudications counsel, federal motor carrier safety administration.
- (b) Any imminent hazard disqualification transmitted by the federal motor carrier safety administration shall become a part of the driver's record.

(c) The imminent hazard disqualification shall run concurrent to any other existing disqualification.

~~(12)~~ (13) In addition to the disqualification periods in subsections ~~(8)~~ and (9) and (10) of this section, a driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) for the first conviction and not less than five thousand dollars (\$5,000) for any subsequent conviction.

~~(13)~~ (14) A person who is disqualified from holding a commercial driver's license pursuant to 49 CFR 383.51 and subsection (4) of this section may make application to the department for reinstatement after a minimum ten (10) year period of disqualification.

(a) To be eligible for reinstatement following a lifetime disqualification under 49 CFR 383.51 and pursuant to subsection (4) of this section, a person shall:

(i) Have a valid class D driver's license from Idaho or any other jurisdiction for a minimum of three (3) consecutive years prior to the date of application, provided that during such three (3) year period the applicant has not been incarcerated;

(ii) Meet all statutory requirements for issuance of a commercial driver's license or commercial learner's permit as a new commercial driver applicant;

(iii) Voluntarily and successfully complete the national safety council four (4) hour defensive driving course and the professional truck driver four (4) hour course and provide proof of completion of both courses to the department;

(iv) Submit a valid medical examiner's certificate, if applicable;

(v) Submit a criminal background check showing that the applicant has not been convicted of any alcohol or drug-related offenses for the ten (10) years prior to the date of application; and

(vi) If the lifetime disqualification was based on an alcohol or controlled substance conviction, submit proof of the applicant's successful completion of an appropriate rehabilitation program.

(b) A person who has been reinstated and issued a commercial driver's license under this subsection who subsequently is convicted of a disqualifying major offense under 49 CFR 383.51 shall not be eligible for future reinstatement of a commercial driver's license.

(c) The driving records for a person applying for reinstatement under this subsection shall be reviewed by the department. Such driving records shall include records regarding Idaho as well as any other jurisdiction. To be eligible for reinstatement as set forth in this subsection, such records for the ten (10) years preceding the date of application for reinstatement must be free of any convictions occurring in a commercial vehicle, any convictions or withdrawals related to alcohol or drugs, and any felony convictions involving a motor vehicle. Within the three (3) years preceding the date of application for reinstatement, the person's driving record must be free of any convictions requiring a mandatory withdrawal of driving privileges, whether in this state or any other jurisdiction.

(d) If a person has moved from another jurisdiction that issued the lifetime disqualification, that jurisdiction must be willing to reinstate the disqualification or the person will remain ineligible for a commercial driver's license in Idaho.

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

CHAPTER 5
(H.B. No. 18)

AN ACT

RELATING TO WORKER'S COMPENSATION; REPEALING SECTION 2, CHAPTER 68, LAWS OF 2019, RELATING TO THE SUNSET PROVISION FOR PROVISIONS REGARDING WORKER'S COMPENSATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2, Chapter 68, Laws of 2019, be, and the same is hereby repealed.

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

Approved February 23, 2023

CHAPTER 6
(H.B. No. 15)

AN ACT

RELATING TO THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 54-1716, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 67-3519, IDAHO CODE, TO PROVIDE FOR CERTAIN PAY INCREASES AND TO PROVIDE FOR THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 67-5307, IDAHO CODE, TO REMOVE A PROVISION REGARDING HEARINGS BEFORE THE DIVISION OF HUMAN RESOURCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1716, Idaho Code, be, and the same is hereby amended to read as follows:

54-1716. EMPLOYEES. (1) The board of pharmacy may, in its discretion, employ persons in addition to the executive director in such other positions or capacities as it deems necessary to the proper conduct of board business and to the fulfillment of the board's responsibilities as defined by this act.

(2) The employees of the board other than the executive director and the board's chief controlled substance investigator under chapter 27, title 37, Idaho Code, shall be classified employees and shall receive, as compensation, an annual salary payable on regular pay periods, the amount of which shall be determined by the ~~personnel commission~~ division of human resources classification and compensation plan set forth in section 67-5309, Idaho Code, and reimbursement for all expenses incurred in connection with performance of their official duties.

SECTION 2. That Section 67-3519, Idaho Code, be, and the same is hereby amended to read as follows:

67-3519. **EMPLOYEE POSITIONS -- PROCEDURE FOR FILLING.** (1) In addition to any powers, duties, functions, and responsibilities of the division of financial management expressed elsewhere in this code, the division shall establish a list of employee positions for which moneys are available from the spending authority of appropriated moneys to each appointing authority. A position is defined as a specific job normally held by one (1) employee. This list shall contain the title of each position and the pay grade of the position. No appointing authority, except those in the legislative and judicial departments, shall fill a new position without first obtaining the approval of the division of financial management and then obtaining proper classification from the personnel commission division of human resources for positions in the classified service. No appointing authority, except those in the legislative and judicial departments, may increase the pay or pay grade of a position by reclassification or any other means without the approval of the personnel commission division of human resources for pay grade level and without the approval of the division of financial management for sufficiency of spending authority of the appointing authority to meet the proposed change. Appointing authorities in preparation of budget requests shall include exact position control numbers in justification of salaries and other compensation and must assign position control numbers to proposed new positions prior to budget submission. A list of additions, deletions and changes during the first six (6) months of the current fiscal year and projections for the second six (6) months of the current fiscal year of the positions so controlled shall be furnished by the department to the legislature and to the governor on January 1. Any authority vested in any appointing authority or agency, commission, department, board, office or institution is limited by the provisions of this section.

(2) Positions authorized by the division of financial management but not filled by the appointing authority within twelve (12) months of such authorization shall be declared null and void and shall not be filled except upon a new authorization by the division of financial management and the division of human resources.

SECTION 3. That Section 67-5307, Idaho Code, be, and the same is hereby amended to read as follows:

67-5307. **ORGANIZATION OF COMMISSION.** (1) The Idaho personnel commission is hereby created in the office of the governor and shall consist of five (5) members, not more than three (3) of which at any time may belong to the same political party. The members of the commission shall be appointed by the governor on the basis of experience in personnel management, business or governmental management and their known sympathy with merit principles for the impartial selection of efficient state government employees; provided, however, that at least two (2) of the members shall have had at least five (5) years of personnel management experience.

(2) Members of the commission shall be appointed for overlapping terms of six (6) years, except that in the first instance one (1) member shall be appointed for two (2) years, one (1) member for four (4) years and one (1) member for six (6) years. Initial members shall be appointed to take office within thirty (30) days after the effective date of this chapter. The members of the personnel commission serving on the effective date of this chapter shall continue in office subject to the provisions of this chapter. The additional members of the commission shall be appointed one (1) for four (4) years and one (1) for six (6) years, the term of each to be designated by the governor. Their successors shall be appointed for terms of six (6) years. If, for any reason, a member should leave the commission before his term expires, the governor shall appoint another member to fill out the unexpired term.

(3) No member of the commission shall hold political office or be an officer of a political organization during his term, nor shall any member have held political office or have been an officer of a political organization during the twelve (12) months preceding his appointment. No member of the commission shall have been employed as an official or employee of the state of Idaho during the twelve (12) months preceding his appointment, nor be so employed during his term. The chairman shall be appointed by the governor prior to the first meeting of each calendar year.

~~(4) Any department aggrieved by any action or inaction of the division of human resources shall be afforded an opportunity for a hearing before the division upon request therefor in writing. Minutes or summary of the proceedings of all hearings shall be made and filed with the division, together with findings of fact and conclusions of law made by the division.~~

~~(5)~~ (4) The governor may remove a commissioner for inefficiency, neglect of duty or misconduct in office after first giving him a copy of charges against him and an opportunity to be heard publicly before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

~~(6)~~ (5) The commission shall meet at regularly scheduled intervals or on call of the chairman. Three (3) members shall constitute a quorum for the transaction of business. Members shall each be compensated as provided by section 59-509(n), Idaho Code.

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

Approved February 23, 2023

CHAPTER 7
(H.B. No. 13)

AN ACT

RELATING TO THE STATE EMPLOYEE PERSONNEL SYSTEM; AMENDING SECTION 67-5302, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE FOR A DEPARTMENT DIRECTOR AND AN APPOINTING AUTHORITY AND TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5309, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULES OF THE DIVISION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5311, IDAHO CODE, TO REMOVE THE TERM "CLASSIFIED"; AMENDING SECTION 67-5312, IDAHO CODE, TO CLARIFY LANGUAGE; AMENDING SECTION 67-5328, IDAHO CODE, TO REMOVE OBSOLETE PROVISIONS REGARDING COMPENSATORY TIME AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5333, IDAHO CODE, TO PROVIDE FOR BENEFITED CREDITED STATE SERVICE AND TO PROVIDE FOR THE FORFEITURE OF CERTAIN UNUSED SICK TIME AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-5333B, IDAHO CODE, RELATING TO SICK LEAVE TRANSFERRED, FORMER EMPLOYEES OF SELLAND COLLEGE OF APPLIED TECHNOLOGY AT BOISE STATE UNIVERSITY, AND STATE EMPLOYMENT; AMENDING SECTION 67-5340, IDAHO CODE, TO CLARIFY TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1607, IDAHO CODE, TO REMOVE OBSOLETE PROVISIONS REGARDING COMPENSATORY TIME AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer" or "classified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of section 67-5309, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) (a) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

~~(a) An individual whose primary duty is management of a department, division or bureau; and:~~

~~(b) (i) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and~~

~~(c) (ii) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and~~

~~(d) (iii) Who customarily and regularly exercises discretionary powers; and.~~

~~(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.~~

~~(f) (b) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.~~

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour workweek.

(15) (a) ~~The term "holiday" shall mean~~ "Holiday" means any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. "Holidays" are enumerated in section 73-108, Idaho Code.

(b) In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

(c) A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to eleven (11) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the merit provisions of section 67-5309(e), (f), (g), (j), (m), (o), (p), (w), and (x), Idaho Code.

(18) "Normal workweek" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination that may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles for a classified position.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional, and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho in the executive department reporting to the governor or a board or commission appointed by the governor.

(22) "Part-time employee" means any employee whose usually scheduled work is fewer than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, ~~or~~ or holiday pay as defined in subsection (15) of this

section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "professional" within this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(28) "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

(29) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(30) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(31) "Seasonal appointment" means an appointment to a position that is permanent in nature but that has intermittent work periods throughout the year.

(32) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(33) "State educational agency" means the following state agencies and educational institutions under the governance of the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- (e) Idaho public television;
- (f) The division of vocational rehabilitation;
- (g) The division of career technical education;
- (h) The office of the state board of education;
- (i) The state department of education; and
- (j) The public charter school commission.

(34) "Temporary appointment" means appointment to a position that is not permanent in nature and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except, upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(35) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(36) "Veteran" is as defined in section 65-203, Idaho Code.

SECTION 2. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees who are subject to this chapter and to the system of personnel administration it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote and persons appointed to fill vacancies in elective offices and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director of a department, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction ~~who are appointed on and after the effective date of this chapter.~~

(d) Except as otherwise provided by law, ~~not more than one (1) declared position for each board or commission and/or head designated by the appointing authority~~ of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code. ~~onetime~~

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(p) All employees of correctional industries within the department of correction.

(q) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(r) All public information positions, with the exception of secretarial positions, in any department.

(s) Any division administrator.

(t) Any regional administrator or division administrator in the department of environmental quality.

(u) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(v) All employees of the Idaho food quality assurance institute.

(w) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(x) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(y) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(z) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at a state hospital or other treatment facility managed and operated by the department of health and welfare.

SECTION 3. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION. The administrator of the division of human resources shall have the power and authority to adopt, amend, or rescind such rules as may be necessary for proper administration of this chapter. Such rules may include:

(a) A rule requiring the administrator, after consulting with each department, to develop, adopt, and make effective a job classification system for positions covered by this chapter, based upon an analysis of the duties and responsibilities of the positions. The job classification shall include an appropriate title for each class and a description of duties and responsibilities of positions in the classes and the requirements of minimum training, experience and other qualifications suitable for the performance of duties of the position.

(b) A rule describing the relevant labor markets and benchmark job classifications used in the administrator's salary surveys.

(c) A rule requiring that all classes of positions which that are common to the departments concerned shall have the same titles, minimum requirements and compensation ranges.

(d) A rule providing for review by the administrator of the personnel system, including classifications and compensation policies and procedures of state classified and nonclassified employees.

(e) A rule that, notwithstanding the procedure for examination and ranking of eligible applicants on a register provided in subsection (f) of this section, ~~an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual: (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals offers an alternative application process for persons with disabilities.~~

(f) A rule requiring fair and impartial selection of appointees to all positions, other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces or undergoing service-connected hospitalization up to one (1) year following discharge. The application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time up until a selection has been made for any position for which the division maintains a register as a source for future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any veteran as defined in section 65-203, Idaho Code, and the widow or widower of any veteran as defined in section 65-203, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran as defined in section 65-502, Idaho Code, the widow or widower of any disabled veteran as long

as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating. ~~Certification of eligibility for appointment to vacancies shall be in accordance with a formula that limits selection by the hiring department from among the twenty-five (25) top ranking available eligibles plus the names of all individuals with scores identical to the twenty-fifth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate.~~ Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examinations need not be held until after the rules have been adopted, the service classified, and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(g) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified employee of the agency in which the vacancy occurs. An interagency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(h) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service and that a copy of the evaluation shall be filed with the division.

(i) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, and providing for right of appeal.

(j) A rule establishing a probation period not to exceed one thousand forty (1,040) hours of credited state service for all classified appointments and promotions, except that peace officers as defined in section 19-5101, Idaho Code, shall be subject to a probation period of two thousand eighty (2,080) hours of credited state service, and for the appointing authority to provide the employee and the administrator a performance evaluation indicating satisfactory or unsatisfactory performance ~~not later than thirty (30) days after the expiration of the probationary period. The rule shall provide that if the appointing authority fails to provide a performance evaluation within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation unless.~~ The employee shall be deemed to have satisfactorily completed the probation unless, prior to one thousand forty (1,040) hours, or two thousand eighty (2,080) hours for peace officers, the appointing authority receives approval from the administrator to extend the probationary period for good cause for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign and, if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal.

(k) A rule concerning temporary appointments.

(l) A rule governing the employment of consultants and persons retained under independent contract.

(m) A rule for the disciplinary dismissal, demotion, suspension or other discipline of classified employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes and rules of the employee's department, or rules of the administrator or the division.
2. Inefficiency, incompetency, or negligence in the performance of duties; or job performance that fails to meet established performance standards.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office; or conviction of any crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Unapproved absence without leave.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.

(n) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all classified and nonclassified employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.

(o) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(p) Rules to establish procedures for classified position examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(q) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.

(r) Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

(s) A rule providing up to twenty-five percent (25%) shift differential pay based on local market practices.

(t) A rule to establish guidelines for awarding employee suggestion awards set forth in sections 59-1603 and 67-5309D, Idaho Code.

(u) A rule to establish the reimbursement of moving expenses for a current or newly hired state employee.

(v) A rule to allow, at the request of the hiring agency, temporary service time to count toward fulfilling entrance probationary requirements as established in subsection (j) of this section.

(w) A rule to allow, at the request of the hiring agency, acting appointment service time to count toward fulfilling promotional probationary requirements as established in subsection (j) of this section.

SECTION 4. That Section 67-5311, Idaho Code, be, and the same is hereby amended to read as follows:

67-5311. LIMITATION OF POLITICAL ACTIVITY. (1) No ~~classified~~ employee of a state department covered by this act shall:

(a) Use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof;

(b) Directly or indirectly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes; or

(c) Be a candidate and hold elective office in any partisan election.

(2) All such employees shall retain the right to:

(a) Register and vote in any election;

(b) Express an opinion as an individual privately and publicly on political subjects and candidates;

(c) Display a political picture, sticker, badge, or button;

(d) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(e) Be a member of a political party or other political organization and participate in its activities;

(f) Attend a political convention, rally, fund-raising function, or other political gathering;

(g) Sign a political petition as an individual;

(h) Make a financial contribution to a political party or organization;

(i) Take an active part, in support of a candidate, in an election;

(j) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(k) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law;

(l) Be a candidate and hold elective office in any nonpartisan election;

(m) Take an active part in political organization management; and

(n) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency, or integrity of the employee's administration of state functions.

SECTION 5. That Section 67-5312, Idaho Code, be, and the same is hereby amended to read as follows:

67-5312. VIOLATIONS. Any person wilfully willfully violating any of the provisions of this act or of the rules or regulations established thereunder shall be guilty of a misdemeanor.

SECTION 6. That Section 67-5328, Idaho Code, be, and the same is hereby amended to read as follows:

67-5328. HOURS OF WORK AND OVERTIME. (1) It is hereby declared to be the policy of the legislature of the state of Idaho that all state employees shall be treated substantially similar with reference to hours of employment. The policy of this state as declared in this act shall not restrict the extension of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees, subject to the restrictions of applicable federal law.

(3) Cash for overtime and compensatory time shall be paid based on the following criteria:

(a) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(i) Elected officials; or

(ii) Those included in the definition of section 67-5303(j), Idaho Code.

(b) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, and who are not included in the definition of ~~subsection (3)(a) of this paragraph (a) of this subsection~~, shall be ineligible for compensatory time or cash compensation for overtime work. Such salaried employees shall report absences in excess of one-half (1/2) day. ~~Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006.~~ Employees who become executives within their current agency as set forth in section 67-5302(12), Idaho Code, shall have twelve (12) months from the date of this act or of appointment, whichever is later, to use any compensatory time balance. After twelve (12) months, any remaining compensatory time will be forfeited. Compensatory time is not transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(c) Classified and nonclassified employees who are designated as administrative or professional, as provided in the federal fair labor standards act, 29 U.S.C. section 201, et seq., or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of ~~either subsection (3)(a) or (3)(b) of this paragraph (a) or (b) of this subsection~~, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a ~~one (1) hour for one (1) hour~~ for-hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240)

hours. Effective with the first pay period in July, 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum. ~~After the last pay period in June, 2009 (ending date June 13, 2009), balances in excess of two hundred forty (240) hours shall be forfeited.~~

(d) Classified and nonclassified employees who are not designated as executive, administrative or professional as provided in this section and who are not included in the definition of ~~subsection (3)(a) of this paragraph (a) of this subsection~~ or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which that has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

(e) Notwithstanding the provisions of this section, employees may be paid for overtime work during a disaster or emergency with the approval of the board of examiners.

(4) Cash compensation for overtime, when paid, shall be at one and one-half (1 1/2) times the hourly rate of that officer's or employee's salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in section 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in subsection (3) of this section.

(5) Except as provided for in subsection (3) of this section, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

(6) At the request of the administrator of the division of human resources, agencies in the executive department shall conduct a review and cooperate with the division of human resources to ensure all fair labor standards act requirements are appropriately implemented for all positions and provide the report to the division of human resources.

SECTION 7. That Section 67-5333, Idaho Code, be, and the same is hereby amended to read as follows:

67-5333. SICK LEAVE. (1) Sick leave shall be computed as follows:

(a) The rate per hour at which sick leave shall accrue to eligible classified and nonclassified officers and employees earning credited state service shall be at the rate represented by the proportion 96/2080. Sick leave shall accrue without limit and shall be transferable from department to department.

(b) Sick leave shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay, or layoff. Sick leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time is taken.

(c) All accrued sick leave shall be forfeited at the time of separation from state service and no officer or employee shall be reimbursed for accrued sick leave at the time of separation, except as provided in subsection (2) of this section. If such officer or employee returns to benefited credited state service within three (3) years of such separation, all sick leave credits accrued at the time of separation shall be reinstated for use, except to the extent that unused sick leave was utilized for the purposes specified in subsection (2) of this section or transferred to a school district or charter district pursuant to section 33-1217, Idaho Code.

(d) Sick leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave. Sick leave shall not be taken in advance of being earned and shall only be taken in pay periods subsequent to being earned.

(e) In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

(f) If an absence for illness or injury extends beyond the sick leave accrued to the credit of the officer or employee, the officer or employee may be granted leave without pay.

(g) The administrator shall prescribe additional requirements for sick leave for classified and nonclassified officers and employees on a part-time or irregular schedule, for maintaining sick leave records, for funeral leave and for such other applicable purposes as necessary.

(2) Unused sick leave may be used as follows:

(a) Upon separation from state employment by retirement in accordance with chapter 13, title 59, or chapter 1, title 33, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, and shall be reported by the employer to the public employee retirement system. Upon separation from state employment by retirement in accordance with chapter 20, title 1, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 2000, and shall be reported by the employer to the public employee retirement system. A sum equal to one-half (1/2), or the maximum amount allowed by paragraph (b) of this subsection, whichever is the lesser, of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account provided by paragraph (c) of this subsection and shall be credited to such employee's retirement account. The remaining one-half (1/2) balance shall be forfeited. Such sums shall be used by the Idaho public employee retirement board to pay premiums, as permitted by and subject to applicable federal tax laws and limits, for such health, dental, vision, long-term care, prescription drug, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

(b) For the purposes of determining the monetary value of unused sick leave, the maximum unused sick leave which that may be considered shall be:

(i) During the first ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which that may be considered shall be four hundred twenty (420) hours;

(ii) During the second ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which that may be considered shall be four hundred eighty (480) hours;

(iii) During the third ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which that may be considered shall be five hundred forty (540) hours; and

(iv) Thereafter, the maximum unused sick leave which that may be considered shall be six hundred (600) hours; and

~~(v) For any employees of a state educational agency with unused sick leave that includes sick leave credited pursuant to section 33-1217, Idaho Code, the credited state service requirements of subsection (2) (b) (i) through (iv) of this section subparagraphs (i) through (iv) of this paragraph shall not apply, but the maximum unused sick leave which that may be considered shall be six hundred (600) hours.~~

(c) Each employer in state government shall contribute to a sick leave account maintained by the public employee retirement system in trust exclusively for the purpose of the provisions of this section. The retirement board shall serve as trustee of the trust and shall be indemnified to the same extent as provided in section 59-1305, Idaho Code. Assets in the trust shall not be assignable or subject to execution, garnishment or attachment or to the operation of any bankruptcy or insolvency law. The rate of such contribution each pay period shall consist of a percentage of employees' salaries as determined by the board, and such rate shall remain in effect until next determined by the board. Any excess balance in the sick leave account shall be invested, and the earnings therefrom shall accrue to the sick leave account except the amount required by the board to defray administrative expenses. Assets of the trust may be commingled for investment purposes with other assets managed by the retirement board. All moneys payable to the sick leave account are hereby perpetually appropriated to the board and shall not be included in its departmental budget. The state insurance fund and public health districts shall be considered employers in state government for purposes of participation under this section.

SECTION 8. That Section 67-5333B, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 67-5340, Idaho Code, be, and the same is hereby amended to read as follows:

67-5340. LEAVE OF ABSENCE WITH PAY IN LIEU OF ~~WORKMEN'S~~ WORKER'S COMPENSATION BENEFITS. (1) Whenever any employee of the state of Idaho who is categorized as a police officer for retirement purposes pursuant to section 59-1302A 59-1303, Idaho Code, is physically disabled by a serious injury arising out of and in the course of his duties, and the injury is induced by a second party, he shall be entitled, regardless of his period of service with the department, to a leave of absence while so disabled without loss of salary or benefits for a period of not more than one (1) year. Any ~~workmen's~~ worker's compensation payments made to the employee shall revert back to the employee's department. For the purposes of this section, "serious injury" means an injury which that renders the police officer incapable of performing the regularly assigned duties of his regular employment position or office and "injury induced by a second party" means an injury induced by the negligent, malicious, or intentional act or omission of another person during a chargeable misdemeanor or felony.

(2) It shall be the duty of the director of the applicable department to determine whether or not the disability referred to in subsection (1) of this section arose out of and in the course of duty. The director of the applicable department shall also determine when such disability ceases.

(3) Payment of salary pursuant to this section shall not preclude the disabled police officer from receiving regular medical, surgical or hospital coverage as provided pursuant to section 67-5761, Idaho Code.

(4) If a police officer is disabled for more than one (1) year, then the regular disability insurance provisions of the Idaho Code shall apply to any period of disability beyond the one (1) year period of disability covered by this section.

(5) The provisions of this section shall not apply to periods of disability which that occur subsequent to termination of employment by resignation, retirement, or dismissal. When the provisions of this section do not apply, the employee shall be eligible for those benefits which that would apply if this section had not been enacted.

SECTION 10. That Section 59-1607, Idaho Code, be, and the same is hereby amended to read as follows:

59-1607. HOURS OF WORK AND OVERTIME. (1) It is the policy of the legislature of the state of Idaho that all classified and nonclassified officers and employees of the executive branch of state government shall be treated substantially similar with reference to hours of employment, holidays and vacation leave, except as provided in this chapter. For wage, hour and working conditions, the supreme court and the legislative council shall prescribe rules for employees of the judicial branch and the legislative branch, respectively. The policy of this state shall not restrict the extension of regular work hour schedules on an overtime basis, which shall be the same for classified and nonclassified employees, in those activities and duties where such extension is necessary and authorized by the appointing authority.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified and nonclassified officers and employees.

(3) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) Elected officials; or

(b) Those included in the definition of section 67-5303(j), Idaho Code.

(4) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3) of this section, shall be ineligible for compensatory time or cash compensation for overtime work. Such salaried employees shall report absences in excess of one-half (1/2) day. ~~Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006.~~ Employees who become executives within their current agency as set forth in section 67-5302(12), Idaho Code, shall have twelve (12) months from the date of this act or of appointment, whichever is later, to use any compensatory time balance. After twelve (12) months, any remaining compensatory time will be forfeited. Compensatory time is not transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(5) Classified and nonclassified officers and employees who are designated as administrative or professional as provided in the federal fair labor standards act, or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of subsection (3) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified officers and employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a ~~one (1) hour for one (1) hour~~ for-hour basis,

shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240) hours. Effective with the first pay period in July, 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum. ~~After the last pay period in June, 2009 (ending date June 13, 2009), balances in excess of two hundred forty (240) hours shall be forfeited.~~

(6) Classified and nonclassified officers and employees who are not designated as executive, administrative or professional as provided in this section, and who are not included in the definition of subsection (3) of this section or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off ~~which that~~ has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

(7) Notwithstanding the provisions of this section, employees may be paid for overtime work during a disaster or emergency with the approval of the board of examiners.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved February 23, 2023

CHAPTER 8
(H.B. No. 16)

AN ACT

RELATING TO THE PERSONNEL SYSTEM; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE FOR EMPLOYEES HIRED UNDER APPROVED APPRENTICESHIP PROGRAMS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "administrative" within this definition shall be

made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer" or "classified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of section 67-5309, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

(a) An individual whose primary duty is management of a department, division or bureau; and

(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.

(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, in this section or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour workweek.

(15) (a) ~~The term "holiday" shall mean~~ "Holiday" means any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. "Holidays" are enumerated in section 73-108, Idaho Code.

(b) In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

(c) A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to eleven (11) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the merit provisions of section 67-5309(e), (f), (g), (j), (m), (o), (p), (w), and (x), Idaho Code.

(18) "Normal workweek" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination that may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles for a classified position.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional, and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho in the executive department reporting to the governor or a board or commission appointed by the governor.

(22) "Part-time employee" means any employee whose usually scheduled work is fewer than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, ~~nor~~ or holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "professional" ~~within this definition~~ shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(28) "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

(29) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(30) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(31) "Seasonal appointment" means an appointment to a position that is permanent in nature but that has intermittent work periods throughout the year.

(32) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(33) "State educational agency" means the following state agencies and educational institutions under the governance of the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- (e) Idaho public television;
- (f) The division of vocational rehabilitation;
- (g) The division of career technical education;
- (h) The office of the state board of education;
- (i) The state department of education; and
- (j) The public charter school commission.

(34) "Temporary appointment" means appointment to a position that is not permanent in nature and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, ~~except; provided, however,~~ upon petition by the appointing authority ~~of the department of lands~~ that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees:

- (a) Employees of the department of lands who are required to perform fire suppression activities; and
- (b) Employees hired under approved apprenticeship programs.

(35) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(36) "Veteran" is as defined in section 65-203, Idaho Code.

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

CHAPTER 9
(H.B. No. 9)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-319, IDAHO CODE, TO PROVIDE FOR THE ELECTRONIC RENEWAL OF CLASS D AND COMMERCIAL DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3634A, IDAHO CODE, TO PROVIDE FOR MOTOR VEHICLE DRIVER'S LICENSES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-319, Idaho Code, be, and the same is hereby amended to read as follows:

49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every noncommercial Idaho driver's license issued to a driver shall expire and be renewable as follows:

(a) For drivers twenty-one (21) years of age or older, the driver's license shall expire on the licensee's birthday in the fourth year following the issuance of the driver's license.

(b) At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the driver's license shall expire on the licensee's birthday in either the fourth year or the eighth year following the issuance of the driver's license.

(c) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver under eighteen (18) years of age shall expire five (5) days after the licensee's eighteenth birthday.

(d) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the licensee's twenty-first birthday.

(e) Every driver's license that is not, as provided by law, suspended, revoked or disqualified in this state or any other jurisdiction shall be renewable on or before its expiration, but not more than twenty-five (25) months before, upon application, payment of the required fee, and satisfactory completion of the required vision screening. Notwithstanding the provisions of this section, a person who has had his noncommercial Idaho driver's license suspended may renew his driver's license as provided in this section, which renewal shall be subject to the suspension.

(2) Except for the provisions found in subsection (3) of this section, every commercial driver's license issued to a person twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following issuance of the license, and any class A, B or C license issued to a person eighteen (18), nineteen (19) or twenty (20) years of age shall expire five (5) days after the licensee's twenty-first birthday. There shall be no option for an eight (8) year class A, B or C license.

(3) Every driver's license issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States, as indicated on documents issued and verified by the department of homeland security, provided; however, that the expiration date shall not extend beyond the expiration date for the same category of license issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued a driver's license with an expiration date of

one (1) year from the date of issuance. Fees shall be in accordance with the expiration periods and classes listed in section 49-306(1), Idaho Code.

(4) An applicant who is issued a driver's license in another jurisdiction after an Idaho driver's license has been issued is not eligible for renewal or a duplicate of the Idaho driver's license. The applicant may apply for a new Idaho driver's license as provided in section 49-306, Idaho Code.

(5) No knowledge test shall be required for renewal of a driver's license, except for renewal of a hazardous material endorsement. Appropriate knowledge and skills tests shall be required for an upgrade in a driver's license class or an endorsement addition. In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(6) Applicants for a hazardous material endorsement shall provide either proof of United States citizenship or proof of lawful, permanent United States residence and a valid federal bureau of citizenship and immigration services alien registration number. A security background records check and federal transportation security administration clearance shall be required for issuance, renewal or transfer of a hazardous material endorsement in accordance with 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(7) When a driver's license has been expired for fewer than twenty-five (25) months, the renewal of the driver's license shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the driver's license is expired for twenty-five (25) months or more, the applicant shall be required to take the appropriate knowledge test(s) and skills test(s) for the class of license or endorsement being applied for and undergo vision screening. The license shall expire on the licensee's birthday in the fourth year following issuance of the driver's license for drivers twenty-one (21) years of age or older, except as otherwise provided in subsections (1)(e) and (3) of this section. At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the renewed license shall expire on the licensee's birthday in either the fourth year or the eighth year following issuance, except as otherwise provided in subsections (1)(e) and (3) of this section.

(8) (a) If a driver's license has expired or will expire and the licensee is temporarily out of state, except on active military duty, and the driver's license has not, as provided by law, been suspended, revoked, canceled, denied, refused or disqualified, the licensee may request in writing on a form prescribed by the department an extension of the driver's license. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the driver's license is necessary, it may issue a license showing the date to which the expired driver's license is extended. License extensions are limited to two (2) consecutive extensions per licensee.

(b) Upon returning to the state of Idaho, the licensee shall, within ten (10) days, apply for a renewal of the expired driver's license and surrender the extended license and the expired driver's license.

(c) A hazardous material endorsement cannot be extended.

(9) An Idaho driver's license issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues or shall be renewed upon application in person without the requirement to take a knowledge or skills test if the Idaho driver's license expired while on active duty, if the driver's license is not suspended,

denied, disqualified, canceled or revoked, as provided by law, during the active duty, and the driver's license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

(10) The department may use a mail or electronic renewal process for ~~four~~ (4) year class D and commercial driver's licenses based on criteria established by rule.

(11) A seasonal driver's license is only valid only for a one-hundred-eighty (180) day period from the date of issuance. Only one (1) seasonal driver's license may be obtained in any twelve (12) month period and may only be obtained only twice in a driver's lifetime.

(12) A person who applies for renewal of a license may request that the notation "permanently disabled" be imprinted on the license, and the department shall imprint "permanently disabled" on the license if:

(a) The person has a permanent disability; and

(b) The person presents written certification from a licensed physician, licensed physician assistant, or licensed advanced practice professional nurse verifying that the person's stated impairment qualifies as a permanent disability as provided in section 49-117, Idaho Code; and

(c) The department determines that the person meets the requirements for issuance of a license as specified in section 49-313, Idaho Code.

SECTION 2. That Section 63-3634A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3634A. AUTHORITY TO ENTER AGREEMENTS. Notwithstanding the provisions of section 63-3634 or 63-3076, Idaho Code, relating to confidentiality, the state tax commission may enter into a written agreement with the Idaho transportation department providing for exchange of information as both the commission and the department may find necessary to implement the letter and intent of this chapter or the laws relating to the registration of motor vehicles and the issuing of driver's licenses in this state. The state tax commission is not authorized by this section to disclose any financial information from any tax return filed with the state tax commission other than whether or not an individual filed a resident or nonresident return.

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

Approved February 24, 2023

CHAPTER 10
(S.B. No. 1029)

AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1618A, IDAHO CODE, TO PROHIBIT AN INVESTIGATION BASED UPON A CHILD'S IMMUNIZATION STATUS; AMENDING SECTION 16-2005, IDAHO CODE, TO PROVIDE THAT A COURT SHALL NOT GRANT AN ORDER TERMINATING A PARENT AND CHILD RELATIONSHIP BASED UPON A CHILD'S IMMUNIZATION STATUS; AMENDING SECTION 16-1504, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 16-1506, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 16-1513, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1618A, Idaho Code, and to read as follows:

16-1618A. INVESTIGATION BASED UPON IMMUNIZATION STATUS PROHIBITED. No investigation may be conducted pursuant to this chapter if it is based upon a child's immunization status.

SECTION 2. That Section 16-2005, Idaho Code, be, and the same is hereby amended to read as follows:

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. (1) The court may grant an order terminating the relationship where it finds that termination of parental rights is in the best interests of the child and that one (1) or more of the following conditions exist:

- (a) The parent has abandoned the child.
- (b) The parent has neglected or abused the child.
- (c) The presumptive parent is not the biological parent of the child.
- (d) The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.
- (e) The parent has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority.

(2) The court may grant an order terminating the relationship and may rebuttably presume that such termination of parental rights is in the best interests of the child where:

- (a) The parent caused the child to be conceived as a result of rape, incest, lewd conduct with a minor child under the age of sixteen (16) years, or sexual abuse of a child under the age of sixteen (16) years, as defined in sections 18-6101, 18-1508, 18-1506, and 18-6601, Idaho Code;
- (b) The following circumstances are present:

- (i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate continuing the relationship would result in unacceptable risk to the health and welfare of the child;

- (ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, or 18-6604, Idaho Code;

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

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

- (c) The court determines the child to be an abandoned infant, except in a parental termination action brought by one (1) parent against another parent.

(3) The court shall not grant an order terminating the relationship based upon the child's immunization status.

~~(3)~~ (4) The court may grant an order terminating the relationship if termination is found to be in the best interest of the parent and child.

~~(4)~~ (5) The court may grant an order terminating the relationship where a consent to termination in the manner and form prescribed by this chapter has been filed by the parent(s) of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, or where the consent to termination has been filed by a licensed adoption agency, no subsequent hearing on the merits of the petition shall be held. Consents required by this chapter must be witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person consenting resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE . . . JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF . . .

In the Matter of the termination)
of the parental rights of)
.....)
.....)

I (we), the undersigned, being the . . . of . . ., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said . . ., who was born . . ., . . ., unto . . ., hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said . . ., and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said . . ., and respectfully request the petition be granted.

DATED: . . ., 20..
.....

STATE OF IDAHO)
) ss.
COUNTY OF . . .)

On this . . . day of . . ., 20.., before me, the undersigned . . ., . . . (Judge or Magistrate) of the District Court of the . . . Judicial District of the state of Idaho, in and for the county of . . ., personally appeared . . ., known to me (or proved to me on the oath of . . .) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.
..... (District Judge or Magistrate)

~~(5)~~ (6) The court shall accept a consent or a surrender and release executed in another state if:

- (a) It is witnessed by a magistrate or district judge of the state where signed; or
- (b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the consent or the surrender and release was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the consent or surrender and release was executed in accordance with the laws of the state in which it was executed.

~~(6)~~ (7) The court shall accept a termination or relinquishment from a sister state that has been ordered by a court of competent jurisdiction under like proceedings; or in any other manner authorized by the laws of a sister state. In a state where the father has failed to file notice of claim to paternity and willingness to assume responsibility as provided for pursuant to the laws of such state, and where such failure constitutes an abandonment of such child and constitutes a termination or relinquishment of the rights of the putative father, the court shall accept such failure as a termination in

this state without further hearing on the merits, if the court is satisfied that such failure constitutes a termination or relinquishment of parental rights pursuant to the laws of that state.

~~(7)~~ (8) Unless a consent to termination signed by the parent(s) of the child has been filed by an adoption agency licensed in the state of Idaho, or unless the consent to termination was filed in conjunction with a petition for adoption of the child, the court shall hold a hearing.

~~(8)~~ (9) If the parent has a disability, as defined in this chapter, the parent shall have the right to provide evidence to the court regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. Nothing in this section shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities.

SECTION 3. That Section 16-1504, Idaho Code, be, and the same is hereby amended to read as follows:

16-1504. NECESSARY CONSENT TO ADOPTION. (1) Consent to adoption of a child is required from:

- (a) The adoptee, if he is more than twelve (12) years of age, unless he does not have the mental capacity to consent;
- (b) Both parents or the surviving parent of an adoptee who was conceived or born within a marriage;
- (c) The mother of an adoptee born outside of marriage;
- (d) Any biological parent who has been adjudicated to be the child's biological father by a court of competent jurisdiction prior to the mother's execution of consent;
- (e) An unmarried biological father of an adoptee only if the requirements and conditions of subsection (3) (a) or (b) of this section have been proven;
- (f) Any legally appointed custodian or guardian of the adoptee;
- (g) The adoptee's spouse, if any;
- (h) An unmarried biological father who has filed a voluntary acknowledgment of paternity with the vital statistics unit of the department of health and welfare pursuant to section 7-1106, Idaho Code; and
- (i) The father of an illegitimate child who has adopted the child by acknowledgment.

(2) Consent to adoption of an adult is required from:

- (a) The adoptee, or the guardian or conservator of an incapacitated adoptee, if a guardian or conservator has been appointed; and
- (b) The adoptee's spouse, if any.

(3) In accordance with subsection (1) of this section, the consent of an unmarried biological father is necessary only if the father has strictly complied with all requirements of this section.

(a) (i) With regard to a child who is placed with adoptive parents more than six (6) months after birth, an unmarried biological father shall have developed a substantial relationship with the child, taken some measure of responsibility for the child and the child's future, and demonstrated a full commitment to the responsibilities of parenthood by financial support of the child, of a fair and reasonable sum and in accordance with the father's ability, when not prevented from doing so by the person or authorized agency having lawful custody of the child, and either:

1. Visiting the child at least monthly when physically and financially able to do so, and when not prevented from doing so by the person or authorized agency having lawful custody of the child; or

2. Having regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.

(ii) The subjective intent of an unmarried biological father, whether expressed or otherwise, unsupported by evidence of acts specified in this subsection shall not preclude a determination that the father failed to meet any one (1) or more of the requirements of this subsection.

(iii) An unmarried biological father who openly lived with the child for a period of six (6) months within the one (1) year period after the birth of the child and immediately preceding placement of the child with adoptive parents, and who openly held himself out to be the father of the child during that period, shall be deemed to have developed a substantial relationship with the child and to have otherwise met all of the requirements of this subsection.

(b) With regard to a child who is under six (6) months of age at the time he is placed with adoptive parents, an unmarried biological father shall have manifested a full commitment to his parental responsibilities by performing all of the acts described in this subsection and prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005-~~(4)~~(5), Idaho Code, whichever occurs first. The father shall have strictly complied with all of the requirements of this subsection by:

(i) Filing proceedings to establish paternity under section 7-1111, Idaho Code, and filing with that court a sworn affidavit stating that he is fully able and willing to have full custody of the child, setting forth his plans for the care of the child, and agreeing to a court order of child support and the payment of expenses incurred in connection with the mother's pregnancy and the child's birth;

(ii) Filing a notice of the proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare pursuant to section 16-1513, Idaho Code; and

(iii) If he had actual knowledge of the pregnancy, paying a fair and reasonable amount of the expenses incurred in connection with the mother's pregnancy and the child's birth, in accordance with his means, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.

(4) An unmarried biological father whose consent is required under subsection (1) or (3) of this section may nevertheless lose his right to consent if the court determines, in accordance with the requirements and procedures of the termination of parent and child relationship act, sections 16-2001 through 16-2015, Idaho Code, that his rights should be terminated, based on the petition of any party as set forth in section 16-2004, Idaho Code.

(5) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that an unmarried biological father has consented to or waived his rights regarding a proposed adoption, the petitioner shall file with the court a certificate from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, stating that a diligent search has been made of the registry of notices from putative fathers, of a child born out of wedlock, and that the putative father involved has not filed notice of the proceedings to establish his paternity or, if a filing is found, stating the name of the putative fa-

ther and the time and date of filing. That certificate shall be filed with the court prior to the entrance of the final decree of adoption.

(6) An unmarried biological father who does not fully and strictly comply with each of the conditions provided in this section is deemed to have waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the adoption of the child, or for termination of parental rights and his consent to the adoption of the child is not required unless he proves, by clear and convincing evidence, all of the following:

(a) It was not possible for him, prior to the filing of a proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005-~~(4)~~(5), Idaho Code, whichever occurs first, to:

(i) Commence proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code; and

(ii) File notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code;

(b) His failure to timely file notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and his failure to commence timely proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, were through no fault of his own; and

(c) He filed notice of the filing of proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and filed proceedings to establish his paternity of the child within ten (10) days after the birth of the child. Lack of knowledge of the pregnancy is not an acceptable reason for his failure to timely file notice of the commencement of proceedings or for his failure to commence timely proceedings.

(7) A minor parent has the power to consent to the adoption of his or her child. That consent is valid and has the same force and effect as a consent executed by an adult parent. A minor parent, having executed a consent, cannot revoke that consent upon reaching the age of majority or otherwise becoming emancipated.

(8) No consent shall be required of, nor notice given to, any person whose parental relationship to such child shall have been terminated in accordance with the provisions of either chapter 16 or 20, title 16, Idaho Code, or by a court of competent jurisdiction of a sister state under like proceedings, or in any other manner authorized by the laws of a sister state. Where a voluntary child placement agency licensed by the state in which it does business is authorized to place a child for adoption and to consent to such child's adoption under the laws of such state, the consent of such agency to the adoption of such child in a proceeding within the state of Idaho shall be valid and no further consents or notices shall be required.

(9) The legislature finds that an unmarried biological father who resides in another state may not, in every circumstance, be reasonably presumed to know of and strictly comply with the requirements of this chapter. Therefore, when all of the following requirements have been met, that unmarried biological father may contest an adoption prior to finalization of the decree of adoption and assert his interest in the child:

(a) The unmarried biological father resides and has resided in another state where the unmarried mother was also located or resided;

(b) The mother left that state without notifying or informing the unmarried biological father that she could be located in the state of Idaho;

(c) The unmarried biological father has, through every reasonable means, attempted to locate the mother but does not know or have reason to know that the mother is residing in the state of Idaho; and

(d) The unmarried biological father has complied with the most stringent and complete requirements of the state where the mother previously resided or was located in order to protect and preserve his parental interest and rights in the child in cases of adoption.

(10) An unmarried biological father may, under the provisions of section 7-1107, Idaho Code, file a proceeding to establish his paternity prior to the birth of the child; however, such paternity proceeding must be filed prior to the date of the filing of any proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005-~~(4)~~ (5), Idaho Code, whichever occurs first.

SECTION 4. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. (1) Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. The petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the county in which said person or persons reside. If the adoption arises from a child protective act case, the petition shall be filed in the court having jurisdiction over the child protective act case unless that court relinquishes jurisdiction over the adoption proceeding. The petitioners shall have resided and maintained a dwelling within the state of Idaho for at least six (6) consecutive months prior to the filing of a petition. The petition shall set forth the name and address of the petitioner or petitioners, the name of the child proposed to be adopted and the name by which the person to be adopted shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition, the person adopting a child and the child adopted, and the spouse of the petitioner if a natural parent of the child, must appear before the court of the county wherein the petition was filed. The petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated.

(2) If the adoption arises from a child protective act case, then, in addition to the petition filed pursuant to subsection (1) of this section, the department of health and welfare shall file the permanency plan prepared pursuant to section 16-1620 or 16-1622, Idaho Code, associated with the child protective act case. If the court determines that the person proposing to adopt the child is not the proposed adoptive parent named in the permanency plan, then the judge shall stay the proceeding pending the department preparing and filing an amended permanency plan pursuant to section 16-1620 or 16-1622, Idaho Code, and the approval of the amended permanency plan by the judge presiding over the child protective act proceeding.

(3) Any person or persons whose consent is required shall execute such consent in writing, in a form consistent with the provisions of section 16-2005-~~(4)~~ (5), Idaho Code, which consent being filed in the court where the application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing,

his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

(4) Prior to the placement for adoption of any child in the home of prospective adoptive parents, it shall be required that a thorough social investigation of the prospective adoptive family and all of its members, consistent with the rules regarding such investigations promulgated by the department of health and welfare, shall be completed and that a positive recommendation for adoptive placement shall have been made. The social investigation may be performed by any individual who meets the requirements of the law. A copy of the study must be submitted to the department and the department may impose a reasonable fee, not to exceed fifty dollars (\$50.00), for oversight of such privately conducted studies. If the prospective adoptive parent has a disability as defined in this chapter, the prospective adoptive parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the prospective adoptive parent of such right and shall consider all such information in any findings or recommendations. The social investigation of any prospective adoptive parent with a disability shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this chapter shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. In those instances where the prospective adoptive parent is married to the birth parent or is the grandparent of the child to be adopted, such social investigation shall be completed with regard to the prospective adoptive parent only upon order of the court. In exigent circumstances where the prospective adoptive parents are determined by the court to have been unable to complete a social investigation of the family with a positive recommendation prior to the time the child is placed in the home, the child shall remain in the home unless the court determines the best interests of the child are served by other placement. If exigent circumstances exist, a social investigation shall be initiated within five (5) days of placement. Once initiated, all studies shall be completed within sixty (60) days. Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent addresses of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the director of the department of health and welfare by registered mail or personal service. If no private investigation is conducted, it shall then be the duty of the said director, through the personnel of the department or through such qualified child-placing children's adoption agency incorporated under chapter 30, title 30, Idaho Code, as the director may designate, to verify the allegations of the petition, and as soon as possible not exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter to include in all cases information as to the alleged date and place of birth and as to parentage of the child to be adopted as well as the source of all such information and report his findings in writing to the court. The investigative report shall include reasonably known or available medical and genetic information regarding both natural parents and sources of such information as well as reasonably known or available providers of medical care and services to the natural parents. A copy of all medical and genetic information compiled in the investigation shall be made available to the adopting family by the department or other investigating children's adoption agency prior to entry of the final order of adoption. The petition, statement and all other papers, records or files relating to

the adoption, including the preplacement investigation and recommendation, shall be returned to the court with the investigative report. The department of health and welfare or other children's adoption agency may require the petitioner to pay all or any part of the costs of the investigation. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

(5) Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with. Nothing in either chapter shall be construed as limiting the initiation of any petition for approval of a verified financial plan for adoption expenses pursuant to section 18-1511, Idaho Code, prior to the birth of the child which is the subject of any adoption proceeding. In all disputed matters under this chapter or chapter 20, title 16, Idaho Code, the paramount criterion for consideration and determination by the court shall be the best interests of the child.

(6) Proceedings for the adoption of an adult shall be as provided in subsection (1) of this section and any consents required shall be executed as provided in subsection (3) of this section. Upon a finding by the court that the consent of all persons for whom consent is required has been given and that the requirements of section 16-1501, Idaho Code, have been proven to the satisfaction of the court, the court shall enter an order granting the adoption. In cases where the adult proposed to be adopted is incapacitated or disabled, the court may require that an investigation be performed. The form and extent of the investigation to be undertaken may be as provided in subsection (4) of this section, or as otherwise ordered by the court. If an investigation is performed, the court must review and approve the findings of the investigation before issuing an order approving the adoption.

SECTION 5. That Section 16-1513, Idaho Code, be, and the same is hereby amended to read as follows:

16-1513. REGISTRATION OF NOTICE AND FILING OF PATERNITY PROCEEDINGS. (1) A person who is the father or claims to be the father of a child born out of wedlock may claim rights pertaining to his paternity of the child by commencing proceedings to establish paternity under section 7-1111, Idaho Code, and by filing with the vital statistics unit of the department of health and welfare notice of his filing of proceedings to establish his paternity of the child born out of wedlock. The vital statistics unit of the department of health and welfare shall provide forms for the purpose of filing the notice of filing of paternity proceedings, and the forms shall be made available through the vital statistics unit of the Idaho department of health and welfare and in the office of the county clerk in every county of this state. The forms shall include a written notification that filing pursuant to this section shall not satisfy the requirements of chapter 82, title 39, Idaho Code, and the notification shall also include the following statements:

(a) A parent may make a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, as provided by section 39-8206, Idaho Code, by filing a notice of claim of parental rights with the vital statistics unit of the department of health and welfare on a form as prescribed and provided by the vital statistics unit of the department of health and welfare;

(b) The vital statistics unit of the department of health and welfare shall maintain a separate registry for claims to abandoned children, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code;

(c) The department shall provide forms for the purpose of filing a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, and the forms shall be made available through the vital statistics unit of the Idaho department of health and welfare and in the office of the county clerk in every county of this state;

(d) To be valid, a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, must be filed before an order terminating parental rights is entered by the court. A parent that fails to file a claim of parental rights prior to entry of an order terminating their parental rights is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights or adoption of the child;

(e) Registration of notice of filing of paternity proceedings pursuant to chapter 15, title 16, Idaho Code, shall not satisfy the requirements of chapter 82, title 39, Idaho Code. To register a parental claim to an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, an individual must file an abandoned child registry claim with the vital statistics unit of the department of health and welfare and comply with all other provisions of chapter 82, title 39, Idaho Code, in the time and manner prescribed, in order to preserve parental rights to the child.

When filing a notice of the filing of paternity proceedings, a person who claims to be the father of a child born out of wedlock shall file with the vital statistics unit of the department of health and welfare the completed form prescribed by the vital statistics unit of the department of health and welfare. Said form will be filled out completely, signed by the person claiming paternity, and witnessed before a notary public.

(2) The notice of the filing of paternity proceedings may be filed prior to the birth of the child, but must be filed prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother. The notice of the filing of paternity proceedings shall be signed by the person filing the notice and shall include his name and address, the name and last address of the mother, and either the birth date of the child or the probable month and year of the expected birth of the child. The vital statistics unit of the department of health and welfare shall maintain a central registry for this purpose that shall be subject to disclosure according to chapter 1, title 74, Idaho Code. The department shall record the date and time the notice of the filing of proceedings is filed with the department. The notice shall be deemed to be duly filed with the department as of the date and time recorded on the notice by the department.

(3) If the unmarried biological father does not know the county in which the birth mother resides, he may initiate his action in any county, subject to a change in venue.

(4) Except as provided in section 16-1504(6), Idaho Code, any father of a child born out of wedlock who fails to file and register his notice of the commencement of paternity proceedings pursuant to section 7-1111, Idaho Code, prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005-~~(4)~~ (5), Idaho Code, whichever occurs first, is deemed to have waived and surrendered any right in relation to the child and of any notice to proceedings for adoption of the child or for termination of parental rights of the birth mother. His consent to the adoption of the child shall not be required and he shall be barred from thereafter bringing or maintaining any action to establish his paternity of the child. Failure of such filing or registration shall constitute

an abandonment of said child and shall constitute an irrevocable implied consent in any adoption or termination proceeding.

(5) The filing and registration of an unrevoked notice of the commencement of paternity proceedings by a putative father shall constitute prima facie evidence of the fact of his paternity in any contested proceeding under chapter 11, title 7, Idaho Code. The filing of a notice of the commencement of paternity proceedings shall not be a bar to an action for termination of his parental rights under chapter 20, title 16, Idaho Code.

(6) An unmarried biological father of a child born out of wedlock who has filed and registered a notice of the filing of paternity proceedings may at any time revoke notice of intent to claim paternity previously filed. Upon receipt of written revocation, the effect shall be as if no notice of the filing of paternity proceedings had been filed or registered.

(7) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that the putative father has consented to the adoption, a certificate shall be obtained from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, which certificate shall state that a diligent search has been made of the registry of notices from putative fathers, and that no filing has been found pertaining to the father of the child in question, or if a filing is found, stating the name of the putative father and the time and date of filing. That certificate shall be filed with the court prior to entry of a final decree of adoption.

(8) Identities of putative fathers can only be released pursuant to procedures contained in chapter 1, title 74, Idaho Code.

(9) To cover the cost of implementing and maintaining said central registry, the vital statistics unit of the department of health and welfare shall charge a filing fee of ten dollars (\$10.00) at the time the putative father files his notice of his commencement of proceedings. The department shall also charge a reasonable fee to cover all costs incurred in a search of the Idaho putative father registry and for furnishing a certificate in accordance with the provisions of this section and section 16-1504, Idaho Code. It is the intent of the legislature that the fee shall cover all direct and indirect costs incurred pursuant to this section and section 16-1504, Idaho Code. The department shall annually review the fees and expenses incurred pursuant to administering the provisions of this section and section 16-1504, Idaho Code.

(10) Consistent with its authority denoted in the vital statistics act, section 39-242(c), Idaho Code, the board of health and welfare shall adopt, amend and repeal rules for the purpose of carrying out the provisions of this section.

(11) The department shall produce and distribute, within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, a pamphlet or publication informing the public about the Idaho putative father registry, printed in English and Spanish. The pamphlet shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry. Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, such pamphlets or publications shall be made available for distribution to the public at all offices of the department of health and welfare. Upon request, the department shall also provide such pamphlets or publications to hospitals, libraries, medical clinics, schools, colleges, universities, providers of child-related services and children's agencies licensed in the state of Idaho or advertising services in the state of Idaho.

(12) Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, each county clerk, branch office of the department of motor vehicles, all offices of the department of health and welfare, hospitals and local health districts shall post in a conspicuous place a notice that informs the public about the purpose and operation of the Idaho putative father registry. The notice must include information regarding the following:

- (a) Where to obtain a registration form;
- (b) Where to register;
- (c) The procedures to follow in order to file proceedings to establish paternity of a child born out of wedlock;
- (d) The consequences of a voluntary acknowledgment of paternity; and
- (e) The consequences of failure to acknowledge paternity.

(13) The department shall host on the department's web page a public service announcement (PSA) informing the public about the Idaho putative father registry, printed in English and Spanish. The PSA shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry.

(14) Failure to post a proper notice under the provisions of this section does not relieve a putative father of the obligation to file notice of the filing of proceedings to establish his paternity pursuant to this section or to commence proceedings to establish paternity pursuant to section 7-1111, Idaho Code, prior to the filing of any proceeding to terminate parental rights of the birth mother.

(15) A person who knowingly or intentionally falsely files or registers as a putative father is guilty of a misdemeanor.

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

Approved February 27, 2023

CHAPTER 11
(H.B. No. 17)

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5302, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer" or "classified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of section 67-5309, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

(a) An individual whose primary duty is management of a department, division or bureau; and

(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.

(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour workweek.

(15) ~~The term "holiday" shall mean~~ "Holiday" means any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. "Holidays" are enumerated in section 73-108, Idaho Code.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to eleven (11) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the merit provisions of section 67-5309(e), (f), (g), (j), (m), (o), (p), (w), and (x), Idaho Code.

(18) "Normal workweek" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination that may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles for a classified position.

(20) "Overtime work" means ~~time:~~

(a) Time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours,
~~except that;~~

(b) Upon designation from the administrator and in the case of those employees engaged in law enforcement, correctional, and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for;

(c) Upon designation from the administrator and in the case of certain employees who meet federal exemption requirements, time worked in excess of eighty (80) hours within a period of fourteen (14) consecutive days; or

(d) Time worked by employees during specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho in the executive department reporting to the governor or a board or commission appointed by the governor.

(22) "Part-time employee" means any employee whose usually scheduled work is fewer than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall ~~not be~~ is not entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, ~~nor~~ or holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "professional" ~~within this definition~~ shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(28) "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

(29) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(30) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(31) "Seasonal appointment" means an appointment to a position that is permanent in nature but that has intermittent work periods throughout the year.

(32) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(33) "State educational agency" means the following state agencies and educational institutions under the governance of the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- (e) Idaho public television;
- (f) The division of vocational rehabilitation;
- (g) The division of career technical education;
- (h) The office of the state board of education;
- (i) The state department of education; and
- (j) The public charter school commission.

(34) "Temporary appointment" means appointment to a position that is not permanent in nature and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand

three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(35) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(36) "Veteran" is as defined in section 65-203, Idaho Code.

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

Approved February 27, 2023

CHAPTER 12
(H.B. No. 3)

AN ACT

RELATING TO PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1806, IDAHO CODE, TO REMOVE A REQUIREMENT REGARDING AN ANNUAL REPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1807, IDAHO CODE, TO REMOVE A REGISTRATION REQUIREMENT; AMENDING SECTION 39-4502, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1803, Idaho Code, be, and the same is hereby amended to read as follows:

54-1803. DEFINITIONS. As used in this chapter:

(1) "Practice of medicine" means:

(a) The investigation, diagnosis, treatment, correction, or prevention of or prescription for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality that involves the application of principles or techniques of medical science; or

(b) Offering, undertaking, or holding oneself out as able to do any of the acts described in paragraph (a) of this subsection.

(2) "Board" means the state board of medicine.

(3) "Physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine, provided further, that others authorized by law to practice any of the healing arts shall not be considered physicians for the purposes of this chapter.

(4) "Supervising physician" and ~~"alternate supervising physician"~~ means a physician who is registered with the board as set forth in board rule and who is responsible for the direction and supervision of the activities of and patient services provided by a physician assistant or graduate physician assistant licensed or unlicensed medical personnel.

(5) "License to practice medicine" means a license issued by the board to a person who has graduated from an acceptable school of medicine and who has fulfilled the licensing requirements of this chapter.

(6) "License to practice osteopathic medicine" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license to practice osteopathic medicine issued by another state and who has fulfilled the licensing requirements of this chapter.

(7) "Acceptable school of medicine" means any school of medicine or school of osteopathic medicine that meets the standards or requirements of a national medical school accrediting organization acceptable to the board.

(8) "Intern" or "resident" means any person who has completed a course of study at an acceptable school of medicine and who is enrolled in a post-graduate medical training program.

(9) "Physician assistant" means any person who is a graduate of an acceptable physician assistant training program and, who is qualified by specialized education, training, and experience, and who has been licensed by the board to render patient services under the direction of a supervising and alternate supervising physician.

(10) "Graduate physician assistant" means a person who is a graduate of an approved program for the education and training of physician assistants and who meets all of the requirements in this chapter for licensure, but who:

(a) Has not yet taken and passed the certification examination and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of six (6) months; or

(b) Has passed the certification examination but who has not yet obtained a college baccalaureate degree and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of not more than five (5) years.

SECTION 2. That Section 54-1806, Idaho Code, be, and the same is hereby amended to read as follows:

54-1806. POWERS AND DUTIES. The board shall have the authority to:

(1) Establish, pursuant to the administrative procedure act, rules for administration of this chapter, including rules establishing procedures for the receipt of complaints and for the investigation and disposition thereof. Such rules shall provide for notice to a person when board staff has undertaken to investigate that person and shall provide an opportunity for a person under investigation to meet with the committee or board staff before the initiation of formal disciplinary proceedings by the board.

(2) Conduct investigations and examinations and hold hearings as authorized by this section and by section 54-1806A, Idaho Code.

(3) The board shall have the power in any investigation or disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner consistent with rules adopted by the board pursuant to the administrative procedure act and, upon a determination that there is good cause, the board shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may deem appropriate for any investigation, deposition or hearing. For that purpose, the board may issue a subpoena for any witnesses, or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of any county of the state of Idaho, where such witness resides, or may be found, which subpoena shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of

the district court of any county in this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board to compel compliance with the subpoena by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such formal contested case shall have the same right of subpoena upon making application to the board therefor.

(4) Seek injunctive relief prohibiting the unlawful practice of medicine.

(5) Make and enter into contracts.

(6) Operate, manage, superintend and control the licensure of physicians and physician assistants.

(7) Develop and submit a proposed budget setting forth the amount necessary to perform its functions.

(8) Perform such other duties as set forth in the laws of this state.

(9) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities.

(10) Apply the provisions of section 12-117(5), Idaho Code, regarding the assessment of costs and fees incurred in the investigation and prosecution or defense of a licensee under this chapter.

~~(11) Prepare an annual report.~~

~~(12)~~ (11) Share with the department of labor personal identifying information of persons licensed under the provisions of this chapter necessary for the department of labor to identify workforce shortage areas in Idaho. The information provided to the department of labor concerning any person licensed under this chapter shall remain confidential and not subject to public disclosure, as required in section 74-106, Idaho Code.

SECTION 3. That Section 54-1807, Idaho Code, be, and the same is hereby amended to read as follows:

54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. Interns and residents must register with the board prior to the commencement of any activities constituting the practice of medicine in this state. Registration shall include disclosure of the applicant's prior education and training, the program or course of study the intern or resident intends to follow, the physicians or group of physicians who will supervise the program or course of study and such other information as the board deems relevant. The board shall reserve the right to approve any such program or course of study and shall require registration by the supervising physician. A registration fee shall be fixed by the board and registration must be renewed annually or biannually.

SECTION 4. That Section 39-4502, Idaho Code, be, and the same is hereby amended to read as follows:

39-4502. DEFINITIONS. As used in this chapter:

(1) "Advanced practice professional nurse" (APPN) means a professional nurse licensed in this state who has gained additional specialized knowledge, skills and experience through a nationally accredited program of study as defined by section 54-1402, Idaho Code, and is authorized to perform advanced nursing practice, which may include direct client care such as assessing, diagnosing, planning and prescribing pharmacologic and nonpharmacologic therapeutic and corrective measures, health promotion and preventive care as defined by rules of the board of nursing. The advanced practice professional nurse collaborates with other health professionals in providing health care.

(2) "Artificial life-sustaining procedure" means any medical procedure or intervention that utilizes mechanical means to sustain or supplant a vital function ~~which that~~, when applied to a qualified patient, would serve only to artificially prolong life. "Artificial life-sustaining procedure" does not include the administration of pain management medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

(3) "Artificial nutrition and hydration" means supplying food and water through a conduit, such as a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily, but does not include assisted feeding, such as spoon feeding or bottle feeding.

(4) "Attending physician" means the physician licensed by the state board of medicine who is selected by, or assigned to, the patient and who has primary responsibility for the treatment and care of the patient.

(5) "Cardiopulmonary resuscitation" or "CPR" means measures to restore cardiac function and/or to support ventilation in the event of cardiac or respiratory arrest.

(6) "Comfort care" means treatment and care to provide comfort and cleanliness. "Comfort care" includes:

(a) Oral and body hygiene;

(b) Reasonable efforts to offer food and fluids orally;

(c) Medication, positioning, warmth, appropriate lighting and other measures to relieve pain and suffering; and

(d) Privacy and respect for the dignity and humanity of the patient.

(7) "Consent to care" includes refusal to consent to care and/or withdrawal of care.

(8) "Directive," "advance directive" or "health care directive" means a document that substantially meets the requirements of section 39-4510(1), Idaho Code, or is a "Physician Orders for Scope of Treatment" (POST) form or is another document ~~which that~~ represents a competent person's authentic expression of such person's wishes concerning his or her health care.

(9) "Emergency medical services personnel" means personnel engaged in providing initial emergency medical assistance including, but not limited to, first responders, emergency medical technicians and paramedics.

(10) "Health care provider" or "provider" means any person or entity licensed, certified, or otherwise authorized by law to administer health care in the ordinary course of business or practice of a profession, including emergency or other medical services personnel.

(11) "Persistent vegetative state" means an irreversible state that has been medically confirmed by a neurological specialist who is an expert in the examination of nonresponsive individuals in which the person has intact brain stem function but no higher cortical function and no awareness of self or environment.

(12) "Physician" means a person who holds a current active license to practice medicine and surgery or osteopathic medicine and surgery in Idaho and is in good standing with no restriction upon or actions taken against his or her license.

(13) "Physician assistant" (PA) means any person, as defined in section 54-1803, Idaho Code, who is qualified by specialized education, training, experience and personal character and who has been licensed by the board of medicine to render patient services under the direction of a ~~supervising and alternate supervising~~ physician.

(14) "Physician orders for scope of treatment (POST) form" means a form that satisfies the requirements of section 39-4512A, Idaho Code.

(15) "Physician orders for scope of treatment (POST) identification device" means standardized jewelry ~~which that~~ can be worn around the wrist, neck or ankle, and ~~which that~~ has been approved by the department of health and welfare. Such jewelry shall be issued only to persons who have a POST form complying with section 39-4512A, Idaho Code, stating that such person

has chosen "Do Not Resuscitate: Allow Natural Death (No Code/DNR/DNAR): No CPR or advanced cardiac life support interventions" or the equivalent choice.

(16) "Surrogate decision-maker" means the person authorized to consent to or refuse health care for another person as specified in section 39-4504(1), Idaho Code.

(17) "Terminal condition" means an incurable or irreversible condition which that, without the administration of life-sustaining procedures, will, in the opinion of a physician, result in death if it runs its usual course.

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

Approved March 6, 2023

CHAPTER 13
(H.B. No. 4)

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE I CONTROLLED SUBSTANCES; AMENDING SECTION 37-2711, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE IV CONTROLLED SUBSTANCES; AMENDING SECTION 37-2713, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE V CONTROLLED SUBSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
- (5) Allylprodine;
- (6) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (7) Alphameprodine;
- (8) Alphamethadol;
- (9) Alpha-methylfentanyl;
- (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (11) Benzethidine;
- (12) Betacetylmethadol;
- (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

- (14) Beta-hydroxythiofentanyl;
(15) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
(16) Betameprodine;
(17) Betamethadol;
(18) Beta-methyl fentanyl;
(19) Beta'-phenyl fentanyl;
(20) Betaprodine;
(21) Brorphine (1-(1-(1-(4-Bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[D]imidazol-2-one);
(22) Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1hbenzimidazol-1-yl)-N,N-diethylethan-1-amine);
~~(22)~~ ~~(23)~~ Clonitazene;
~~(23)~~ ~~(24)~~ Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
~~(24)~~ ~~(25)~~ Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
~~(25)~~ ~~(26)~~ Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
~~(26)~~ ~~(27)~~ Dextromoramide;
~~(27)~~ ~~(28)~~ Diampromide;
~~(28)~~ ~~(29)~~ Diethylthiambutene;
~~(29)~~ ~~(30)~~ Difenoxin;
~~(30)~~ ~~(31)~~ Dimenoxadol;
~~(31)~~ ~~(32)~~ Dimepheptanol;
~~(32)~~ ~~(33)~~ Dimethylthiambutene;
~~(33)~~ ~~(34)~~ Dioxaphetyl butyrate;
~~(34)~~ ~~(35)~~ Dipipanone;
~~(35)~~ ~~(36)~~ Ethylmethylthiambutene;
(37) Etodesnitazene; Etazene (2-(2-(4-ethoxybenzyl)-1hbenzimidazol-1-yl)-N,N-diethylethan-1-amine);
~~(36)~~ ~~(38)~~ Etonitazene;
~~(37)~~ ~~(39)~~ Etoxeridine;
~~(38)~~ ~~(40)~~ Fentanyl-related substances. "Fentanyl-related substances" means any substance not otherwise listed and for which no exemption or approval is in effect under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. 355, and that is structurally related to fentanyl by one (1) or more of the following modifications:
i. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
ii. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
iii. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
iv. Replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; and/or
v. Replacement of the N-propionyl group by another acyl group;
~~(39)~~ ~~(41)~~ Fentanyl carabamate;
(42) Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);
~~(40)~~ ~~(43)~~ 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
~~(41)~~ ~~(44)~~ 2'-fluoro ortho-fluorofentanyl;
~~(42)~~ ~~(45)~~ Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
~~(43)~~ ~~(46)~~ Furethidine;

- ~~(44)~~ (47) Hydroxypethidine;
- ~~(45)~~ (48) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
- ~~(46)~~ (49) Isotonitazene (N,N-diethyl-2-(2-(4isopropoxybenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);
- ~~(47)~~ (50) Ketobemidone;
- ~~(48)~~ (51) Levomoramide;
- ~~(49)~~ (52) Levophenacylmorphan;
- (53) Methoxetamine;
- ~~(50)~~ (54) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- ~~(51)~~ (55) 4'-methyl acetyl fentanyl;
- ~~(52)~~ (56) 3-Methylfentanyl;
- ~~(53)~~ (57) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (58) Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1h-benzimidazol-1-yl)ethan-1-amine);
- (59) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1hbenzimidazol-1-yl)ethan-1-amine);
- ~~(54)~~ (60) Morpheridine;
- ~~(55)~~ (61) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- ~~(56)~~ (62) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- ~~(57)~~ (63) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)Isobutyramide (para-chloroisobutyryl fentanyl);
- ~~(58)~~ (64) Noracymethadol;
- ~~(59)~~ (65) Norlevorphanol;
- ~~(60)~~ (66) Normethadone;
- ~~(61)~~ (67) Norpipanone;
- (68) N-pyrrolidino etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)hbenzimidazole);
- ~~(62)~~ (69) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
- ~~(63)~~ (70) Ortho-fluoroacryl fentanyl;
- ~~(64)~~ (71) Ortho-fluorobutyryl fentanyl;
- ~~(65)~~ (72) Ortho-fluorofentanyl;
- ~~(66)~~ (73) Ortho-fluoroisobutyryl fentanyl;
- ~~(67)~~ (74) Ortho-methyl acetylfentanyl;
- ~~(68)~~ (75) Ortho-methyl methoxyacetyl fentanyl;
- ~~(69)~~ (76) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- ~~(70)~~ (77) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- ~~(71)~~ (78) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- ~~(72)~~ (79) Para-fluoro furanyl fentanyl;
- ~~(73)~~ (80) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- ~~(74)~~ (81) Para-methylfentanyl;
- ~~(75)~~ (82) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- ~~(76)~~ (83) Phenadoxone;
- ~~(77)~~ (84) Phenampromide;
- ~~(78)~~ (85) Phenomorphan;
- ~~(79)~~ (86) Phenoperidine;
- ~~(80)~~ (87) Phenyl fentanyl;
- ~~(81)~~ (88) Piritramide;
- ~~(82)~~ (89) Proheptazine;
- ~~(83)~~ (90) Properidine;
- ~~(84)~~ (91) Propiram;

(92) Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1h-benzimidazol-1-yl)ethan-1-amine);

~~(85)~~ (93) Racemoramide;

~~(86)~~ (94) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

~~(87)~~ (95) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

~~(88)~~ (96) Tilidine;

~~(89)~~ (97) Trimeperidine;

~~(90)~~ (98) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);

~~(91)~~ (99) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphenol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position and geometric isomers):

- (1) Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;
- (2) Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
- (3) 5-methoxy-3,4-methylenedioxy-amphetamine;

- (4) 5-methoxy-N,N-diisopropyltryptamine;
- (5) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4-methylenedioxymethamphetamine (MDMA);
- (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
- (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA);
- (10) 3,4,5-trimethoxy amphetamine;
- (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
- (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
- (13) Alpha-methyltryptamine;
- (14) Bufotenine;
- (15) Diethyltryptamine (DET);
- (16) Dimethyltryptamine (DMT);
- (17) Ibogaine;
- (18) Lysergic acid diethylamide;
- (19) Marihuana;
- (20) Mescaline;
- (21) Parahexyl;
- (22) Peyote;
- (23) N-ethyl-3-piperidyl benzilate;
- (24) N-methyl-3-piperidyl benzilate;
- (25) Para-methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine;
- ~~(25) (26) Psilocybin;~~
- ~~(26) (27) Psilocyn;~~
- ~~(27) (28) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:~~
 - i. Tetrahydrocannabinols, except for the permitted amount of tetrahydrocannabinol found in industrial hemp, or nabiximols in a drug product approved by the United States food and drug administration:
 - a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.
 - b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
 - c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)
 - d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

ii. The following synthetic drugs:

- a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).
- b. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA).
- c. 1-(1.3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).
- d. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-cn-cumyl-BUTINACA).
- e. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate * (5F-EDMB-PINACA).
- f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetraethylcyclopropyl)methanone (fub-144).
- g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; sgt25).
- h. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).
- i. FUB-AMB, MMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate).
- j. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
- k. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).
- l. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-FUBINACA).
- m. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMBPICA).
- n. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).
- o. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5FAMB).
- p. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).
- q. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-AKB48; FUB-APINACA).
- r. N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA, 5F-AKB48).
- s. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA).
- t. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).
- u. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.
- v. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further sub-

stituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

w. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

x. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.

y. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

z. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolidino[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).

aa. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).

bb. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

~~(28)~~ (29) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

~~(29)~~ (30) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -pyrrolidine, PCPy, PHP;

~~(30)~~ (31) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

~~(31)~~ (32) Thiofuranyl fentanyl;

~~(32)~~ (33) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

~~(33)~~ (34) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Gamma hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Flunitrazepam (also known as "R2", "Rohypnol");

(3) Mecloqualone;

(4) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine), 4,4'-dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine) or (4,5-dihydro-5-phenyl-2-oxazolamine);

(2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

(3) Substituted cathinones. Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- i. By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;
 - ii. By substitution at the 3-position with an acyclic alkyl substituent;
 - iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- (4) Alpha-pyrrolidinoheptaphenone* (PV8);
 - (5) Alpha-pyrrolidinohexanophenone* (~~a-php~~) (A-PHP);
 - (6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);
 - (7) Fenethylamine;
 - (8) Methcathinone (some other names: 2-(methyl-amino)-propionophenone, alpha-(methylamino)-propionophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);
 - (9) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];
 - (10) 4-methyl-alpha-ethylaminopentiophenone* (4-MEAP);
 - (11) 4'-methyl-alpha-pyrrolidinohexiophenone* (~~mphp~~) (MPHP);
 - (12) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
 - (13) N-ethylamphetamine;
 - (14) N-ethylhexedrone*;
 - (15) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethylbenzeneethanamine).

SECTION 2. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) No more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);
- (3) 2- [(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol (including tramadol), including its salts, optical and geometric isomers, and salts of isomers.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione;
- (2) Alprazolam;
- (3) Barbital;
- (4) Bromazepam;
- (5) Camazepam;
- (6) Carisoprodol;

- (7) Chloral betaine;
- (8) Chloral hydrate;
- (9) Chlordiazepoxide;
- (10) Clobazam;
- (11) Clonazepam;
- (12) Clorazepate;
- (13) Clotiazepam;
- (14) Cloxazolam;
- (15) Daridorexant;
- ~~(15)~~ (16) Delorazepam;
- ~~(16)~~ (17) Diazepam;
- ~~(17)~~ (18) Dichloralphenazone;
- ~~(18)~~ (19) Estazolam;
- ~~(19)~~ (20) Ethchlorvynol;
- ~~(20)~~ (21) Ethinamate;
- ~~(21)~~ (22) Ethyl loflazepate;
- ~~(22)~~ (23) Fludiazepam;
- ~~(23)~~ (24) Flurazepam;
- ~~(24)~~ (25) Fospropofol;
- ~~(25)~~ (26) Halazepam;
- ~~(26)~~ (27) Haloxazolam;
- ~~(27)~~ (28) Ketazolam;
- ~~(28)~~ (29) Lemborexant;
- ~~(29)~~ (30) Loprazolam;
- ~~(30)~~ (31) Lorazepam;
- ~~(31)~~ (32) Lormetazepam;
- ~~(32)~~ (33) Mebutamate;
- ~~(33)~~ (34) Medazepam;
- ~~(34)~~ (35) Meprobamate;
- ~~(35)~~ (36) Methohexital;
- ~~(36)~~ (37) Methylphenobarbital (mephobarbital);
- ~~(37)~~ (38) Midazolam;
- ~~(38)~~ (39) Nimetazepam;
- ~~(39)~~ (40) Nitrazepam;
- ~~(40)~~ (41) Nordiazepam;
- ~~(41)~~ (42) Oxazepam;
- ~~(42)~~ (43) Oxazolam;
- ~~(43)~~ (44) Paraldehyde;
- ~~(44)~~ (45) Petrichloral;
- ~~(45)~~ (46) Phenobarbital;
- ~~(46)~~ (47) Pinazepam;
- ~~(47)~~ (48) Prazepam;
- ~~(48)~~ (49) Quazepam;
- ~~(49)~~ (50) Remimazolam;
- ~~(50)~~ (51) Serdexmethylpheniate;
- ~~(51)~~ (52) Suvorexant;
- ~~(52)~~ (53) Temazepam;
- ~~(53)~~ (54) Tetrazepam;
- ~~(54)~~ (55) Triazolam;
- ~~(55)~~ (56) Zaleplon;
- ~~(56)~~ (57) Zolpidem;
- ~~(57)~~ (58) Zopiclone.

(d) Fenfluramine -- Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Dexfenfluramine;
- (2) Fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Lorcaserin;
- (6) Mazindol;
- (7) Mefenorex;
- (8) Modafinil;
- (9) Pemoline (including organometallic complexes and chelates thereof);
- (10) Phentermine;
- (11) Pipradrol;
- (12) Sibutramine;
- (13) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- (14) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate(ester)).

(f) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Brexanolone (3A-hydroxy-5A-pregnan-20-one), allopregnanolone;
- (2) Butorphanol (including its optical isomers);
- (3) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers;
- (4) Pentazocine.

(g) The board may except, by rule, any compound, mixture, or preparation containing any depressant substance listed in subsection (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 3. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below.

(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts);

(2) Cenobamate[(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate;

(3) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;

(4) Ganaxolone (3-alpha-hydroxy-3-beta-methyl-5-alpha-pregnan-20-one);

~~(4)~~ (5) Lacosamide;

~~(5)~~ (6) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)benzamide];

~~(6)~~ (7) Pregabalin;

~~(7)~~ (8) Pyrovalerone.

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

Approved March 6, 2023

CHAPTER 14
(H.B. No. 5)

AN ACT

RELATING TO PUBLIC ASSISTANCE; REPEALING CHAPTER 5, TITLE 56, IDAHO CODE, RELATING TO THE FOOD STAMP REVOLVING FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 56, Idaho Code, be, and the same is hereby repealed.

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

Approved March 6, 2023

CHAPTER 15
(H.B. No. 23)

AN ACT

RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 33-356, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-511, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 33-909, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1017, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1613, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4001, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4011, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4103, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4104, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4105, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4107, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4113, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4301, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-8001, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-8004, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; REPEALING SECTION 39-8005, IDAHO CODE, RELATING TO THE IDAHO UNIFORM SCHOOL BUILDING SAFETY CODE COMMITTEE; AMENDING SECTION 39-8006A, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-8008, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-8010, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-8603, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-8608, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-8623, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2101A, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2103, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2104, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2106, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 44-2108, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2201, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2202, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2501, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL

AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2502, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 44-2504, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1001C, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1001D, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1002, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1003, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1003A, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1004, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1007, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 54-1010, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1014, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1017, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1019, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1901, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1902, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2606, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2607, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2608, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2614, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2615, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2616, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2617, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2618, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2619, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2620, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2622A, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2624, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2626, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2627, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2628, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; REPEALING SECTION 54-2629, IDAHO CODE, RELATING TO REPRESENTATION BY THE ATTORNEY GENERAL OR COUNTY PROSECUTING ATTORNEYS IN CERTAIN ACTIONS; AMENDING SECTION 54-4503, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING

SECTION 54-5005, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5006, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5011, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5012, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5015, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5016, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5020, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5021, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5022, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; REPEALING SECTION 54-5023, IDAHO CODE, RELATING TO REPRESENTATION BY THE ATTORNEY GENERAL OR COUNTY PROSECUTING ATTORNEYS IN CERTAIN ACTIONS; AMENDING SECTION 55-2202, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2312, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2313, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2314, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2316, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2317, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2318, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 72-519, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-356, Idaho Code, be, and the same is hereby amended to read as follows:

33-356. SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY.

(1) (a) School districts may seek to qualify for a reduction in building replacement value calculation for qualified, newly constructed public school buildings pursuant to section 33-1019(4), Idaho Code.

(b) Each school district that seeks to qualify a newly constructed building for the building replacement value calculation provided for in section 33-1019(4), Idaho Code, shall use integrated design practices and fundamental commissioning in the design and construction of such building.

(c) Following the first year of operations of a building that was certified in accordance with the provisions of subsection (5) (a) of this section, the germane school district shall perform or cause to be performed an annual optimization review of the qualifying building. Such annual optimization review shall be performed in a manner that is consistent with rules promulgated pursuant to this section. Such school district shall thereafter perform or cause to be performed an annual optimization review each year it seeks to qualify such building for the building replacement value calculation provided in section 33-1019(4), Idaho Code.

(2) For purposes of this section, the following terms shall have the following meanings:

(a) "Fundamental commissioning" means the use of a third party to review building design, and building system specifications and to specify and monitor preoccupancy system testing to ensure functional integration of specified systems and functional operation of systems at the completion of a project.

(b) "Integrated design" means a process to develop consensus among the project team and owner as to the energy savings and building performance goals of the project and to identify design strategies to achieve those goals, including documentation strategies for design decisions to ensure accurate implementation of design through construction.

(3) It shall be the duty and responsibility of the administrator of the division of building safety occupational and professional licenses to provide assistance to school districts to ensure school districts can access the technical and educational support needed to implement the processes of integrated design and fundamental commissioning. It shall further be the duty and responsibility of the administrator of the division of building safety occupational and professional licenses to compile and cause to be made available to school districts a list of all third-party building commissioning agents in Idaho and contiguous states. The administrator shall ensure that all commissioning agents that appear on such list are certified by the building commissioning association or other similar certifying entity. The administrator shall ensure that such list is updated annually.

(4) The administrator of the division of building safety occupational and professional licenses is hereby authorized and directed to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, that provide the guidance, education and technical information necessary for school districts to implement the processes of integrated design and fundamental commissioning. The administrator is authorized to expand upon the terms defined in subsection (2) of this section, and to provide additional definitions as needed. In addition, the administrator shall promulgate rules governing annual optimization review and evaluation of germane building systems to ensure optimal performance of such systems and maximum energy savings and building performance. Such rules shall include, but not be limited to, a definition for the minimum scope of work required for annual optimization.

(5) (a) The administrator of the division of building safety occupational and professional licenses shall certify to the state department of education when a building has qualified for school building replacement value calculation exclusions as provided for in section 33-1019(4), Idaho Code. As part of such certification, the administrator shall state specifically the school building(s) and the square footage thereof that shall be excluded from the school building replacement value calculations.

(b) Following the first year of operations of a building that was certified in accordance with the provisions of subsection (5) paragraph (a) of this subsection, the administrator of the division of building safety occupational and professional licenses shall certify to the state department of education when such building has undergone an annual optimization review as provided in subsection (1)(c) of this section. Such certification shall ensure that the qualifying building meets or exceeds the requirements of annual optimization review rules promulgated pursuant to subsection (4) of this section.

SECTION 2. That Section 33-511, Idaho Code, be, and the same is hereby amended to read as follows:

33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) Each elementary school district shall maintain at least one (1) elementary school, and each other school district shall maintain at least one (1) elementary school and one (1) secondary school;

(2) To employ necessary help and labor to maintain and operate the schools of the district;

(3) To discontinue any school within the district whenever it shall find such discontinuance to be in the best interests of the district and of the pupils therein. For the purposes of this section, discontinuing a school shall mean no longer maintaining a school of any kind, at the same location, except in the case of secondary units as herein provided.

(a) When any school proposed to be discontinued is one which was operated and maintained by a former district now wholly incorporated within the boundaries of the district operated by said board of trustees, and, immediately following reorganization and the dissolution of said former district, such school has been continuously operated and maintained at the same location by the presently organized district, the following procedures shall apply before discontinuing a school:

(i) The board of trustees must first give notice of such proposal not later than the first day of June next preceding the date of the proposed discontinuance. Such notice shall be posted, and published once, in the manner provided in section 33-402, Idaho Code, and shall identify the school proposed to be discontinued.

(ii) If, not later than the first day of July following the posting and publishing of the notice of discontinuance, five (5) or more qualified school district electors residing within the school district shall petition the board of trustees for an election to be held within the school district on the question of discontinuance of that school, the board of trustees shall immediately order an election to be held on the first available election date provided by section 34-106(7), Idaho Code, that is at least fifty (50) days following the date of said order and shall give notice of the election.

(iii) Notice of such election shall be posted at or near the main door of the school proposed to be discontinued and at or near the main door of the administrative offices of the school district and shall also be published in one (1) issue of a newspaper printed in the county in which is situate the school proposed to be discontinued. The notice shall state the date the election is to be held, the place of voting, and the hours between which the polls shall be open. In addition, the notice of election shall describe the area of the particular attendance unit of the school district and shall identify the school proposed to be discontinued; and it shall state that only qualified school district electors residing within the school district may vote on the question of discontinuing the school.

(iv) The election shall be held within the school district and there shall be submitted to the electors a ballot containing the proposal:

1. For discontinuing the school located at. . . . ,

2. Against discontinuing the school located at.

(v) If a majority of the qualified electors, as defined in this section and voting in the election, shall vote against discontinuing that school, then said school shall not be discontinued; and no proposal to discontinue the same school shall be made by the board of trustees of the district within nine (9) months after the date of the election.

(vi) If a secondary unit which the trustees of a district propose to close is more than thirty (30) miles by all-weather road from the attendance unit to which it is proposed to transfer such students, then, notwithstanding other provisions of this section, five (5) electors residing within the attendance area of the unit proposed to be closed may, as provided by this section, petition the board of trustees requesting an election to determine whether or not such attendance unit, or any portion of it, shall be closed. The board shall immediately call and hold an election as herein provided. However, for the purpose of this section relating to the secondary attendance unit thirty (30) miles or more distant from another secondary attendance unit, only the patrons resident in this attendance area shall be eligible to vote, except for attendance units, or portions of them, created after January 1, 2002, in which case qualified school district electors throughout the school district shall be eligible to vote. The election shall be deemed passed and the unit shall not be closed if a majority of those voting in the election vote in favor of retaining the attendance unit.

(b) The provisions of paragraph (a) of this subsection shall not apply when:

(i) The administrator of the division of ~~building safety~~ occupational and professional licenses has determined that the school constitutes an imminent public safety hazard and has issued an order or notice requiring the school district superintendent, principal, board member or other person in charge to cause all persons, except those necessary to eliminate the condition, to be withdrawn from and to be restrained from entering the school, pursuant to section 39-8008, Idaho Code; and

(ii) The school district board of trustees have voted at a public meeting to discontinue the school.

SECTION 3. That Section 33-909, Idaho Code, be, and the same is hereby amended to read as follows:

33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND CREATED. (1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities, within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of ~~building safety~~, occupational and professional licenses for a school district that has failed to address identified unsafe facilities as provided in chapter 80, title 39, Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of ~~building safety~~ occupational and professional licenses, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it, and to approve, modify or reject an application based upon the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

(4) The application shall contain the following information:

- (a) The identified school building safety hazards and such other information necessary to document the deficiencies;
- (b) The school district's plan for abating the defects, including costs and sources and amounts of revenue available to the school district;
- (c) The market value for assessment purposes of the school district; and
- (d) A detailed accounting of all bond and plant facility levies of the school district and the revenues raised by such levies.

For applications initiated by the administrator of the division of building safety occupational and professional licenses pursuant to subsection (2) (b) of this section, the school district shall provide the information required in this subsection if such information is not available to the administrator.

(5) (a) If the panel determines that it requires additional plans and information, it may authorize the expenditure of up to one hundred fifty thousand dollars (\$150,000) per application from the public school facilities cooperative fund for the procurement thereof. In considering an application, the panel shall determine whether the plan as proposed is acceptable, ~~or~~ is acceptable with modifications as determined by the panel, or should be rejected. If the application is approved or approved with modifications, any expenditures authorized by the panel pursuant to this subsection shall be added to the project. The panel shall notify the applicant of its decision, in writing, within ninety (90) days of receiving the application. At the same time the panel notifies the applicant, the panel shall send notification of an approved application or a modified application to the state board of education, along with the panel's specifications for the project and its cost.

(b) The panel may, upon the recommendation of the district supervisor, authorize modifications to the approved plan at any time prior to the completion of the project, giving consideration to the interests of the school district, the students and the electors in its determination. Such modification may alter the scope of work or terminate the approved plan. All modifications must meet the standards as outlined in this section.

(6) If an application received from a school district is accepted or modified by the panel, the local board of trustees of that school district, at the next election held pursuant to section 34-106, Idaho Code, shall submit the question to the qualified electors of the school district of whether to approve a bond in the amount of the cost of the project as approved by the panel.

(7) Within thirty-five (35) calendar days of receiving notification from the panel that an application submitted by the administrator of the division of building safety occupational and professional licenses pursuant to subsection (2) (b) of this section has been approved or modified by the panel, or within thirty-five (35) calendar days of receiving certification from the panel that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the state board of education shall appoint a district supervisor for interim state

supervision of the local school district. The district supervisor shall be responsible for ensuring that the project, as approved by the panel, is completed and shall regularly report to the panel in a manner as determined by the panel upon approval of the project. The district supervisor shall also have the authority granted to said position by the provisions of section 6-2212, Idaho Code. A district supervisor's term of service shall continue for the duration of the project, and such person appointed as a district supervisor shall serve at the pleasure of the state board of education.

(8) The abatement of unsafe public school facilities through the public school facilities cooperative funding program shall be performed exclusively in accordance with the regular permitting, plan review and inspection requirements of the division of building safety occupational and professional licenses. The state fire marshal shall have exclusive authority to perform the powers and duties prescribed in section 41-254, Idaho Code, for such facilities while the unsafe condition is being abated and under the jurisdiction of the panel-appointed district supervisor. The Idaho building code board shall function as a board of appeals for the division of building safety occupational and professional licenses for such construction in accordance with the provisions of section 39-4107, Idaho Code. Upon successful completion of the construction in accordance with applicable building codes, a certificate of occupancy shall be issued by the administrator of the division of building safety occupational and professional licenses. Upon issuance of a certificate of occupancy, responsibility for ensuring the safety of the facility or portion thereof so constructed will then be returned to the school district and responsibility for ensuring subsequent compliance with building codes returned to the authority having jurisdiction.

(9) Upon approval of an application or a modified application submitted by the administrator of the division of building safety occupational and professional licenses pursuant to subsection (2) (b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel, to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund. If the district supervisor determines that the amount approved by the panel is insufficient to complete the project in a satisfactory manner, the panel may request a legislative appropriation of additional moneys from the public school facilities cooperative fund. If such an appropriation is approved, these additional moneys shall be added to the cost of the project.

(b) The district's share of costs shall be based upon actual funds expended. The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (10) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the

boundaries of the school district are contained, for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

(10) The annual state-authorized plant facilities levy rate shall be limited to the greater of:

(a) The difference between the school district's combined bond and plant facilities levy rates, and the statewide average bond and plant facility levy rates; or

(b) The statewide average plant facility levy rate.

The initial levy rate so calculated shall be established as the minimum levy rate that shall be imposed for the amount of time required to reimburse the state for the school district's share of the project cost, but not to exceed twenty (20) years, even if this period would not provide reimbursement of the entire amount of the school district's share of the cost of the project. The state department of education is authorized and directed to recalculate the levy rate on an annual basis and is authorized to increase or decrease the levy rate according to the scheduled payback, but the levy rate shall not be less than the levy rate initially imposed. Provided however, if the levy rate calculated is estimated to raise more money than would be necessary to repay the district's share of costs, then the state department of education shall certify to the county or counties wherein the boundaries of the school district are contained, the moneys necessary to repay the district's share of costs.

(11) There is hereby created in the state treasury a public school facilities cooperative fund. The fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to finance the public school facilities cooperative funding program and are hereby continuously appropriated for such purposes as authorized by this section. Moneys in the fund shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be credited to the school district building account.

SECTION 4. That Section 33-1017, Idaho Code, be, and the same is hereby amended to read as follows:

33-1017. SCHOOL SAFETY AND HEALTH REVOLVING LOAN AND GRANT FUND. (1) Fund created. There is hereby created a fund in the state treasury to be known as the school safety and health revolving loan and grant fund to which shall be credited all moneys that may be appropriated, apportioned, allocated and paid back to that fund. Moneys in this fund shall be used exclusively as provided in this section, except that moneys in this fund shall be returned to the budget stabilization fund as provided in this section.

(2) Approval of loan or grant. A school district that does not have the financial resources to abate unsafe or unhealthy conditions identified pursuant to section 33-1613, Idaho Code, and which that is eligible to seek additional funds under subsection (5) (b) (ii) of section 33-1613, Idaho Code, may apply to the state treasurer for a loan and, if eligible, a grant from the school safety and health revolving loan and grant fund. A school district that has borrowed money from the Idaho safe school facilities loan program may apply for a grant of interest from the school safety and health revolving loan and grant fund. The loan or grant shall be approved if the school district's application meets the criteria of section 33-1613, Idaho Code, and of this section. If the board of examiners finds that existing and anticipated loans or grants under this section have depleted the school safety and health revolving loan and grant fund to an extent that the fund does not have available sufficient moneys to loan to an eligible school district, the

board of examiners shall declare that additional loans may be made from the budget stabilization fund provided in section 57-814, Idaho Code, up to any limits of the use of that fund provided by statute or declared by the governor in times of general revenue shortfalls or major disaster.

(3) Conditions of loan or grant -- Repayment of loan.

(a) The school district's application shall identify the unsafe or unhealthy conditions that would be abated with the proceeds of the loan or grant and, if a loan, shall propose a method of and timetable for abating those conditions and for repaying the loan.

(b) The state treasurer shall review the application to determine whether the application is for abatement of unsafe or unhealthy conditions as described in section 33-1613, Idaho Code, and to determine whether the estimated costs of abatement and proposed plan of abatement is are reasonable. In reviewing the application, the state treasurer may call upon the assistance of the state division of building safety occupational and professional licenses, the state fire marshal, the state department of administration, the state board of education, the state department of education, or other knowledgeable persons to determine whether conditions identified to be abated meet the criteria of section 33-1613, Idaho Code, and to determine whether the plan of abatement, estimated costs of abatement and proposed methods of abatement are reasonable. The state treasurer shall process the application for a loan or grant within thirty-five (35) days after its receipt.

(i) If the state treasurer determines that the application has not identified unsafe or unhealthy conditions as described in section 33-1613, Idaho Code, the state treasurer shall return the application with a written statement that contains reasons why the loan or grant application does not meet the criteria of this section and of section 33-1613, Idaho Code.

(ii) If the state treasurer determines that the application has identified unsafe or unhealthy conditions as described in section 33-1613, Idaho Code, the state treasurer shall then determine whether the application has proposed reasonable methods of abatement and reasonable estimates of costs of abatement. The state treasurer shall approve the plan of abatement if the school district has proposed a reasonable method of abatement and if its estimated costs of abatement are reasonable; otherwise, the state treasurer shall return the application with a written statement how the application can be amended to qualify.

(c) If the application is for a loan, the state treasurer may accept the school district's proposed method of and timetable for repaying the loan or may impose reasonable alternative or substitute methods of and timetables for repayment consistent with this subsection, which alternative or substitute methods shall be binding on the school district. At a minimum, the school district shall be required to repay in each fiscal year succeeding the year of the loan an amount no less than the lottery proceeds that the school district would otherwise receive for that fiscal year and additional foundation support moneys, if any, accruing as a result of an initial overestimation of state average daily attendance support units and later distribution of residual amounts resulting from fewer support units than originally estimated. The loan shall provide for the school safety and health revolving loan and grant fund, or the budget stabilization fund, to the extent that it was the source of the loan, to intercept the lottery proceeds that would otherwise go to the school district until the loan is fully repaid. In addition, the state treasurer may impose reasonable fiscal conditions on the school district during the term of loan repayment including, but not limited to, restrictions in use of otherwise unrestricted school district moneys to assist in repayment of the loan or in abatement of un-

safe or unhealthy conditions, the declaration of a financial emergency during some or all of the term of repayment of the loan, or interception by the school safety and health revolving loan and grant fund of a portion of the state foundation program payments under chapter 10, title 33, Idaho Code, that would otherwise go to the school district to repay the loan. The initial term of the loan shall not exceed ten (10) years, but may be extended in the state treasurer's discretion for another ten (10) years.

(d) If a loan is approved, the state treasurer shall establish a line of credit for the school district and monthly reimburse the school district for costs incurred to abate the unsafe or unhealthy conditions identified as the reason for the loan. The state treasurer may prescribe forms and procedures for administration of this line of credit.

(e) A school district may repay its loan or any portion of its loan in advance at any time without penalty.

(4) Interest. Loans to school districts under this section shall bear interest at the average rate of interest that would be available to the state treasury were the loan funds retained in the state treasury, as determined by the state treasurer.

(5) Certification of loan funds spent. If a school district obtains a loan pursuant to this section, the board of trustees shall certify the total expenditures of loaned funds that were actually spent to abate unsafe and unhealthy conditions.

(6) Excess funds. If any funds loaned pursuant to this section were not spent on abatement of unsafe and unhealthy conditions, they must be returned to the school safety and health revolving loan and grant fund or the budget stabilization fund, as the case may be. This subsection shall be judicially enforceable by the state treasurer, and any amounts due for repayment under this subsection may be recovered by offset from state foundation program moneys that would otherwise be paid to the school district.

(7) Eligibility for grant. After complying with the provisions of section 33-1613, Idaho Code, school districts that borrow money from the Idaho safe schools facilities loan program pursuant to section 33-804A, Idaho Code, or that refinance through the Idaho safe schools facilities loan program loans for money borrowed under this section or that finance abatement of unsafe and unhealthy conditions through indebtedness pursuant to chapter 11, title 33, Idaho Code, may apply for a grant from the school safety and health revolving loan and grant fund to pay for eligible interest costs incurred on loan proceeds used to abate unsafe and unhealthy conditions. If the school district's application for a grant is accepted, then the school district will qualify for a grant of the present value of the qualifying percentage of the interest costs of the loan associated with abating unsafe and unhealthy conditions as follows:

(a) If the school district is participating in the Idaho safe schools facilities loan program, within seven (7) days after the approved school district receives loan proceeds from the Idaho safe schools facilities loan fund, the state treasurer shall provide funds to the school district in the amount of the qualifying percentage of the present value of the interest costs associated with abating unsafe and unhealthy conditions.

(b) If a school district has obtained a loan from the school health and safety revolving loan and grant fund and has refinanced its loan through the Idaho safe schools facilities program and prepays the outstanding principal of its loan, the school district shall be eligible for a grant of the qualifying percentage of the present value of the outstanding interest costs associated with the prepaid principal.

(c) If the school district has financed the abatement of unsafe or unhealthy conditions through indebtedness pursuant to chapter 11, title 33, Idaho Code, within seven (7) days after the school district receives bond proceeds, the state treasurer shall provide funds to the school district in the amount of the qualifying percentage of the present value of the interest costs associated with abating unsafe and unhealthy conditions.

(8) Present value. The present value of the interest costs associated with money borrowed under the Idaho safe schools facilities loan program shall be calculated by the state treasurer using a method of equal annual loan payments and a discount rate of the interest rate prescribed in subsection (4) of this section on the date that the school district receives funds from the Idaho safe schools facilities loan fund. The present value of the unpaid interest costs for principal prepayments to the school safety and health revolving loan and grant fund shall be calculated by the state treasurer by summing the unpaid interest that would be paid without the principal prepayment and discounting it at the interest rate prescribed in subsection (4) of this section on the date that the treasurer receives the prepayment. The present value of the interest costs associated with money borrowed by a school district in a bond issue shall be calculated by the state treasurer using the school district's actual schedule for making interest payments on the bonds and discounting those interest payments by the interest rate prescribed in subsection (4) of this section on the date that the school district receives funds from the bond issue.

(9) Qualifying percentage. The qualifying percentage of the interest costs of a school district applying for a grant of interest under this section shall be determined as follows: For a school district borrowing money under the Idaho safe schools facilities loan program or refinancing a loan made under this section with money borrowed under the Idaho safe schools facilities program or incurring bonded indebtedness for safe and healthy schools, the state treasurer shall express:

(a) ~~the~~ The total of the bond and plant facilities levies imposed by the school district (including the levy for which the application is made) \bar{T}_i and

(b) ~~the~~ The total levies imposed by the school district (including the levy for which the application is made)

as a fraction of assessed value for the most recent assessment against which the school district's existing levies are made. The qualifying percentage of interest granted under this section shall be the higher of the amounts shown in the following tables:

Table 1 - Bond and Plant Facilities Levies

Bond Plus Plant Facilities Levy	Qualifying Percentage
Less than .0019	10%
More than .0019 and less than .0029	20%
More than .0029 and less than .0039	30%
More than .0039	40%

Table 2 - Total Levies

Total Levy	Qualifying Percentage
Less than .0060	0%
More than .0060 and less than .0072	25%
More than .0072 and less than .0084	50%
More than .0084 and less than .0096	75%
More than .0096	100%

(10) Interest costs for abatement of unsafe and unhealthy conditions. The interest costs for abatement of unsafe and unhealthy conditions shall be calculated by determining the percentage of the loan proceeds or prepayment of the loan that will be used to abate unsafe and unhealthy conditions.

(11) Procedures. The state treasurer may prescribe forms for applying for a loan or grant under this section. No actions taken under this section are contested cases or rulemaking subject to chapter 52, title 67, Idaho Code, and none of the contested case or rulemaking procedures of chapter 52, title 67, Idaho Code, apply to actions taken under this section.

(12) The state treasurer's authority to accept applications for and to approve grants of interest from the school safety and health revolving loan and grant fund shall cease on July 1, 2003.

SECTION 5. That Section 33-1613, Idaho Code, be, and the same is hereby amended to read as follows:

33-1613. SAFE PUBLIC SCHOOL FACILITIES REQUIRED. (1) Definition. As used in this section, "public school facilities" means the physical plant of improved or unimproved real property owned or operated by a school district, a charter school, or a school for children in any grades kindergarten through twelve (12) that is operated by the state of Idaho, including school buildings, administration buildings, playgrounds, athletic fields, etc., used by schoolchildren or school personnel in the normal course of providing a general, uniform and thorough system of public, free common schools, but does not include areas, buildings or parts of buildings closed from or not used in the normal course of providing a general, uniform and thorough system of public, free common schools. The aspects of a safe environment conducive to learning as provided by section 33-1612, Idaho Code, that pertain to the physical plant used to provide a general, uniform and thorough system of public, free common schools are hereby defined as those necessary to comply with the safety and health requirements set forth in this section.

(2) Inspection. It is the duty of the board of trustees of every school district and the governing body for other schools described in subsection (1) of this section at least once in every school year to require an independent inspection of the school district's or other entity's school facilities to determine whether those school facilities comply with codes addressing safety and health standards for facilities, including electrical, plumbing, mechanical, elevator, fire safety, boiler safety, life safety, structural, snow loading, and sanitary codes, adopted by or pursuant to the Idaho uniform school building safety act, chapter 80, title 39, Idaho Code, adopted by the state fire marshal, adopted by generally applicable local ordinances, or adopted by rule of the state board of education and applicable to school facilities. The inspection shall be done pursuant to chapter 80, title 39, Idaho Code, or by an independent inspector professionally qualified to conduct inspections under the applicable code. The results of the inspection shall be presented to the administrator of the division of building safety occupational and professional licenses and the board of trustees or other governing body for its review and consideration.

(3) Abatement required -- Reporting. The board of trustees or other governing body shall require that the unsafe or unhealthy conditions be abated and shall instruct the school district's or other entity's personnel to take necessary steps to abate unsafe or unhealthy conditions. The board of trustees or other governing body must issue a report in the same school year in which the inspections are made declaring whether any unsafe or unhealthy conditions identified have not been abated. The state board of education shall, by rule, provide for uniform reporting of unsafe and unhealthy conditions and for uniform reporting of abatement or absence of abatement of unsafe and unhealthy conditions. Copies of such reports shall be provided to the administrator of the division of building safety

occupational and professional licenses and the board of trustees of the school district.

(4) Costs of and plan of abatement. If the school district or other entity described in subsection (1) of this section can abate all unsafe or unhealthy conditions identified with the funds available to the school district or other entity, it shall do so, and it need not separately account for the costs of abatement nor segregate funds expended for abatement. If the school district or other entity cannot abate all unsafe or unhealthy conditions identified with the funds available to it, the board of trustees or other governing body shall direct that a plan of abatement be prepared. The plan of abatement shall provide a timetable that shall begin no later than the following school year and that shall provide for abatement with all deliberate speed of unsafe and unhealthy conditions identified. The abatement plan shall be submitted to the administrator of the division of building safety occupational and professional licenses. The school district or other entity shall immediately begin to implement its plan of abatement and must separately account for its costs of abatement of unsafe and unhealthy conditions and separately segregate funds for the abatement of unsafe and unhealthy conditions as required by subsection (5) of this section.

(5) Special provisions for implementation of plan of abatement.

(a) Notwithstanding any other provisions of law concerning expenditure of lottery moneys distributed to the school district or other entity, all lottery moneys provided to the school district or other entity for a school year in which the school district cannot abate unsafe or unhealthy conditions identified and not legally encumbered to other uses at the time and all lottery moneys for following school years shall be segregated and expended exclusively for abatement of unsafe and unhealthy conditions identified until all of the unhealthy and unsafe conditions identified are abated, provided, if the school district has obtained a loan from the school safety and health revolving loan and grant fund, the provisions of section 33-1017, Idaho Code, and the conditions of the loan shall determine the use of the school district's lottery moneys during the term of the loan.

(b) If the lottery moneys referred to in paragraph (a) of this subsection will, in the board of trustees' or other governing bodies' estimation, be insufficient to abate the unsafe and unhealthy conditions identified, the plan of abatement shall identify additional sources of funds to complete the abatement of the unsafe and unhealthy conditions. The board of trustees may choose from among the following sources, or from other sources of its own identification, but the plan of abatement must identify sufficient sources of funds for abatement.

(i) If the school district is not levying under chapter 8, title 33, Idaho Code, at the maximum levies allowed by law for levies that may be imposed by a board of trustees without an election, the board of trustees may increase any of those levies as allowed by law for the school year following the school year in which it was unable to abate unsafe or unhealthy conditions identified.

(ii) If the school district is levying under chapter 8, title 33, Idaho Code, at the maximum levies allowed by law for levies that may be imposed by the board of trustees without an election; or, if after increasing those levies to the maximum levies allowed by law for levies that may be imposed by the board of trustees without an election, there will still be insufficient funds to abate unsafe or unhealthy conditions identified, the school district, after giving notice and conducting a hearing, may declare a financial emergency and/or may apply for a loan or, if eligible, an interest grant from the school safety and health revolving loan and grant fund as provided in section 33-1017, Idaho Code, to obtain funds to abate the unsafe or unhealthy conditions identified.

(iii) Upon the declaration of a financial emergency, the board of trustees shall have the power to impose a reduction in force, to freeze some or all salaries in the school district, and/or to suspend some or all contracts that may be legally suspended upon the declaration of a financial emergency; provided, that when a board of trustees declares a financial emergency, or when a declaration of a financial emergency is imposed by the state treasurer pursuant to section 33-1017, Idaho Code, and there is a reduction in force, some or all salaries are frozen, or some contracts are suspended, the payments to the school district under the foundation program of chapter 10, title 33, Idaho Code, and in particular the staff allowances under that chapter, shall not be reduced during the duration of the financial emergency as a result of a reduction in force, frozen salaries, or suspended salaries from what the staff allowance would be without the reduction in force, frozen salaries or suspended contracts.

(c) All costs of abatement for a program implementing plans of abatement under subsection (5) of this section must be separately accounted for and documented with regard to abatement of each unsafe or unhealthy condition identified. Funds obtained under section 33-1017, Idaho Code, must be used exclusively to abate unsafe or unhealthy conditions identified. Funds obtained pursuant to section 33-1017, Idaho Code, in excess of funds necessary to abate unsafe or unhealthy conditions identified must be returned as provided in section 33-1017, Idaho Code. Return of these funds shall be judicially enforceable as provided in section 33-1017, Idaho Code.

SECTION 6. That Section 39-4001, Idaho Code, be, and the same is hereby amended to read as follows:

39-4001. ENFORCEMENT OF LAW. The administrator of the division of building safety occupational and professional licenses shall enforce the provisions of this chapter. It shall be the responsibility and duty of the factory built structures advisory board to assist the administrator in the administration and enforcement of the provisions of this chapter as hereinafter provided.

SECTION 7. That Section 39-4011, Idaho Code, be, and the same is hereby amended to read as follows:

39-4011. VIOLATIONS. (1) Any person who violates any of the following provisions relating to manufactured homes, or any rule promulgated by the administrator of the division of building safety occupational and professional licenses to administer the provisions of this chapter, shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any manufactured home that is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard which does not comply with such standard;

(b) Failure or refusal to permit entry or inspection as required by section 39-4003A, Idaho Code;

(c) Failure of manufacturer to give notification of any defects in any manufactured home, in the manner required by 42 U.S.C. 5414;

(d) Failure to furnish to distributor or dealer at the time of delivery of each manufactured home produced by such manufacturer, certification that said manufactured home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Failure of any manufacturer, distributor or dealer of manufactured homes to establish and maintain such records, make such reports, and provide such information as the administrator of the division of building safety occupational and professional licenses may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal manufactured home construction and safety standards; or failure to permit, upon request of a person duly designated by the administrator, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal manufactured home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who willfully or knowingly violates the provisions enumerated in subsection (1) (a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(3) Violations of this chapter may be tried in any court of competent jurisdiction within the state of Idaho.

SECTION 8. That Section 39-4103, Idaho Code, be, and the same is hereby amended to read as follows:

39-4103. SCOPE -- EXEMPTIONS. (1) This chapter authorizes the state division of building safety occupational and professional licenses and local governments to adopt and enforce building codes pursuant to the provisions of this chapter.

(2) All buildings and other facilities owned by any state government agency or entity, including those owned, constructed or financed by the Idaho state building authority, shall conform to the codes adopted in this chapter, chapter 2, title 41, Idaho Code, chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, and shall be subject to the jurisdiction of the state division of building safety occupational and professional licenses and the state fire marshal for purposes of all plan reviews, permitting and inspections. In performing such plan reviews, permitting and inspections, the division of building safety occupational and professional licenses and the state fire marshal shall route building plans to affected local government agencies, and shall take into consideration local government comments and ordinances and shall promptly notify the local jurisdictions of actions taken and the reasons therefor, and transmit to the local jurisdictions copies of final building plans.

(3) All buildings and other facilities owned by anyone other than state government agencies or entities which are constructed or renovated specifically for use or occupancy by any state agency or entity shall conform to all state adopted codes and standards. Nothing in this subsection shall limit the authority of local governments to issue permits, review plans and provide a full range of building code enforcement activities for such buildings.

(4) The following are exempt from the provisions of this chapter:

(a) Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes. This exemption shall not include the erection and fabrication of new boilers, pressure vessels and other equipment as required to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

(b) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

SECTION 9. That Section 39-4104, Idaho Code, be, and the same is hereby amended to read as follows:

39-4104. ENFORCEMENT OF LAW. The administrator of the division of building safety occupational and professional licenses shall enforce the provisions of this chapter that apply to the state. Local governments that adopt building codes shall enforce all of the provisions of this chapter that govern application by local governments.

SECTION 10. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning. Where terms are not defined in this chapter and are defined in the currently adopted International Building Code published by the International Code Council, such terms shall have the meanings ascribed to them in that code:

(1) "Administrator" means the administrator of the division of building safety occupational and professional licenses for the state of Idaho.

(2) "Board" means the Idaho building code board, herein created.

(3) "Building inspector" means a person who inspects buildings or structures for compliance with the provisions of this chapter.

(4) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building, or the installation of equipment therein normally a part of the structure.

(5) "Division" means the state of Idaho division of building safety occupational and professional licenses.

(6) "International Fire Code" means the International Fire Code as published by the International Code Council.

(7) "Local government" means any city or county of this state.

(8) "Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of

this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

(9) "Mobile home" means a factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

(10) "Telecommunications facilities" means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

SECTION 11. That Section 39-4107, Idaho Code, be, and the same is hereby amended to read as follows:

39-4107. POWERS AND DUTIES. (1) The board shall continually study the operation of adopted codes, standards and rules relating to the construction of buildings or facilities under the jurisdiction of the division to ascertain their effect upon the public safety and shall support an ongoing effort to promote the uniform adoption, application and interpretation of safety, accessibility and building codes statewide. The board shall have the authority to adopt and enforce the codes specified in section 39-4109, Idaho Code, or later editions of such codes, and to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

(2) The board shall function as a board of appeals for the division as prescribed in the adopted building code. The board shall have no authority to waive any requirements of the codes enumerated in this chapter or in rules promulgated pursuant to this chapter. Provided further:

(a) The decisions of the board shall be final, and the board shall render all decisions and findings in writing to the appellant and the administrator within ten (10) working days of the conclusion of a hearing; and

(b) For each appeal brought before the board, the chairman shall appoint not less than three (3) members of the board to hear the appeal and render a decision and finding in the name of the board.

(3) The board shall utilize experts, consultants, and technical advisors for assistance and recommendations relative to codes, standards, and appeals.

(4) The administrator may make building code inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable building codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in rules promulgated by the board pursuant to chapter 52, title 67, Idaho Code.

(5) Notwithstanding the exemptions provided in subsection (4)(b) of section 39-4103, Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer.

(a) Such inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as provided in section 39-4303, Idaho Code.

(c) The administrator of the division of ~~building safety~~ occupational and professional licenses may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

SECTION 12. That Section 39-4113, Idaho Code, be, and the same is hereby amended to read as follows:

39-4113. PLAN REVIEWS -- MAXIMUM FEES AND SCHOOL INSPECTIONS. (1) The administrator shall establish a program for plan reviews and permit issuance entirely within the division of ~~building safety~~ occupational and professional licenses. Plan reviews shall be for the provisions of this chapter and chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, chapter 50, title 54, Idaho Code, and chapter 86, title 39, Idaho Code, pertaining to construction, alteration or repair of buildings or structures within the scope of the division's jurisdiction pursuant to this chapter. Plans for schools reviewed by the division shall not include a review for compliance with the provisions of chapter 2, title 41, Idaho Code, or for local planning and zoning requirements.

(2) Plan review fees shall be established by rules promulgated by the board. Local governments elected by school districts to perform building plan reviews for public schools as provided for in this section shall not charge a fee for such review of building plans in excess of what the division has established by rule for building plan review services for public schools.

(3) Each manufacturer of commercial coaches and modular buildings shall submit the building plans for every model of such structure to the administrator for the purpose of review.

(4) (a) Public school building plans shall be approved by either the local government or the division of ~~building safety~~ occupational and professional licenses, whichever the school district elects. Any city or county that has adopted by ordinance all the applicable codes pursuant to section 39-4109, Idaho Code, and the codes as permitted in chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, shall be eligible to perform school plan reviews only if the following additional requirements are met: plans examiners performing building and energy code plan reviews shall hold current certification as a commercial building plans examiner by the International Code Council; examiners performing plumbing code plan reviews shall hold current certification as a plumbing inspector by the international association of plumbing and mechanical officials and shall be a licensed Idaho journeyman plumber; examiners performing electrical code plan reviews shall hold current certification as an electrical inspector by the national certification program for construction code inspectors and shall be a licensed Idaho journeyman electrician; and examiners performing mechanical code plan reviews shall hold current certification as a commercial mechanical inspector by the International Code Council.

(b) All plans examiners who perform public school plan reviews shall be either an employee of the division, an employee of the local jurisdiction in which the school is to be constructed, or performing plan reviews under an interagency contract between local jurisdictions, and shall meet the eligibility requirements as provided in paragraph (a) of this subsection.

(c) An eligible local government may contract with the division for review of any portion of the plans for which the local government does not have a properly certified plans examiner. A county may be deemed eligible to perform plan review services only for those types of installations for which they have authority pursuant to this chapter and chapter 50, title 54, Idaho Code, to adopt an enforcement program. Where an eligible county performs the plan review services, the electrical and plumbing code plan reviews shall be performed by the division at the hourly rate as established in rule by the division. Any local government elected to perform plan review services for public schools shall provide the division a copy of all approved plans.

(d) Wherein the proposed work is valued in excess of one hundred thousand dollars (\$100,000), a school district may elect to utilize the school plan review services available from an eligible local government building code enforcement jurisdiction or from the division. Wherein the proposed work is valued at one hundred thousand dollars (\$100,000) or less, a school district may elect to use a local government without regard to the eligibility requirements in paragraph (a) of this subsection. Election by a school district shall be made by submitting a written certification to both the division and the involved local government.

(e) Public school plan review services provided by either the division or an eligible local jurisdiction pursuant to this section shall include a review of the following disciplines: building (structural and nonstructural), mechanical, fuel gas, plumbing, electrical, accessibility, elevators, boilers, and energy conservation. At a minimum, plan review services shall include:

(i) A technical examination of all drawings and construction documents;

(ii) The approval of such drawings and construction documents by determining whether such are in accord with the codes adopted pursuant to sections 39-4109, 54-1001, 54-2601 and 54-5001, Idaho Code;

(iii) A determination that the drawings and construction documents are in compliance, or noncompliance, with the applicable codes, code interpretation, and the identification of approved modifications or alternative materials, design or methods; and

(iv) The identification of the reviewing official(s), the date upon which plans are approved, ~~as well as and a~~ stamp or some other similar mark on the plans evidencing approval.

(f) If a school district elects to utilize the plan review services of the division, it shall submit to the division of ~~building safety occupational and professional licenses~~ three (3) sets of working drawings and specifications for new public school buildings or facilities and additions or alterations to existing facilities. The division will review the plans submitted to it pursuant to this section for compliance with the current editions of the codes specified in this chapter or within rules promulgated pursuant to this chapter by the board and by section 39-8006, Idaho Code.

(5) Public school building plans must be approved by either the local government or the division before the school district may advertise for bids. Once plans are reviewed and approved pursuant to this section, no material change can be made to such plans without review and approval of such change by the jurisdiction performing the plan review. All school construction or remodeling governed by this chapter shall be inspected by building inspectors certified in accordance with section 39-4108, Idaho Code, or by Idaho-licensed architects or engineers to determine compliance with this chapter and the Idaho uniform school building safety act, chapter 80, title 39, Idaho Code. Nothing in this section shall limit the authority of local

governments to issue building permits, perform fire code or other zoning and land use-related plan reviews or provide a full range of building code enforcement activities as they relate to inspections of school buildings or facilities sited within their jurisdiction regardless of the election exercised by the school district pursuant to this section.

SECTION 13. That Section 39-4301, Idaho Code, be, and the same is hereby amended to read as follows:

39-4301. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety occupational and professional licenses for the state of Idaho.

(2) "Board" means the factory built structures advisory board, as created in section 39-4302, Idaho Code.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured building, structure or component thereof that may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety occupational and professional licenses.

(7) "Factory built structure" means any building or building component, including a manufactured home, a mobile home or a modular building, that is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site.

(8) "Manufactured home" means a structure as defined in section 39-4105, Idaho Code.

(9) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(10) "Modular building" means any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

SECTION 14. That Section 39-8001, Idaho Code, be, and the same is hereby amended to read as follows:

39-8001. SHORT TITLE. This act, ~~comprised of Sections 39-8001, 39-8002, 39-8003, 39-8004, 39-8005, 39-8006, 39-8007, 39-8008, 39-8009, 39-8010, 39-8011 and 39-8012, Idaho Code,~~ chapter shall be known and may be cited as the "Idaho Uniform School Building Safety Act."

SECTION 15. That Section 39-8004, Idaho Code, be, and the same is hereby amended to read as follows:

39-8004. DEFINITIONS. As used in this act:

(1) "Administrator" means the administrator of the division of building safety occupational and professional licenses or his designated representative.

(2) "Day" shall mean a calendar day unless otherwise specified.

(3) "Imminent safety hazard" means a condition that presents an unreasonable risk of death or serious bodily injury to occupants of a building.

(4) "Licensed professional" means a person licensed by the state of Idaho as an architect or an engineer.

(5) "Local government" means any city or county of this state.

(6) "Serious safety hazard" means a condition that presents an unreasonable health risk or risk of injury to occupants of a building.

SECTION 16. That Section 39-8005, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 39-8006A, Idaho Code, be, and the same is hereby amended to read as follows:

39-8006A. BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS. The administrator of the division of ~~building safety occupational and professional licenses~~ and the state department of education shall consult and shall draft a best practices maintenance plan for school buildings which ~~that~~ shall be supplied to the superintendent of each school district. Based on the best practices maintenance plan, each school district shall develop a ten (10) year plan and submit it to the division of ~~building safety occupational and professional licenses~~ for approval. Such plan shall be submitted in all years ending in zero (0) or five (5) ~~7~~ and shall include information detailing the work completed pursuant to the previous maintenance plan and any revisions to that plan.

SECTION 18. That Section 39-8008, Idaho Code, be, and the same is hereby amended to read as follows:

39-8008. ADDITIONAL DUTIES OF ADMINISTRATOR -- RIGHT OF INSPECTION -- POSTING. (1) The administrator shall have authority under this section to enter all public school facilities covered by this chapter at reasonable times to inspect, on an annual basis, such facilities for compliance with the Idaho uniform school building safety code; provided however, that inspections shall take into account the age of the school facilities and the appropriate codes that would have been in effect at the time of the construction of such facilities; provided further, that regardless of the codes in effect at the time of construction, imminent safety hazards found in public school facilities shall be identified and the provisions of this chapter relating to such imminent safety hazards shall apply.

(2) If the administrator finds a violation of the Idaho uniform school building safety code that he concludes does not constitute an imminent safety hazard or serious safety hazard, he shall notify in writing the school district superintendent, principal, board member, or other person in charge. Such notification shall state, in bold print, that the citations for violations or nonconformances constitute recommendations only.

(3) If the administrator finds a violation of the Idaho uniform school building safety code that he concludes constitutes a serious safety hazard, he shall immediately issue a written order or notice requiring the school superintendent, principal, board of trustees or other person in charge to eliminate the condition without delay and within the time specified by the administrator in the notice or order, but not exceeding one (1) year. The administrator may also designate a licensed professional to independently evaluate the identified condition prior to issuing a written order to eliminate the condition.

(4) If the administrator finds a violation of the Idaho uniform school building safety code that he concludes constitutes an imminent safety hazard, he shall, within two (2) working days, designate a licensed professional to independently evaluate the identified condition prior to issuing any report under this chapter. That licensed professional shall, within fourteen (14) days, complete its independent evaluation of the condition

identified by the administrator and notify the administrator of its conclusions. If the administrator determines that the condition constituting an imminent safety hazard could reasonably be expected to cause death or serious physical harm before the evaluation of the designated licensed professional can be completed and before the condition can be eliminated, he shall determine the extent of the area where such condition exists and thereupon shall issue a written order or notice requiring the school district superintendent, principal, board of trustees or other person in charge to cause all persons, except those necessary to eliminate the condition, to be withdrawn from, and to be restrained from entering, such area pending the evaluation of the designated licensed professional. This order shall be withdrawn if the evaluation of the designated licensed professional does not concur with the administrator that the condition constitutes an imminent safety hazard as could reasonably be expected to cause death or serious physical harm before the condition can be eliminated.

(5) If, upon receipt of the findings of the designated licensed professional, the administrator concludes that any condition identified by such licensed professional constitutes an imminent safety hazard, the administrator shall immediately serve, or cause to be served, written notice or order upon the school district superintendent, principal, board of trustees or other person in charge describing the imminent safety hazard. The administrator shall also notify in writing the state superintendent of public instruction of such imminent safety hazard. Upon receipt of such written notice or order, the school district superintendent, principal, board of trustees, or other person in charge shall require all changes necessary to eliminate the imminent safety hazard be made, without delay and within the time specified by the administrator in the notice or order. If the condition presenting an imminent safety hazard is not corrected within the specified time, or if the administrator determines that the condition constituting such imminent safety hazard could reasonably be expected to cause death or serious physical harm before the condition can be eliminated, and if he has not previously done so, he shall determine the extent of the area where such condition exists and thereupon shall issue an order or notice requiring the school district superintendent, principal, board member, or other person in charge to cause all persons, except those necessary to eliminate the condition, to be withdrawn from, and to be restrained from entering, such area. The school district superintendent, principal, board member, or other person in charge shall assist the administrator as necessary to post such areas to prevent injury.

(6) If the administrator finds a violation of the Idaho uniform school building safety code that he concludes constitutes a serious safety hazard and issues a written order or notice requiring the conditions to be eliminated in not more than one (1) year, and the school superintendent, principal, board of trustees, or other person in charge contests the administrator's finding that the condition is a serious safety hazard, then the school superintendent, principal, board of trustees, or other person in charge shall have fourteen (14) days from the date of the issuance of the administrator's written order or notice to request a hearing to initiate a contested case under chapter 52, title 67, Idaho Code. If a hearing is requested, the superintendent of public instruction shall appoint a hearing officer to consider the contested case. All administrative proceedings under this subsection shall be expedited as necessary to assure that serious safety hazards are eliminated as required by this section if the administrator's initial determination that there was a serious safety hazard is confirmed in the contested case proceedings.

(7) The administrator shall monitor the school district's progress in addressing any identified imminent safety hazard or serious safety hazard to ensure that appropriate corrective action was taken. The administrator may extend the time for completing corrective action if he deems necessary.

(8) Upon completion of corrective action and verification of such completion by the division of building safety occupational and professional licenses and the department of administration, the administrator shall provide a report to the state superintendent of public instruction, the local superintendent of schools and the chair of the local school board.

(9) Annual inspections of public school facilities conducted by the administrator under the provisions of this section shall be funded pursuant to legislative appropriation.

SECTION 19. That Section 39-8010, Idaho Code, be, and the same is hereby amended to read as follows:

39-8010. APPEAL TO BUILDING CODE ADVISORY BOARD. (1) The Idaho building code advisory board shall, within ten (10) days after receipt of notice for an appeal, hear such appeal brought before it by a school district affected by any finding pursuant to this chapter that there exists in a school building a violation of the uniform school building safety code, provided however, that an appeal brought pursuant to this section shall not affect the ability of the administrator to obtain an injunction pursuant to section 39-8009, Idaho Code. Such hearing shall be governed by the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board, other than code interpretations, are subject to judicial review in accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) The board shall provide reasonable interpretations of the codes enumerated in this chapter.

(3) Within ten (10) days of the conclusion of the hearing, the board shall render its findings and decisions in writing to the state superintendent of public instruction, the administrator of the division of building safety occupational and professional licenses and the appealing district.

SECTION 20. That Section 39-8603, Idaho Code, be, and the same is hereby amended to read as follows:

39-8603. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings unless the context clearly indicates another meaning:

(1) "Administrator" means the administrator of the division of building safety occupational and professional licenses for the state of Idaho.

(2) "ANSI" means the American national standards institute.

(3) "ASME" means the American society of mechanical engineers.

(4) "Conveyance" includes elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters.

(5) "Division" means the Idaho division of building safety occupational and professional licenses.

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car of limited size that is used exclusively for carrying materials and that moves in guide rails and serves two (2) or more landings.

(7) "Elevator" means a hoisting or lowering machine equipped with a car or platform that moves in guides and services two (2) or more floors or landings of a building or structure.

(8) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers.

(9) "Installation" means a complete conveyance including any hoistway, hoistway enclosures and related construction and all machinery and equipment for its operation.

(a) "Existing installation" means an installation that has been completed or upon which construction was commenced prior to July 1, 2004.

(b) "New installation" means any installation not classified as an existing installation by definition, or an existing conveyance moved to a new location subsequent to July 1, 2004.

(10) "Maintenance" means a process of routine examination, lubrication, cleaning, adjustment, and replacement of parts for the performance in accordance with applicable code requirements.

(11) "Major alteration" means any change to equipment or other maintenance, repair or replacement where work is defined by any applicable code requirement.

(12) "Material lift" means a hoisting and lowering mechanism normally classified as an elevator, equipped with a car that moves within a guide system installed at an angle of greater than seventy degrees (70) from the horizontal, serving two (2) or more landings, for the purpose of transporting materials that are manually or automatically loaded or unloaded.

(13) "Modernization" means the replacing or upgrading of any major operating component(s) of a conveyance.

(14) "Moving walks" means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(15) "Owner" includes the designated agent or representative of the owner.

(16) "Platform lift" means a hoisting and lowering mechanism that moves within a guide system and serves two (2) or more landings and may include vertical or inclined platform lifts used by persons who are mobility impaired.

(17) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling occupied only by the members of a single family unit.

(18) "Qualified elevator inspector" or "QEI" means a person who is currently certified by the National Association of Elevator Safety Authorities International (NAESA International) accredited certifying organization as meeting the requirements of the ASME QEI-1 Standard for the Qualification of Elevator Inspectors and who is employed by or under contract to the division of building safety occupational and professional licenses.

(19) "Repair" means the process of rehabilitation, upgrading or replacement of parts that are basically the same as the originals for the purpose of ensuring performance in accordance with the applicable code requirements.

(20) "Replacement" means the substitution of a device or component in its entirety with a new unit that is basically the same as the original for the purpose of ensuring performance in accordance with the applicable code requirements.

SECTION 21. That Section 39-8608, Idaho Code, be, and the same is hereby amended to read as follows:

39-8608. INSTALLATION PERMITS REQUIRED -- APPLICATION -- POSTING -- EXCEPTIONS -- OTHER LICENSES, PERMITS AND INSPECTIONS. (1) On and after July 1, 2004, it shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or employee, any installation or major alteration of any conveyance in the state of Idaho without first procuring an installation permit from the division of building safety occupational and professional licenses authorizing the work to be done.

(2) The owner of a conveyance shall submit an application for the permit in a form that the division may prescribe. A copy of the plans or specifications for the installation, erection, major alteration, or relocation shall be attached to the permit application.

(3) The permit issued by the division shall be kept posted conspicuously at the site of installation.

(4) No installation permit is required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength and design, or for installations and major alterations that have been commenced prior to July 1, 2004, or for new installations let for bid prior to November 1, 2002.

(5) The installation permit and inspections required in this chapter are not exclusive. Installations and major alterations of conveyances as herein defined may be subject to licensing, permitting and inspection requirements set forth in other provisions of law.

SECTION 22. That Section 39-8623, Idaho Code, be, and the same is hereby amended to read as follows:

39-8623. IDAHO ELEVATOR SAFETY FUND ESTABLISHED. All moneys received by the administrator under the provisions of this chapter shall be paid into the state treasury as directed by section 59-1014, Idaho Code, and shall be placed by the state treasurer to the credit of a dedicated fund to be known as the "Idaho Elevator Safety Fund" which is hereby established. All such moneys hereafter placed in the fund are hereby set aside and appropriated to the division of building safety occupational and professional licenses to carry into effect the provisions of this chapter.

SECTION 23. That Section 44-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

44-2101A. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety occupational and professional licenses of the state of Idaho.

(2) "Board" means the factory built structures advisory board established in section 39-4302, Idaho Code.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in section 39-4105, Idaho Code.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale, third-party-owned, or brokered manufactured or mobile homes.

SECTION 24. That Section 44-2103, Idaho Code, be, and the same is hereby amended to read as follows:

44-2103. FEES -- DEPOSIT OF FEES. (1) Fees for licensing of retailers, installers, and manufacturers shall not exceed:

- (a) Retailer license \$500.00
- (b) Manufacturer license \$500.00
- (c) Installer license \$300.00

(2) All license fees collected by the division of building safety occupational and professional licenses under the provisions of this chapter shall be paid into the ~~factory built structures account established in section 39-4303, Idaho Code~~ occupational licenses fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the ~~account~~ fund.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

- (a) Manufacturer \$20,000 bond
- (b) Retailer \$40,000 bond
- (c) Installer \$5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of section 44-2102, Idaho Code, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, installers, and manufacturers governed by the provisions of this chapter and shall supersede any program of any political subdivision of the state that sets fee or bond requirements for the same services.

(6) A retailer must obtain a separate installer license, pay the license fee set forth in subsection (1) (c) of this section and meet the bonding requirements of subsection (3) (c) of this section in order to provide the services covered by an installer license.

SECTION 25. That Section 44-2104, Idaho Code, be, and the same is hereby amended to read as follows:

44-2104. FACTORY BUILT STRUCTURES ADVISORY BOARD. (1) The factory built structures advisory board, established in the division of building safety occupational and professional licenses in accordance with the provisions of section 39-4302, Idaho Code, shall advise the administrator in the administration and enforcement of the provisions of this chapter.

(2) The board shall have the authority to promulgate rules in accordance with chapter 52, title 67, Idaho Code.

SECTION 26. That Section 44-2106, Idaho Code, be, and the same is hereby amended to read as follows:

44-2106. VIOLATIONS. (1) It shall be unlawful to engage in business as a manufacturer, retailer, or installer without being duly licensed by the division of building safety occupational and professional licenses pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, installer, or those employed by such to:

- (a) Intentionally publish or circulate any advertising that is misleading or inaccurate in any material particular or that misrepresents any of the products or services sold or provided by a manufacturer, retailer, or installer;
- (b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety occupational and professional licenses pursuant to this chapter;
- (c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;

(d) With respect only to a retailer, ~~to~~ engage in the business for which such retailer is licensed without at all times maintaining a principal place of business located within the state.

SECTION 27. That Section 44-2108, Idaho Code, be, and the same is hereby amended to read as follows:

44-2108. RETAILER -- ADDITIONAL LICENSURE REQUIREMENTS. (1) Each business office or retail sales location shall be owned or leased by the retailer and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer must promptly notify the division of ~~building safety~~ occupational and professional licenses, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

SECTION 28. That Section 44-2201, Idaho Code, be, and the same is hereby amended to read as follows:

44-2201. MOBILE AND MANUFACTURED HOMES INSTALLATION. (1) All new manufactured homes must be installed in accordance with the manufacturer's approved installation instructions. All used mobile and manufactured homes shall be installed in accordance with the Idaho manufactured home installation standard, as provided by rule pursuant to this chapter. All mobile and manufactured homes must be installed in accordance with all other applicable state laws or rules pertaining to utility connection requirements.

(2) The administrator of the division of ~~building safety~~ occupational and professional licenses may promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, specifying standardized installation instructions for mobile and manufactured homes. Upon the effective date of such rules, the rules shall prevail over any conflicting provisions in this chapter.

SECTION 29. That Section 44-2202, Idaho Code, be, and the same is hereby amended to read as follows:

44-2202. INSTALLATION PERMITS AND INSPECTIONS REQUIRED. (1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety occupational and professional licenses and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety occupational and professional licenses.

(3) Installation permits shall be issued by the division of building safety occupational and professional licenses or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety occupational and professional licenses or as established by the city or county having jurisdiction and whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

SECTION 30. That Section 44-2501, Idaho Code, be, and the same is hereby amended to read as follows:

44-2501. LEGISLATIVE INTENT. In order to ensure a continued supply of safe, affordable housing, the state of Idaho hereby adopts a rehabilitation program for existing mobile homes constructed prior to June 15, 1976, the effective date of the federal manufactured housing and safety standards act (HUD code), that are currently sited within Idaho or that may be brought into the state after the effective date of this act. It is legislative intent that the relocation and installation of these homes be approved when the rehabilitation on the home has been completed as required in this chapter and proof of compliance has been issued by the administrator of the division of building safety occupational and professional licenses of the state of Idaho.

SECTION 31. That Section 44-2502, Idaho Code, be, and the same is hereby amended to read as follows:

44-2502. APPLICATION OF CHAPTER -- REHABILITATION REQUIRED -- CERTIFICATE OF COMPLIANCE. (1) This chapter shall apply to the installation of mobile homes constructed prior to June 15, 1976, within the jurisdiction of a city or county requiring an installation permit pursuant to section 44-2202, Idaho Code.

(2) Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the division of ~~building safety~~ occupational and professional licenses of the state of Idaho.

(3) Upon submission of the rehabilitation form required pursuant to section 44-2504, Idaho Code, and any other information required by the administrator to establish compliance with this chapter, the administrator shall issue a certificate of compliance to the homeowner. The certificate of compliance must be presented to the local jurisdiction before a permit for the installation of the home may be issued.

(4) Upon receipt of the certificate of compliance, the local jurisdiction shall issue the installation permit in the same manner as the permit would be issued with respect to a mobile/manufactured home for which rehabilitation is not required. No zoning or other ordinance or policy of the local jurisdiction prohibiting relocation or installation of a mobile home to which this chapter applies shall be effective to prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this chapter.

SECTION 32. That Section 44-2504, Idaho Code, be, and the same is hereby amended to read as follows:

44-2504. REHABILITATION FORM AND CHECKLIST -- ADMINISTRATIVE FEE -- RULES. (1) The administrator of the division of ~~building safety~~ occupational and professional licenses shall, by rule, establish a mobile home rehabilitation form and checkoff list. The form shall be completed and signed by an authorized representative of an Idaho-licensed manufactured home service company or installer or dealer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work under Idaho law, with the person or company performing the inspections and repairs to be noted on the rehabilitation form. A properly completed rehabilitation form shall be presented to the division of ~~building safety~~ occupational and professional licenses before a certificate of compliance may be issued.

(2) The administrator of the division of ~~building safety~~ occupational and professional licenses may, by rule, establish an administrative fee to cover the costs of administering the provisions of this chapter.

(3) In addition to the rulemaking authority provided in this section, the administrator of the division of ~~building safety~~ occupational and professional licenses may promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, deemed necessary to implement the provisions of this chapter.

SECTION 33. That Section 54-1001C, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001C. INSPECTIONS WITHIN MUNICIPALITIES -- WHEN AUTHORIZED. The administrator of the division of ~~building safety~~ occupational and professional licenses may make electrical inspections within any city upon written request from the mayor or manager of such city. Such inspections shall be made in accordance with the local ordinance or building code. Service of the inspector shall be furnished at cost, such cost to be paid monthly to the administrator by the city requesting inspection service.

SECTION 34. That Section 54-1001D, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001D. INSPECTIONS OF MODULAR BUILDINGS -- WHEN AUTHORIZED -- APPROVAL AND CERTIFICATION. (1) Notwithstanding the exemption provided in subsection (1)(c) of section 54-1016, Idaho Code, the administrator of the division of building safety occupational and professional licenses may make electrical inspections of any modular building upon written request from the manufacturer.

(a) Inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as provided in section 39-4303, Idaho Code.

(c) The administrator may issue electrical permits for the installation of electrical equipment, conductors and apparatus in modular buildings.

(2) The administrator of the division of building safety occupational and professional licenses is hereby authorized to make inspections of electrical installations as set forth herein and to issue inspection results covering such installations.

SECTION 35. That Section 54-1002, Idaho Code, be, and the same is hereby amended to read as follows:

54-1002. LICENSE ESSENTIAL TO ENGAGE IN BUSINESS -- LICENSURE AUTHORITY EXCLUSIVE TO THE STATE. (1) It shall be unlawful for any person, partnership, company, firm, association or corporation to act, or attempt to act, as an electrical contractor or limited electrical contractor in this state until such person, partnership, company, firm, association or corporation shall have received a license as an electrical contractor or limited electrical contractor, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses.

(2) It shall be unlawful for any person to act as a journeyman or master electrician in this state until such person shall have received a license as a journeyman or master electrician, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses, provided, however, that any person who has been issued a master electrician's license pursuant to this chapter may act as a journeyman electrician.

(3) It shall be unlawful for any person to act as a limited electrical installer in this state until such person shall have received a license as a limited electrical installer, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses, provided however, that any person who has been issued a master electrician's license or a journeyman electrician's license pursuant to this chapter may act as a limited electrical installer.

(4) It shall be unlawful for any person to act as a provisional journeyman electrician in this state until such person has received a provisional journeyman electrician's license, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses.

(5) Licensure of electrical contractors, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, facility accounts and registration of apprentice electricians and trainees shall be within the exclusive jurisdiction of the state pursuant to this chapter and no local jurisdiction shall have the authority to require additional licensure or registration or to require payment of any fees in order for any licensee or registrant to engage in the electrical construction trade within the local jurisdiction or to issue licenses or registrations to persons licensed or registered under this chapter that are inconsistent with the provisions of this chapter or rules promulgated by the division of building safety occupational and professional licenses. The state shall investigate all local infractions and state violations of this chapter and prosecute the same. The local jurisdictions will assist the state by requesting investigations within their jurisdictions. Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

SECTION 36. That Section 54-1003, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003. ADMINISTRATOR AUTHORITY. (1) Only the administrator of the division of building safety occupational and professional licenses of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue licenses or registrations to such applicants as are found to be qualified to engage in the trade, business or calling of a journeyman electrician, electrical contractor, master electrician, provisional journeyman electrician, limited electrical installer, limited electrical contractor, limited electrical installer trainee or apprentice electrician in the manner and upon the terms and conditions hereinafter provided.

(2) No licenses or registrations granted hereunder shall be transferable. Licenses and registrations shall be issued upon the condition that the holder thereof shall comply with all provisions of this chapter.

(3) The administrator of the division of building safety occupational and professional licenses is authorized to impose civil penalties as provided in this chapter.

SECTION 37. That Section 54-1003A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003A. DEFINITIONS. (1) Electrical Contractor. Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing apparatus to be operated by such current, or entering into agreements to install such wires, equipment or apparatus, shall for the purpose of this chapter be known as an electrical contractor. An electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

(2) Journeyman Electrician. Except as provided in section 54-1016, Idaho Code, and subsections (3), (4), (5) and (6) of this section, any person who personally performs or supervises the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, shall for the purpose of this chapter be known as a journeyman electrician.

(3) **Apprentice Electrician.** Any person who, for the purpose of learning the trade of journeyman electrician, engages in the installation of electrical wiring, equipment, or apparatus while under the constant on-the-job supervision of a qualified journeyman electrician shall for the purpose of this chapter be known as an apprentice electrician.

(4) **Maintenance Electrician.** Any person who is regularly employed to service, maintain or repair electrical apparatus, or to make minor repairs or alterations to existing electrical wires or equipment located on his employer's premises shall for the purpose of this chapter be known as a maintenance electrician.

(5) **Master Electrician.** A person who has the necessary qualifications, training, experience and technical knowledge to plan, lay out or design the installation of electrical wiring or equipment, or to supervise such planning, layout, or design, and who performs or supervises such planning, layout or design, shall for the purpose of this chapter be known as a master electrician.

(6) **Limited Electrical Installer.** A person having the necessary qualifications, training, experience and technical knowledge to install, alter, repair and supervise the installation, alteration or repair of special classes of electrical wiring, apparatus or equipment within categories adopted by the board. Limited electrical installers shall perform work only within the scope of the restricted category for which the person is licensed.

(7) **Limited Electrical Contractor.** Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting or carrying on the business of installing, altering or repairing restricted categories of electrical wiring, apparatus or equipment within categories adopted by the board, or entering into agreements to perform such restricted work, shall for the purpose of this chapter be known as a limited electrical contractor. Limited electrical contractors shall perform work only within the scope of the restricted category for which the contractor is licensed. A limited electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

(8) **Limited Electrical Installer Trainee.** Any person who engages in the installation of restricted categories of electrical wiring, equipment or apparatus under the constant on-the-job supervision of a qualified limited electrical installer shall for the purpose of this chapter be known as a limited electrical installer trainee.

(9) **Electrical Facility Employer Account or Facility Account.** An employer licensed with the division of ~~building safety occupational and professional licenses~~ who employs individuals holding valid journeyman or master electrician licenses to perform alterations, extensions and new installations of electrical systems or components thereof on premises owned by the employer. The employer may also employ maintenance electricians in accordance with section 54-1016, Idaho Code.

(10) **Provisional Journeyman Electrician.** Any person who has met the requirements of section 54-1007(4), Idaho Code, and who wishes to perform the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, while under the constant on-the-job supervision of a qualified journeyman electrician may upon application, for the purposes of this chapter, be known as a provisional journeyman electrician.

SECTION 38. That Section 54-1004, Idaho Code, be, and the same is hereby amended to read as follows:

54-1004. INSPECTION OF ELECTRICAL INSTALLATIONS -- NOTICE OF CORRECTIONS -- DISCONNECTING ELECTRICAL SERVICE. The administrator of the division of ~~building safety~~ occupational and professional licenses may, during reasonable hours, inspect, ~~re-inspect~~ reinspect or test any electrical installation coming under the provisions of this act. If, upon inspection, any electrical installation is found to be not in conformity with the provisions of this act, the person, partnership, company, firm, association or corporation making such installation shall immediately be notified by any method, as determined by the division of ~~building safety~~ occupational and professional licenses, including electronic communication. The notice shall clearly indicate any and all violations to be corrected and specify a definite period of time during which such corrections shall be made. The administrator may de-energize, have made safe or disconnect any conductor in cases of emergency where necessary for safety of life or property, or order the disconnection of electrical service to any electrical installation coming under the provisions of this act when such installation is found to be dangerous to life or property.

SECTION 39. That Section 54-1005, Idaho Code, be, and the same is hereby amended to read as follows:

54-1005. RULES -- INSPECTIONS -- ELECTRICAL PERMITS AND FEES. (1) The administrator of the division of ~~building safety~~ occupational and professional licenses is hereby authorized and directed to enforce rules consistent with this chapter for the administration of this chapter, and to effectuate the purposes thereof, and for the examination and licensing of electrical contractors, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, limited electrical installer trainees and apprentice electricians, and to make inspections of electrical installations referred to in section 54-1001, Idaho Code, and to issue electrical permits covering such installations, and to collect the fees established therefor.

(2) The administrator of the division of ~~building safety~~ occupational and professional licenses may make electrical inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable electrical codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(3) Individuals, firms, cooperatives, corporations, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this chapter, unless an inspection has been conducted and resulted as "passed" by the administrator, covering the installation to be energized. Electrical installations approved by the board and addressed through administrative rule may be connected and energized by the power supplier after the purchase of an electrical permit by a licensed electrical contractor.

(4) It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier to energize any electrical installation coming under the provisions of this chapter prior to the purchase of an electrical permit covering such installation.

SECTION 40. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The administrator shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of journeyman electrician, limited electrical installer or master electrician as defined in section 54-1003A, Idaho Code, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting or limited electrical contracting as defined in section 54-1003A, Idaho Code.

(2) An apprentice electrician, as defined in section 54-1003A, Idaho Code, may take the journeyman's examination if he has completed the required related instruction for electrical apprentices as approved by the Idaho state board for career technical education, completion of which shall be evidenced by a certificate from an approved provider, and has worked the number of hours as prescribed by the Idaho electrical board, provided that for all the time he is claiming to have worked as an apprentice electrician, the apprentice shall have been registered with the division of building safety occupational and professional licenses as an apprentice. The electrical board may, by rule, fix the apprentice registration fee, in an amount not to exceed the costs of issuing apprentice registration certificates and enforcing the apprentice registration provisions of this chapter, and may also by rule establish requirements relative to the manner of registration renewal, verification of employment, the number of instructional hours completed, continuation training and the number of hours worked. An apprentice who has completed the number of instructional hours and has not taken or passed the journeyman's examination within two (2) years of completion of the instructional training hours shall provide proof of continuation training as set by rule of the electrical board.

(3) Any person who has worked as a licensed journeyman for a period of not less than four (4) years and who has worked the number of hours as prescribed by rule of the board as a licensed journeyman electrician shall be considered as qualified to apply for a master electrician's license in this state. The Idaho electrical board, in establishing by rule the requirements for a master electrician's license, shall also take into account the applicant's performance as a journeyman electrician.

(4) Notwithstanding subsection (2) of this section, any person who can demonstrate eight (8) years of work experience, defined as a minimum of sixteen thousand (16,000) hours, making electrical installations on the job, shall be considered as qualified to apply for a journeyman electrician's license in this state.

(5) To the extent that other states that provide for the licensing of electricians require qualifications at least equal to those contained in this chapter, the administrator may enter reciprocal agreements with such other states to grant licenses to electricians licensed by such other states. The administrator, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

(6) A provisional journeyman electrician, as defined in section 54-1003A, Idaho Code, may take the journeyman electrician examination. Upon passing the examination, the administrator of the division of building safety occupational and professional licenses shall issue the provisional journeyman electrician a journeyman electrician's license.

~~(6)~~ (7) All verification of employment forms submitted by an individual seeking electrical licensing or registration shall be entered into and maintained in the individual's file by the division of building safety occupational and professional licenses. The division of building safety occupational and professional licenses shall provide the individual with online access to this information.

SECTION 41. That Section 54-1010, Idaho Code, be, and the same is hereby amended to read as follows:

54-1010. INSTALLATIONS BY ELECTRICAL CONTRACTOR PERFORMED BY LICENSED JOURNEYMAN -- PRIOR CERTIFICATE HOLDERS ENTITLED TO LICENSE -- LIST OF ELECTRICIANS IN CONTRACTOR'S EMPLOY. (1) Any electrical contractor who works as a journeyman electrician, as herein defined, shall be required to have a journeyman electrician's license or master electrician's license issued under the provisions of this act. All installations of electrical wiring, equipment or apparatus made by an electrical contractor shall be done by or under the direct supervision of a licensed journeyman electrician or licensed master electrician.

(2) The individual owner of an electrical contracting business may act as his own journeyman electrician or master electrician provided that he has complied with the provisions of section 54-1002, Idaho Code, pertaining to journeyman electricians. Each electrical contractor in this state shall, upon request of the administrator or his authorized agent, furnish a list of journeyman electricians in said electrical contractor's employ.

(3) Any individual working as an apprentice electrician, as defined in this act, must be registered with the division of building safety occupational and professional licenses as an apprentice electrician, as provided in section 54-1007, Idaho Code; and it shall be unlawful for an individual to work as an apprentice electrician without possessing a current apprentice registration certificate.

(4) Any individual working as a limited electrical installer trainee, as defined in this chapter, must be registered with the division of building safety occupational and professional licenses as a limited electrical installer trainee. It shall be unlawful for an individual to work as a limited electrical installer trainee without possessing a current registration certificate.

SECTION 42. That Section 54-1014, Idaho Code, be, and the same is hereby amended to read as follows:

54-1014. FEES. The administrator of the division of building safety occupational and professional licenses shall charge the following fees:

(1) Application for license or registration	\$15.00
(2) Six-month licenses:	
(a) Provisional journeyman electrician license	\$55.00
(b) Provisional journeyman electrician license renewal	45.00
(i) If a provisional journeyman electrician applies for a journeyman electrician license, the pro rata value of any time remaining on his provisional journeyman electrician license shall be credited toward the application fee for the journeyman electrician license.	
(3) One-year licenses and registration, in accordance with sections 54-1008 and 54-1013, Idaho Code:	
(a) Electrical contractor license	\$125.00
(b) Electrical contractor license renewal	100.00
(c) Electrical contractor license revival	125.00
(d) Limited electrical contractor license	125.00
(e) Limited electrical contractor license renewal	100.00

(f) Limited electrical contractor license revival	125.00
(g) Facility account license	125.00
(h) Apprentice electrician registration	15.00
(i) At the time the apprentice applies for a journeyman electrician license, the pro rata value of any remaining time on an apprentice electrician working license shall be credited toward the purchase of the journeyman electrician license.	
(i) Apprentice electrician registration renewal	15.00
(j) Apprentice electrician registration revival	15.00
(4) Three-year licenses and registration, in accordance with sections 54-1008 and 54-1013, Idaho Code:	
(a) Master electrician license	\$65.00
(b) Master electrician license renewal	45.00
(c) Master electrician license revival	55.00
(d) Journeyman electrician license	55.00
(e) Journeyman electrician license renewal	45.00
(f) Journeyman electrician license revival	55.00
(g) Limited electrical installer license	55.00
(h) Limited electrical installer license renewal	45.00
(i) Limited electrical installer license revival	55.00
(j) Limited electrical installer trainee registration	30.00
(i) At the time the limited electrical installer trainee applies for a limited electrical installer license, the pro rata value of any remaining time on a limited electrical installer trainee working license shall be credited toward the purchase of the limited electrical installer license.	
(k) Limited electrical installer trainee registration renewal	25.00
(l) Limited electrical installer trainee registration revival	30.00

SECTION 43. That Section 54-1017, Idaho Code, be, and the same is hereby amended to read as follows:

54-1017. VIOLATIONS OF ACT A MISDEMEANOR. Any person, partnership, company, firm, association or corporation who shall engage in the trade, business or calling of an electrical contractor, journeyman electrician, master electrician, limited electrical installer, limited electrical contractor, limited electrical installer trainee or apprentice electrician without a license or required registration as provided for by this act, or who shall violate any of the provisions of this act, or the rules of the Idaho electrical board or of the administrator of the division of building safety herein occupational and professional licenses provided for in this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule, but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

SECTION 44. That Section 54-1019, Idaho Code, be, and the same is hereby amended to read as follows:

54-1019. QUALIFICATIONS OF INSPECTORS. The administrator of the division of building safety occupational and professional licenses shall appoint the number of deputy electrical inspectors as may be required for the effective enforcement of the provisions of this chapter. All inspectors shall be skilled in electrical installations with not less than four (4) years of actual experience as a journeyman or master electrician, shall

possess journeyman or master electrician licenses in the state of Idaho prior to appointment and shall be fully familiar with the provisions of this chapter and rules made both by the administrator and the Idaho electrical board. No inspector employed by the division of building-safety occupational and professional licenses and assigned to the enforcement of the provisions of this chapter shall be engaged or financially interested in an electrical business, trade, practice or work, or the sale of any supplies connected therewith, nor shall he act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged. Inspectors employed by municipalities electing to claim exemption under this chapter must possess the qualifications set forth in this section. Inspectors employed by the division of building-safety occupational and professional licenses shall take and pass, before the end of their probationary period, a general inspector's test approved by the Idaho electrical board. Inspectors shall be required to participate in continuous education training as directed by the Idaho electrical board and administered by the division of building-safety occupational and professional licenses. The board may also promulgate rules relative to the applicability of this provision to existing electrical inspectors with permanent status in the division.

SECTION 45. That Section 54-1901, Idaho Code, be, and the same is hereby amended to read as follows:

54-1901. LEGISLATIVE INTENT -- DEFINITIONS. (1) The legislature finds that it is in the best interests of the people of the state of Idaho to establish a process for licensure of public works contractors to be administered through the public works contractors license board. To assure that experienced and qualified contractors provide services to public entities in Idaho, the board is charged with licensing as provided in this chapter. Effective licensing procedures should assure that contractors of integrity provide work for which they have specific experience and expertise and that public facilities are constructed and rebuilt by efficient and cost-effective means. Licensing should also protect the public health and safety through judicious exercise of investigative, disciplinary and enforcement activities.

(2) For the interpretation of this chapter, unless the context indicates a different meaning:

(a) "Person" includes any individual, firm, copartnership, corporation, limited liability company, limited liability partnership, association or other organization, or any combination thereof acting as a unit.

(b) "Public works contractor," which term is synonymous with the term "builder," "subcontractor" and "specialty contractor," and in this chapter referred to as "contractor" or "licensee," includes any person who, in any capacity, undertakes, or offers to undertake, or purports to have the capacity to undertake any construction, repair or reconstruction of any public work, or submits a proposal to, or enters into a contract with, the state of Idaho, or any county, city, school district, sewer district, fire district, or any other taxing subdivision or district of any public or quasi-public corporation of the state, or with any agency, or with any other public board, body, commission, department or agency, or officer or representative thereof, authorized to let or award contracts for the construction, repair or reconstruction of any public work.

(c) "Public works construction" includes any or all of the following branches:

(i) Heavy construction, which is defined as constructing substantially in its entirety any fixed works and structures (not including "building construction"), without limitation, for any or all of the following divisions of subjects: irrigation, drainage, sanitation, sewage, water power, water supply, reservoirs, flood control, reclamation, inland waterways, railroads, grade separations, track elevation, elevated highways, hydroelectric developments, aqueducts, transmission lines, duct lines, pipelines, locks, dams, dikes, levees, revetments, channels, channel cutoffs, intakes, drainage, excavation and disposal of earth and rocks, foundations, piers, abutments, retaining walls, viaducts, shafts, tunnels, airports, air bases and airways, and other facilities incidental to the same;

(ii) Highway construction, which is defined as all work included in highway construction contracts, including, without limitation, highways, roads, streets, bridges, tunnels, sewer and street grading, street paving, curb setting, surfacing and other facilities incidental to any of the same;

(iii) Building construction, which is defined as all work in connection with any structure now built, being built, or hereafter built, for the support, shelter and enclosure of persons, chattels, personal and movable property of any kind, requiring in its construction the use of more than two (2) unrelated building trades or crafts.

(iv) Specialty construction, which is defined as any work in connection with any public works construction, requiring special skill and the use of specially skilled trades or crafts.

(d) "Board" means the board created by this chapter under the name of "public works contractors license board."

(e) "Administrator" means the administrator of the division of ~~building safety occupational and professional licenses~~.

(f) "Year" means the fiscal year ending June 30, each year.

(g) "Federal aid funds" means a direct grant in aid, matching funds, or loan from an agency of the federal government and designated for a specific public works project. Revenue sharing funds, federal impact funds, timber stumpage fees, and similar indirect allowances and subsidies not designated for a specific public works project shall not be regarded as "federal aid funds" within the meaning of this section.

(h) "Government obligation" means a public debt obligation of the United States government or the state of Idaho and an obligation whose principal and interest is unconditionally guaranteed by the United States government or the state of Idaho.

(i) "Public entity" means the state of Idaho, or any county, city, school district, sewer district, fire district, or any other taxing subdivision or district of any public or quasi-public corporation of the state, or any agency thereof, or with any other public board, body, commission, department or agency, or officer or representative thereof.

(j) "Bid" or "bidder" means any proposal submitted by a public works contractor to a public entity in competitive bidding for the construction, alteration, repair or improvement of any public works construction.

SECTION 46. That Section 54-1902, Idaho Code, be, and the same is hereby amended to read as follows:

54-1902. UNLAWFUL TO ENGAGE IN PUBLIC WORKS CONTRACTING WITHOUT LICENSE -- INVESTIGATIONS. (1) It shall be unlawful for any person to engage in the business or act in the capacity of a public works contractor within this state without first obtaining and having a license issued pursuant to the provisions of this chapter by the administrator of the division of building safety occupational and professional licenses, unless such person is particularly exempted as provided in this chapter.

(2) It shall be unlawful for any public works contractor to subcontract in excess of eighty percent (80%) of the work under any contract to be performed by him as such public works contractor according to the contract prices therein set forth, unless otherwise provided in the specifications of such contracts.

(3) Except as provided in subsection (4) of this section, it shall be unlawful for any public works contractor to:

(a) Accept a bid from any person who at that time does not possess the appropriate license for the project involved; or

(b) Accept bids to sublet any part of any contract for specialty construction from a specialty contractor who at that time does not possess the appropriate license in accordance with this chapter.

(4) No contractor shall be required to have a license under this chapter in order to submit a bid or proposal for contracts for public works financed in whole or in part by federal aid funds, provided that, at or prior to the award and execution of any such contract by the state of Idaho or any other contracting authority mentioned in this chapter, the successful bidder has secured a license as provided in this chapter.

(5) The administrator may, upon his own motion or at the direction of the board, and shall, upon the verified written complaint of any person, investigate allegations of unlicensed practice of public works contracting.

SECTION 47. That Section 54-2606, Idaho Code, be, and the same is hereby amended to read as follows:

54-2606. POWERS AND DUTIES OF THE IDAHO PLUMBING BOARD. (1) The board shall have the general administration and supervision of the design, construction, installation, improvement, extension and alteration of plumbing and plumbing systems, except that which has been heretofore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state including buildings, residences and structures owned by the state or any political subdivision thereof.

(2) The division of building safety occupational and professional licenses shall enforce the minimum standards and requirements therefor as provided by this chapter.

(3) The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter, and it may among other things:

(a) Establish the fees to be charged for permits and inspections of plumbing systems.

(b) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter, and such other information as may be necessary, and furnish copies thereof to those engaged in the business, trade, practice or work of plumbing and pipefitting and to the public upon request.

(c) Furnish standards and procedures and prescribe reasonable rules for examinations, qualification and certification of plumbing contractors and journeymen and apprentice plumbers not herein prescribed, including the establishment of continuing education requirements for journeymen and plumbing contractors.

(d) Require the furnishing of a compliance bond by plumbing contractors in an amount not to exceed two thousand dollars (\$2,000) for the contractor classification or evidence of such coverage by a corporate industry group bond acceptable to the board.

(e) Furnish standards and procedures and prescribe reasonable rules to provide for the certification of specialty contractors, specialty journeymen, and specialty apprentices, including the furnishing of a compliance bond in an amount not to exceed two thousand dollars (\$2,000) for the specialty contractor classification or evidence of coverage by a corporate industry group bond acceptable to the board.

(f) Establish by administrative rule civil penalties not to exceed one thousand dollars (\$1,000) for each count or separate offense, to be paid for violations of this chapter and rules of the Idaho plumbing board; and to establish by administrative rule the process by which appeals from the imposition of civil penalties may be heard. The board is authorized to affirm, reject, decrease or increase the penalty imposed; however, the board shall not increase any penalty imposed to an amount exceeding one thousand dollars (\$1,000) for each individual count or separate offense.

SECTION 48. That Section 54-2607, Idaho Code, be, and the same is hereby amended to read as follows:

54-2607. ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY OCCUPATIONAL AND PROFESSIONAL LICENSES -- POWERS AND DUTIES. (1) The administrator shall exercise such powers and duties as are reasonably necessary to enforce the minimum standards provided in this chapter, and he may among other things:

(a) Prescribe and establish procedures to effectuate the efficient enforcement of this chapter not herein prescribed.

(b) Serve as secretary to the Idaho plumbing board.

(c) Appoint licensed staff inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, plumbing and plumbing systems.

(d) Make plumbing inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable plumbing codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(e) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with the procedure of the division of building safety occupational and professional licenses. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by the administrator or his designated agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(f) Administer oaths and take affirmations of witnesses appearing before him, and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

(g) Impose civil penalties as provided in this chapter and the rules of the Idaho plumbing board.

(h) In addition to any other penalties specified in this chapter, whenever any person violates the provisions of this chapter and the rules of the Idaho plumbing board, the administrator may maintain an action in the name of the state of Idaho to enjoin that person from any further violations. Such action may be brought either in the county in which the acts are claimed to have been or are being committed, or in the county where the defendant resides, or in Ada county.

(i) Upon the filing of a certified complaint in the district court, the court, if satisfied that the acts complained of have been, or probably are being, or may be committed, may issue a temporary restraining order, or a preliminary injunction, or both, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(ii) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions.

(iii) If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under the provisions of this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

(2) It shall be the duty of the administrator to give notice to cities which that supply sewer service to areas outside their city limits and who have requested in writing such notice from the administrator of all permits issued relative to sewer installations. The notice shall be given within ten (10) days from the date the permit was requested for such installation. The notice shall contain a map of the physical location of the installation and reference to the date of inspection if the city so requests.

SECTION 49. That Section 54-2608, Idaho Code, be, and the same is hereby amended to read as follows:

54-2608. REVOCATION OF CERTIFICATES OF COMPETENCY -- SUSPENSION -- REFUSAL TO RENEW. The administrator of the division of building safety occupational and professional licenses shall have on the recommendation of the board the power to revoke, suspend or refuse to issue a renewal of any certificate of competency if the same was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent or has a second time violated any of the rules prescribed by the board, or as prescribed by this act. Before the administrator shall refuse to grant a renewal of said certificate to any applicant or shall revoke or suspend any certificate previously granted, he shall hold a hearing giving such applicant or holder of said certificate fifteen (15) days written notice of his intended action by registered mail directed to the applicant or holder at the address given on said certificate or in the application for said certificate, stating generally the basis for his intended action; and the applicant or holder of said certificate shall have the opportunity to produce testimony in his own behalf at a time and place specified in said notice. The proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code. If the administrator, after the hearing, shall refuse to grant a renewal of said certificate or shall suspend or revoke any certificate previously granted, said applicant or holder of a certificate may seek judicial review of the administrator's final order in accordance with the provisions of chapter 52,

title 67, Idaho Code. Any person whose certificate has been revoked may, after the expiration of one (1) year from the date of revocation, but not before, apply for a new certificate of competency.

SECTION 50. That Section 54-2614, Idaho Code, be, and the same is hereby amended to read as follows:

54-2614. APPLICATION AND REGISTRATION FEES. (1) All applicants shall pay to the board at the time of application for examination, a fee in accordance with the following:

- (a) Application for Plumbing Contractor\$22.50
- (b) Application for Plumbing Journeyman..... 22.50
- (c) Application for Specialty Contractor 22.50
- (d) Application for Specialty Journeyman..... 22.50

(2) Apprentices and specialty apprentices shall not be required to be examined for competency, but shall register as an apprentice or a specialty apprentice with the division of building safety occupational and professional licenses and maintain such registration during the entire period in which they are accruing their experience. The registration fee for apprentices shall be fifty dollars (\$50.00) per renewal. The registration fee for specialty apprentices shall be thirty dollars (\$30.00) per renewal. The board may contract with a professional testing service to administer any licensing examination, and any contracted professional testing service shall be responsible to establish and collect the examination fee. Any person who fails to pass the examination may apply for reexamination at the next scheduled examination upon payment of the examination fee. Should any person fail to pass the examination the second time, the board may refuse to allow a subsequent examination until the expiration of one (1) year.

SECTION 51. That Section 54-2615, Idaho Code, be, and the same is hereby amended to read as follows:

54-2615. CERTIFICATE OF COMPETENCY. Upon the applicant's successful completion of an examination, as certified by the board, he shall be issued a certificate of competency in the form of a card, providing thereon the holder's name, classification for which the applicant was examined, year current, space for the holder's signature, the certificate number, and the signature of the administrator of the division of building safety occupational and professional licenses.

SECTION 52. That Section 54-2616, Idaho Code, be, and the same is hereby amended to read as follows:

54-2616. FEES FOR CERTIFICATES -- PRORATING. (1) Before a certificate is issued, and for the renewal thereof, the successful applicant shall pay to the division of building safety occupational and professional licenses a fee in accordance with the following schedule:

	Initial Fee	Renewal
Plumbing Contractor	\$75.00	\$36.00
Plumbing Journeyman	15.00	7.20
Specialty Contractor	75.00	36.00
Specialty Journeyman	15.00	7.20

(2) The administrator of the division of building safety occupational and professional licenses shall have the authority to prorate and assess the initial certificate fees as follows: the amount of the initial fee, plus the product of one-twelfth (1/12) of the amount of the renewal fee for that particular category of certificate multiplied by the number of months in excess

of twelve (12) for which the certificate is issued. No certificate shall be issued for less than twelve (12) months.

(3) The administrator of the division of building safety occupational and professional licenses shall have the authority to prorate and assess the renewal fees as follows: the number of months the certificate will be in effect, multiplied by one-twelfth (1/12) of the renewal fee for that particular category of certificate. No renewal shall be issued for less than twelve (12) months.

SECTION 53. That Section 54-2617, Idaho Code, be, and the same is hereby amended to read as follows:

54-2617. CERTIFICATE EXPIRATION -- RENEWAL -- INACTIVE LICENSE -- TEMPORARY CONTRACTOR LICENSE -- RULES FOR STAGGERED SCHEDULE. (1) Certificates of competency shall be issued for a period of three (3) years and shall expire three (3) years from the date of issue, unless sooner revoked or suspended.

(2) A certificate of competency for plumbing contractor or journeyman may be renewed at any time during the month prior to its expiration by providing proof of completion of the continuing education requirements as established by the board and compliance with all other renewal requirements of statute or rule. A certificate of competency for plumbing specialty contractor and specialty journeyman may be renewed at any time during the month prior to its expiration by compliance with all renewal requirements of statute or rule.

(3) Failure of any holder to timely renew a certificate of competency shall cause lapse of the certificate, but it may be revived within two (2) years without examination only upon payment of the full initial fee.

(4) The administrator may renew, on an inactive basis, a certificate of competency for plumbing contractor or specialty contractor who is not engaged in plumbing contracting in this state. The board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed thirty-six dollars (\$36.00). A plumbing contractor or specialty contractor holding an inactive license may not engage in the practice of plumbing contracting or specialty contracting in this state. A plumbing contractor or specialty contractor's inactive license may be converted to an active license by paying a processing fee of thirty dollars (\$30.00) to the administrator, by providing proof of completion of the continuing education requirements for the duration of the inactive period that would have been required during that period for an active license, and by furnishing a compliance bond in the amount of two thousand dollars (\$2,000) or evidence of such coverage by a corporate industry group bond acceptable to the board.

(5) In the event that a plumbing contractor dies or becomes otherwise incapacitated, a temporary plumbing contractor certificate of competency may be issued to an applicant who holds an active Idaho journeyman certificate of competency to represent the firm, company, copartnership, association or corporation previously represented by the deceased or incapacitated contractor. The holder of a temporary contractor certificate of competency may perform all the acts a plumbing contractor is authorized to do by this chapter and the rules promulgated by the board, with the exception of procuring a new permit from the division of building safety occupational and professional licenses or from a city or soliciting new work. A temporary contractor certificate of competency shall be valid for a period not longer than ninety (90) days from the date it is issued, and it may be renewed one (1) time by the administrator upon written request of the holder of the certificate.

(6) The board shall promulgate rules to provide for a staggered schedule of issuing and renewing certificates of competency.

SECTION 54. That Section 54-2618, Idaho Code, be, and the same is hereby amended to read as follows:

54-2618. CERTIFICATE TO BE DISPLAYED AND CERTIFICATES OF COMPETENCY AND REGISTRATION CARRIED OR IN VICINITY OF WORK SITE. All holders of valid certificates in the contractor and specialty contractor classifications shall display a sign or card, upon a form prescribed and furnished by the division of ~~building safety~~ occupational and professional licenses, for public view in their place of business. All journeymen and specialty journeymen shall have their certificate of competency on their persons or in the immediate vicinity of the work site during working hours. Apprentices and specialty apprentices shall have evidence of registration on their persons or in the immediate vicinity of the work site during working hours.

SECTION 55. That Section 54-2619, Idaho Code, be, and the same is hereby amended to read as follows:

54-2619. MUNICIPAL FEES FOR PERMITS, INSPECTIONS -- EXCEPTIONS. No provision of this act shall deprive incorporated cities, including those specially chartered, from collections of fees from permits and inspections. Notwithstanding the provisions of sections 50-304, 50-306 and 50-606, Idaho Code, no cities, including those specially chartered, shall require occupational license fees from plumbing contractors and journeymen who possess a valid certificate of competency issued by the administrator of the division of ~~building safety~~ occupational and professional licenses, except those cities that have qualified plumbing inspectors.

SECTION 56. That Section 54-2620, Idaho Code, be, and the same is hereby amended to read as follows:

54-2620. PERMITS REQUIRED -- EXCEPTIONS. (1) It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any plumbing system in any building, residence or structure, or service lines thereto, in the state of Idaho, without first procuring a permit from the division of ~~building safety~~ occupational and professional licenses authorizing such work to be done, except:

(1) (a) Within the boundaries of incorporated cities, including those specially chartered, where such work is regulated and enforced by an ordinance or code equivalent to this chapter; or

(2) (b) Within such additional area within five (5) miles of the city limits over which such city has elected to exercise jurisdiction relative to building drains and building sewers pursuant to section 50-606, Idaho Code, on buildings, residences and structures being converted from an on-site sewage disposal system to a sewage disposal system supplied by the city, where such work is regulated and enforced by an ordinance or code equivalent to this chapter. Cities shall provide the division of ~~building safety~~ occupational and professional licenses written notice of the area over which such jurisdiction will be exercised. No city may exercise such jurisdiction within the limits of another city unless both cities have agreed by ordinance to allow such jurisdiction. For purposes of this chapter, building drain and building sewer will be defined according to the definition found in the uniform plumbing code or as adopted by the board, pursuant to section 54-2601, Idaho Code.

(2) Permits shall be issued only to a person holding a valid certificate of competency, to a firm, copartnership, association or corporation represented by a person holding a valid certificate of competency, or to a person excepted or for work excepted from the certificate of competency requirements pursuant to section 54-2602(1) (a), ~~(1)(e)~~, ~~(1)(f)~~, ~~(1)(g)~~, or ~~(1)(i)~~, Idaho Code. Permits shall not be required for plumbing work described in section 54-2602(1) (b), ~~(1)(c)~~, or ~~(1)(d)~~, Idaho Code.

(3) Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems when the cost of said improvement or alteration does not exceed the sum of five hundred dollars (\$500). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection.

SECTION 57. That Section 54-2622A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2622A. INSPECTIONS OF MODULAR BUILDINGS -- WHEN AUTHORIZED -- APPROVAL AND CERTIFICATION. Notwithstanding the exception provided in subsection (1) (h) of section 54-2602, Idaho Code, the administrator of the division of ~~building safety occupational and professional licenses~~ may make plumbing inspections of any modular building upon written request from the manufacturer.

(1) Inspections shall be made in accordance with the codes adopted in this chapter.

(2) Inspection fees shall be as provided in section 39-4303, Idaho Code.

(3) The administrator may issue inspection tags for inspections if the buildings are in compliance with the codes adopted in this chapter.

SECTION 58. That Section 54-2624, Idaho Code, be, and the same is hereby amended to read as follows:

54-2624. INSPECTION BY AGENT -- TESTS. All pipes, fittings, valves, vents, fixtures, appliances and appurtenances shall be inspected by a designated, qualified and properly identified agent of the division of ~~building safety occupational and professional licenses~~ to ~~insure~~ ensure compliance with provisions of this act. In order to make inspections uniform and complete, the board shall make, promulgate and publish such rules as are necessary to ~~insure~~ ensure that any plumbing system has been designed, constructed, installed, improved, extended or altered in accordance with the provisions of this act and in accordance with the rules made, promulgated and published by the Idaho plumbing board.

SECTION 59. That Section 54-2626, Idaho Code, be, and the same is hereby amended to read as follows:

54-2626. NOTIFICATION FOR INSPECTION -- FEE FOR REINSPECTION. It shall be the duty of the permit holder to notify the nearest representative of the division of ~~building safety occupational and professional licenses~~ at least twelve (12) hours prior to the time of inspection, exclusive of Sundays and holidays, that he will be ready for inspection at a stipulated time. When reinspection is required after the final inspection because of failure to meet requirements of this act, it shall be made at a flat charge not to exceed the cost of reinspection.

SECTION 60. That Section 54-2627, Idaho Code, be, and the same is hereby amended to read as follows:

54-2627. APPOINTMENT OF INSPECTORS -- QUALIFICATIONS -- UNLAWFUL PRACTICES. The administrator of the division of ~~building safety~~ occupational and professional licenses shall appoint such number of inspectors as may be required for the effective enforcement of this act. All inspectors shall be skilled in plumbing installations with not less than five (5) years actual experience, shall possess certificates of competency prior to appointment, and shall be fully familiar with the provisions of this act and rules made by both the administrator and the Idaho plumbing board. No inspector employed by the division of ~~building safety~~ occupational and professional licenses and assigned to the enforcement of this act shall be engaged or financially interested in a plumbing business, trade, practice or work, or the sale of any supplies connected therewith, nor shall he act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged. Inspectors employed by municipalities electing to claim exemption under this act must possess the qualifications set forth in this section.

SECTION 61. That Section 54-2628, Idaho Code, be, and the same is hereby amended to read as follows:

54-2628. VIOLATION -- MISDEMEANOR. Any person, or a firm, copartnership, association or corporation by and through a member, representative or agent, who shall engage in the business, trade, practice or work of plumbing without a certificate of competency or without registration, or perform work without a permit as provided by this act, or who shall violate any provision of this act or the rules made by both the administrator of the division of ~~building safety~~ occupational and professional licenses and the Idaho plumbing board herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten dollars (\$10.00) or more than three hundred dollars (\$300), or to imprisonment in the county jail not to exceed thirty (30) days, or both. Each such violation shall constitute a separate offense.

SECTION 62. That Section 54-2629, Idaho Code, be, and the same is hereby repealed.

SECTION 63. That Section 54-4503, Idaho Code, be, and the same is hereby amended to read as follows:

54-4503. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the Idaho division of ~~building safety~~ occupational and professional licenses.

(2) "Applicant" means an individual who applies for a license or interim license pursuant to the provisions of this chapter.

(3) "Board" means the public works contractors license board established in section 54-1905, Idaho Code.

(4) "Certificate of authority" means a certificate issued by the division of ~~building safety~~ occupational and professional licenses authorizing a firm to provide or hold itself out as providing construction manager services. A certificate of authority shall serve as verification by the division that one (1) or more principals or employees of the firm are licensed construction managers in good standing and that the firm meets such other reasonable criteria established by the board. The licensed construction manager associated with a firm shall accept the responsibility and duty to

directly supervise the provision of construction management services by the firm.

(5) "Construction manager" means an individual who performs construction management services.

(6) "Construction management services" means representation of an owner in public works construction by a person with substantial discretion and authority to plan including scheduling, estimating and approval, coordinate, manage or direct phases of a project for the construction, demolition, alteration, repair or reconstruction of any public work. This definition shall not include services for which the laws of this state require a person to be licensed as an architect or registered as a professional engineer, nor shall it include services traditionally and customarily provided by licensed architects or registered professional engineers. This definition shall not apply to highway, road or other transportation projects.

(7) "Firm" means any business organization, including individuals, partnerships, corporations, associations or any combination thereof acting as a unit.

(8) "Hold itself out" or "holding oneself or one's firm out" or "offer" means the representation by a person that the person possesses a valid construction manager license issued pursuant to the provisions of this chapter authorizing that person to provide construction management services. "Hold itself out" or "holding oneself or one's firm out" or "offer" shall include, but not be limited to, the following acts:

(a) Advertising to provide construction management services on public works construction projects;

(b) Submitting responses to requests for qualifications for construction management services on public works construction projects; and

(c) Submitting proposals, quotes or bids to perform construction management services on public works construction projects.

(9) "Licensure" means the issuance of a license to an applicant under the provisions of this chapter authorizing such individual to offer and perform construction management services.

(10) "Person" includes an individual, partnership, corporation, association or other organization.

SECTION 64. That Section 54-5005, Idaho Code, be, and the same is hereby amended to read as follows:

54-5005. POWERS AND DUTIES OF THE BOARD -- LIMITATION. The board shall have the general administration and supervision of the design, construction, installation, improvement, extension and alteration of heating, ventilation and air conditioning systems, except that which has been heretofore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state, including buildings, residences and structures owned by the state or any political subdivision thereof. The division of building safety occupational and professional licenses shall enforce the minimum standards and requirements therefor as provided by this chapter. The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter, and it may, among other things:

(1) Establish the fees to be charged for reviewing plans, investigations, permits and inspections of heating, ventilation and air conditioning systems under the jurisdiction of the state, and to establish such other fees as it deems necessary.

(2) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter, and such other information as may be necessary, and furnish copies

thereof to those engaged in the business, trade, practice or work of heating, ventilation and air conditioning and to the public upon request.

(3) Establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and rules of the board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

The powers and duties of the board within the jurisdictional boundaries of local governments that have chosen to adopt and enforce mechanical codes shall be limited to those powers and duties needed to enforce the requirements governing a certificate of competency. Each local government that has chosen to adopt and enforce mechanical codes shall establish fees to be charged for permits and inspections within its jurisdiction.

SECTION 65. That Section 54-5006, Idaho Code, be, and the same is hereby amended to read as follows:

54-5006. ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY OCCUPATIONAL AND PROFESSIONAL LICENSES. The administrator shall exercise such powers and duties as are reasonably necessary to enforce standards provided in this chapter, and he may, among other things:

(1) Serve as secretary to the Idaho heating, ventilation and air conditioning board.

(2) Appoint state mechanical inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, heating, ventilation and air conditioning systems.

(3) Make HVAC inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable HVAC codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(4) Notwithstanding the exception provided in section 54-5002(1)(e), Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer. Such inspections shall be made in accordance with the codes adopted in this chapter. Inspection fees for such inspections shall be as provided in section 39-4303, Idaho Code. The administrator may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

(5) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with procedure of the division of building safety occupational and professional licenses. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by said administrator or his designated agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(6) Administer oaths and take affirmations of witnesses appearing before him or a duly appointed hearing officer; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

(7) Impose civil penalties as provided in this chapter and rules of the board.

SECTION 66. That Section 54-5011, Idaho Code, be, and the same is hereby amended to read as follows:

54-5011. ISSUANCE OF CERTIFICATE OF COMPETENCY. A certificate of competency in the form of a card shall be issued to an applicant upon successful completion of the examination. The card shall include the holder's name, classification for which the applicant was examined, the year for which the card is current, the holder's signature, certificate number, and the signature of the administrator of the division of building safety occupational and professional licenses.

SECTION 67. That Section 54-5012, Idaho Code, be, and the same is hereby amended to read as follows:

54-5012. FEES FOR APPLICATION FOR EXAMINATION, CERTIFICATES OF COMPETENCY AND REGISTRATION OF APPRENTICES. (1) Application for examination.

- (a) HVAC contractor or specialty contractor\$35.00
- (b) HVAC journeyman or specialty journeyman\$35.00

(2) Certificate of competency, initial issue, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

- (a) HVAC contractor or specialty contractor\$75.00
- (b) HVAC journeyman or specialty journeyman\$50.00

(3) Renewal of certificate of competency, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

- (a) HVAC contractor or specialty contractor\$50.00
- (b) HVAC journeyman or specialty journeyman\$25.00

(4) Each apprentice and specialty apprentice is required to register with the division of building safety occupational and professional licenses and maintain such registration during the entire period in which work experience is accrued. An apprentice registration shall be valid for one (1) year and shall expire on the last day of the month in which it is set to expire unless renewed. A specialty apprentice registration shall be valid for two (2) years and shall expire on the last day of the month in which it is set to expire unless renewed. The registration fee for an apprentice shall be ten dollars (\$10.00), and the registration fee for a specialty apprentice shall be twenty dollars (\$20.00).

SECTION 68. That Section 54-5015, Idaho Code, be, and the same is hereby amended to read as follows:

54-5015. EXCLUSIVE JURISDICTION OF THE STATE -- RESTRICTION ON REQUIREMENT FOR ADDITIONAL LICENSES OR FEES -- CLARIFICATION OF CERTIFICATION, LICENSING AND PERMITTING REQUIREMENTS. (1) Only the administrator of the division of building safety occupational and professional licenses of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue certificates of competency and registration of apprentices to such applicants as are found to be qualified to engage in the trade, business, work or practice of heating, ventilation and air conditioning.

(2) No local jurisdiction shall have the authority to require additional certification or registration or to require payment of any fees in order for any HVAC contractor, specialty contractor, journeyman, specialty journeyman, apprentice, or specialty apprentice to engage in the heating, ventilation and air conditioning trade within the local jurisdiction or to issue certificates to persons certified or registered under the provisions of this chapter.

(3) Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

(4) A certificate issued pursuant to chapter 26, title 54, Idaho Code, or a license issued pursuant to chapter 10, title 54, Idaho Code, shall be acceptable for all HVAC installation work that falls within the scope of the certificate or license that has been issued. This will allow:

(a) Individuals holding a current HVAC or electrical license or a current plumbing certification to install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long;

(b) Individuals holding a current HVAC or electrical license to install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences;

(c) Individuals holding either an HVAC certification or plumbing certification to install:

(i) Boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent;

(ii) Fuel piping;

(iii) Piping for hydronic systems; and

(iv) Piping for steam and hot water boiler systems;

(d) HVAC licensees to install control wiring of twenty-four (24) volts or less for HVAC equipment of five (5) tons or less in capacity.

(5) Notwithstanding any other provision of this section, plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

SECTION 69. That Section 54-5016, Idaho Code, be, and the same is hereby amended to read as follows:

54-5016. PERMITS REQUIRED -- EXCEPTION -- LOCAL GOVERNMENT FEES ALLOWED. (1) On and after January 1, 2005, it shall be unlawful for any person, firm, partnership, company, association or corporation to do or cause to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any heating, ventilation or air conditioning system, in any building, residence or structure in the state of Idaho, without first obtaining a permit from the authority having jurisdiction, authorizing such work to be done, except that no permit shall be required to perform work related to repair or maintenance of an existing HVAC system.

(2) To the extent that a plumbing or electrical installation permit issued by the Idaho division of building safety occupational and professional licenses includes any part of an HVAC system installation, or an HVAC installation permit issued by the division includes any part of a plumbing or electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspection requirements of the other division entities.

(3) The plumbing, HVAC and electrical boards shall promulgate rules adopting fees that will allow the division of building safety occupational and professional licenses entity issuing a permit to charge, in addition to the permit fee it would originally charge, additional permit fees that relate to the HVAC portion of an installation for which a plumbing or electrical installation permit is being obtained, or the electrical and plumbing portions of an installation for which an HVAC permit is being obtained.

(4) No provision of this chapter shall preclude local governments from collecting fees for permits and inspections where such work is regulated and enforced by city or county code or ordinance. Municipalities may also require fees for permits and inspections in areas designated by local code or ordinance as areas of city impact.

SECTION 70. That Section 54-5020, Idaho Code, be, and the same is hereby amended to read as follows:

54-5020. REQUEST FOR INSPECTION -- FEE FOR REINSPECTION. (1) It shall be the duty of the permit holder to notify the division of building safety occupational and professional licenses at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. If a reinspection is required after the final inspection due to a failure to meet requirements of this chapter, a fee not to exceed the actual cost of reinspection shall be charged.

(2) Local governments that have adopted mechanical codes shall by ordinance establish times within which permit holders shall notify the authority of the desire for an inspection.

SECTION 71. That Section 54-5021, Idaho Code, be, and the same is hereby amended to read as follows:

54-5021. APPOINTMENT AND QUALIFICATION OF INSPECTORS -- NO FINANCIAL INTEREST. (1) The administrator of the division of building safety occupational and professional licenses, or the local government having jurisdiction, as the case may be, shall appoint such number of inspectors as are necessary for the effective enforcement of this chapter.

(2) All state mechanical inspectors shall be knowledgeable in HVAC installations and demonstrate knowledge of the provisions of this chapter and rules of the administrator and the board. All inspectors shall be certified by rule of the HVAC board as a commercial mechanical inspector or a residential mechanical inspector, depending upon the duties assigned.

(3) No inspector shall be permitted to be engaged or financially interested in business, trade, practice or work related to this chapter, or sell any supplies connected to the HVAC business, nor act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged in HVAC. The qualifications and requirements as set forth in this section shall apply to inspectors employed by a municipality.

(4) Each local government mechanical inspector shall be certified as a mechanical inspector.

SECTION 72. That Section 54-5022, Idaho Code, be, and the same is hereby amended to read as follows:

54-5022. VIOLATION -- MISDEMEANOR -- PENALTY. It shall be a misdemeanor for any person, firm, partnership, company, association or corporation by and through a member, representative or agent to:

(1) Engage in the business, trade, practice or work of HVAC without a certificate of competency or without registration;

(2) Perform work without a permit as provided in this chapter;

(3) Violate any provision of this chapter or the rules made by both the administrator of the division of building safety occupational and professional licenses and the Idaho heating, ventilation and air conditioning board;

(4) Refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or

(5) Fail, neglect or refuse to obey any lawful order given or made by the administrator.

Such person, firm, partnership, company, association or corporation shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation shall be considered a second or additional offense only if it occurs within one (1) year of the first violation.

SECTION 73. That Section 54-5023, Idaho Code, be, and the same is hereby repealed.

SECTION 74. That Section 55-2202, Idaho Code, be, and the same is hereby amended to read as follows:

55-2202. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of ~~building safety occupational and professional licenses~~.

(2) "Board" means the damage prevention board.

(3) "Business day" means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(4) "Damage" means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected underground facility owner determines that repairs are required.

(5) "Emergency" means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.

(6) "End user" means any customer or consumer of any utility service or commodity provided by an underground facility owner.

(7) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.

(8) "Excavator" means any person who engages directly in excavation.

(9) "Excavator downtime" means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.

(10) "Hand digging" means any excavation involving nonmechanized tools or equipment that when used properly will not damage underground facilities. Hand digging includes, but is not limited to, hand shovel digging, manual posthole digging, vacuum excavation, and soft digging.

(11) "Identified but unlocatable underground facility" means an underground facility that has been identified but cannot be located with reasonable accuracy.

(12) "Identified facility" means any underground facility that is indicated in the project plans as being located within the area of proposed excavation.

(13) "Locatable underground facility" means an underground facility that can be field-marked with reasonable accuracy.

(14) "Locator" means a person who identifies and marks the location of an underground facility owned or operated by an underground facility owner.

(15) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(16) "One-number notification service" means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

(17) "Person" means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, lane, path, sidewalk, alley, or other right-of-way dedicated for compatible uses.

(19) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(20) "Rural underground facility owner" means an underground facility owner that is a public utility or a member-owned cooperative that serves fewer than five thousand (5,000) total customers in a county or counties with populations that do not exceed fifty thousand (50,000) people.

(21) "Service lateral" means any underground facility located in a public right-of-way or underground facility easement that is used to convey water (unless being delivered primarily for irrigation), stormwater, or sewage and connects an end user's building or property to an underground facility owner's main utility line.

(22) "Soft digging" means any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.

(23) "Stakeholder" means any party with an interest in protecting underground facilities including, but not limited to, persons, property owners, underground facility owners, excavators, contractors, cities, counties, highway districts, railroads, public entities that deliver irrigation water and those engaged in agriculture.

(24) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), stormwater, sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors belowground.

(25) "Underground facility easement" means a nonpossessory right to operate, control, bury, install, maintain, or access an underground facility.

(26) "Underground facility owner" means any person who owns or operates an underground facility or who provides any utility service or commodity to an end user via an underground facility.

SECTION 75. That Section 67-2312, Idaho Code, be, and the same is hereby amended to read as follows:

67-2312. PUBLIC BUILDINGS SUBJECT TO SAFETY INSPECTION. The division of building safety occupational and professional licenses is vested with the right of entry and inspection of all public buildings now or hereafter owned or maintained by the state or any official, department, board, commission or agency thereof, for the purpose of ascertaining unsafe or hazardous conditions therein, or in the immediate environs thereof, not only to the state's employees but to inmates therein, attendants thereat, and to the general public.

SECTION 76. That Section 67-2313, Idaho Code, be, and the same is hereby amended to read as follows:

67-2313. INSPECTIONS. At least once in each calendar year and at any time he deems necessary or desirable, and particularly when so directed by the governor, the administrator of the division of ~~building safety~~ occupational and professional licenses shall inspect, or through designated representatives cause to be inspected, all state public buildings. Any such inspection shall include an appraisal of any and all unsafe or hazardous conditions, including industrial hazards, fire hazards, and hazards to the public particularly to inmates or patients, and attendants at such public buildings and adjoining public grounds.

SECTION 77. That Section 67-2314, Idaho Code, be, and the same is hereby amended to read as follows:

67-2314. REPORT OF INSPECTION. As soon as practicable after each such inspection, the administrator of the division of ~~building safety~~ occupational and professional licenses shall make a report in writing of the results disclosed thereby to the official, department, board, commission or agency having custody or direct control of any building so inspected. If the administrator finds hazardous conditions or unsafe practices, he shall supplement his report with recommendations for their elimination or correction.

SECTION 78. That Section 67-2316, Idaho Code, be, and the same is hereby amended to read as follows:

67-2316. DUTY OF AGENCY IN CONTROL OF BUILDINGS. The official or agency in direct control of any state public building, within twenty (20) days after receipt of such report and recommendations of the administrator of the division of ~~building safety~~ occupational and professional licenses, shall in writing notify the division of compliance with such recommendations or correction otherwise of such hazards, or of his or its reason for failing so to do.

SECTION 79. That Section 67-2317, Idaho Code, be, and the same is hereby amended to read as follows:

67-2317. HEARING AND DECISION OF DISPUTED ISSUES. (1) Upon the failure or refusal of the official or agency in charge of any state public building to comply with the recommendations of the administrator of the division of ~~building safety~~ occupational and professional licenses, the administrator may hold a hearing, pursuant to the provisions for contested cases under the administrative procedure act, as provided in sections 67-5240 et seq., Idaho Code.

(2) The administrator is empowered to conduct such hearing and render a decision. The administrator shall transmit a copy of the decision to the official or agency in direct control of the public building and to the governor.

SECTION 80. That Section 67-2318, Idaho Code, be, and the same is hereby amended to read as follows:

67-2318. EMERGENCY EXPENDITURES. (1) Whenever the governor shall direct an investigation under the provisions of this act and it appears to him that the division of building safety occupational and professional licenses is in emergency need of the consultant services of a specialist in fire prevention methods or in corrective structural procedures, he is authorized in his discretion to pay from the appropriation herein made, or from any other emergency or disaster relief fund available to him, the expense of such consultant services.

(2) If it appears to the satisfaction of the governor that the official or agency in direct control of a public building is unable to comply with any recommendation or decision of the division of building safety occupational and professional licenses because of lack of appropriated funds, the governor may order payment in whole or in part of expenses involved in the elimination or amelioration of hazards from the money herein appropriated or from any appropriation made available to him for emergency or disaster relief.

SECTION 81. That Section 67-2901B, Idaho Code, be, and the same is hereby amended to read as follows:

67-2901B. INSPECTION OF MOTOR CARRIERS -- EXEMPTIONS -- CERTIFICATION OF REPAIR -- COMPLIANCE REVIEW -- PENALTIES. (1) All motor carriers, except those exempted under the provisions of subsection (2) of this section, are subject to compliance review and inspection by authorized state police employees for compliance with federal motor carrier safety and hazardous materials regulations and for compliance with applicable Idaho laws and rules promulgated by the director pursuant to the provisions of section 67-2901A, Idaho Code. A motor carrier shall submit any vehicle to a safety inspection when requested to do so by an authorized state police employee. Such inspections shall comply, to the extent possible, with national and industry standards for truck inspections and truck safety as adopted by the commercial vehicle safety alliance. A written inspection report shall be provided to the owner, operator or agent of the vehicle following any inspection review pursuant to this section.

(2) The following intrastate motor carriers shall be exempt from safety inspections and compliance reviews:

(a) Motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are either:

(i) Wholly owned and operated by such school; or

(ii) Leased or contracted by such school and the motor vehicle is not used in the furtherance of any other commercial enterprise; or

(b) Taxicabs or other motor vehicles performing a licensed or franchised taxicab service, having a seating capacity of not more than seven (7) passengers within twenty-five (25) miles of the boundaries of the licensing or franchising jurisdiction; or

(c) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or airports or other common carrier stations; or

(d) Motor vehicles controlled and operated by any farmer when used in the transportation of his farm equipment or in the transportation of supplies to his farm; or

(e) Motor vehicles used exclusively in the distribution of newspapers; or

(f) Transportation of persons or property by motor vehicle at an airport when incidental to transportation by aircraft or other transportation in substitution for scheduled airline service when the carrier cannot provide the scheduled service because of weather and/or mechanical conditions and the transportation is arranged for and paid by the affected airlines; or

(g) Transportation of persons and/or property, including mobile and modular houses manufactured with wheels and undercarriage as part of the substructure, but not transportation of other houses, buildings or structures within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of a service maintained within the limits of the municipality with the privilege of transfer of passengers to vehicles within the municipality without additional fare; or

(h) The transportation of agricultural products, including fresh fruits and vegetables, livestock, livestock feed or manure at any time of the year; or

(i) Motor-propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States; or

(j) Motor carriers transporting products of the forest at any time of the year; provided however, that logging trucks are subject to the Idaho division of ~~building safety's occupational and professional licenses'~~ administrative rules relating to Idaho minimum safety standards and practices for logging trucks during transportation on Idaho's public highways, which rules shall be enforced on Idaho's public highways by the director of the Idaho state police and the Idaho transportation board; or

(k) Motor carriers transporting products of the mine, including sand, gravel and aggregates thereof, except petroleum products and wet concrete; or

(l) Motor carriers transporting household goods as defined by the federal surface transportation board; or

(m) Vehicles properly equipped, designed and customarily used for the transportation of disabled or abandoned vehicles by means of a crane, hoist, tow bar, dolly or roll bed, which vehicle shall be known as a "wrecker (tow truck)."

(3) A motor carrier which has received a written inspection report prepared pursuant to subsection (1) of this section indicating that his vehicle does not comply with applicable federal laws or regulations or Idaho laws or rules shall certify in writing to the director or his designee within fifteen (15) days of his receipt of the inspection report that he has brought his vehicle into compliance with said laws, regulations or rules. The director or his designee may assess an administrative penalty to any person who does not comply with the certification provisions of this section or who makes a false certification. The penalty shall not exceed one hundred dollars (\$100) for failure to comply with an inspection report or for making a false certification. If an assessment is contested, the director shall comply with the provisions governing contested cases under the administrative procedure act, chapter 52, title 67, Idaho Code.

(4) Any motor carrier subject to rules promulgated under the provisions of section 67-2901A, Idaho Code, shall submit to a compliance review upon request of the director or any officer designated by him, by providing for inspection or copying at any reasonable time, the records, books, papers and documents relating to the safety management systems or program of such motor carrier.

(5) Any penalties collected pursuant to subsection (3) of this section shall be deposited to the state highway account.

SECTION 82. That Section 72-519, Idaho Code, be, and the same is hereby amended to read as follows:

72-519. CREATION OF INDUSTRIAL ADMINISTRATION FUND -- PURPOSE. A fund is hereby created to be known as the industrial administration fund for the purpose of providing funds for administering the worker's compensation law by the industrial commission. This fund may also be used to provide funds to the division of ~~building safety~~ occupational and professional licenses for administering logging safety inspections and training under section 67-2605, Idaho Code, conducting inspections of state public buildings under section 67-2313, Idaho Code, and inspections of public school facilities under section 39-8008, Idaho Code.

SECTION 83. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 6, 2023

CHAPTER 16
(H.B. No. 57)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-403, IDAHO CODE, TO PROVIDE FOR SPECIAL PLACARDS TO BE ISSUED TOGETHER WITH DISABLED VETERAN LICENSE PLATES; AMENDING SECTION 49-410, IDAHO CODE, TO PROVIDE FOR SPECIAL PLACARDS TO BE ISSUED TOGETHER WITH DISABLED VETERAN LICENSE PLATES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-403, Idaho Code, be, and the same is hereby amended to read as follows:

49-403. DISABLED VETERAN -- LICENSE PLATES. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran who has established his rights to benefits under the provisions of Public Law 662, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds, nor to any vehicle registered under section 49-434(5), Idaho Code. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran, who is at the time of the registration or reregistration receiving compensation from the veterans administration or in lieu thereof, from any of the armed forces of the United States, for one hundred percent (100%) service-connected disability or for any of the following specific disabilities: Loss or permanent loss of use of one (1) or both feet; loss or permanent loss of use of one (1) or both hands; loss of sight in both eyes or permanent impairment of vision in both eyes to the degree as to constitute virtual blindness. These provisions shall be considered applicable not only as to the vehicle originally purchased under this authorization, but also as to any vehicle subsequently purchased and owned by the same veteran, so long as the privilege shall not extend to more than one (1) vehicle at a time. Special license plates shall be issued for such a vehicle, identified by the inscription "D.V.", and a separate number series shall be used to further identify the license plates so issued. These license plates shall not be

issued by the counties but shall be issued by the department. The plates shall be displayed in accordance with the procedure applicable to license plates set forth in section 49-428, Idaho Code. A vehicle displaying plates issued in accordance with the provisions of this section shall be afforded the same privileges specified in section 49-410(7), Idaho Code. Together with a license plate issued pursuant to this section the department shall issue a special placard pursuant to section 49-410(4), Idaho Code.

SECTION 2. That Section 49-410, Idaho Code, be, and the same is hereby amended to read as follows:

49-410. SPECIAL LICENSE PLATES AND PLACARDS FOR PERSONS WITH A DISABILITY -- PARKING PRIVILEGES -- PLACARDS FOR CERTAIN TEMPORARILY DISABLED PERSONS -- ENFORCEMENT. (1) Any person with a disability as defined in section 49-117, Idaho Code, or any parent or guardian of a dependent child with a disability as defined in section 49-117, Idaho Code, without regard to the age of the dependent child, shall be eligible for the use of special license plates bearing the international accessible symbol, for any vehicle owned by such person or owned by a qualified parent or guardian, but excluding any commercial vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. The parking privileges granted under the provisions of subsection (7) of this section shall apply to any vehicle displaying special license plates or placard issued pursuant to this section.

(2) Registration and license plate fees for vehicles owned by a person with a disability or qualified parent or guardian of a dependent child with a disability, shall be as provided, respectively, in sections 49-402, 49-434(1) and 49-450, Idaho Code. Nothing in this section shall be construed as abrogating provisions of section 49-445, Idaho Code. The use of the special placard issued under the provisions of subsection (4) of this section, shall not exempt the owner of a motor vehicle from otherwise properly registering and licensing the motor vehicle.

(3) Special license plates for persons with a disability and for the parent or guardian of a dependent child with a disability, shall be the same size and color as other license plates, and shall have displayed upon them the registration numbers assigned to the vehicle and to the owner. The plates shall be numbered in a manner prescribed by the department, but the plates shall display the international accessible symbol.



International Accessible Symbol

(4) The department shall issue a special placard bearing the international accessible symbol and other information the department may require, to:

- (a) Any qualified person with a disability who does not own a motor vehicle;
- (b) Any qualified person with a disability who owns a motor vehicle, without regard to weight or use of the vehicle;
- (c) Any parent or guardian of a dependent child with a disability who owns a motor vehicle without regard to weight or use of the vehicle;

(d) Any business entity ~~which~~that is engaged in transportation of persons with a disability, which business shall not be required to submit a physician's certification. In addition to other application requirements, a business applicant shall sign a declaration that he is engaged in the transportation of persons with a disability. A business entity may include, but not be limited to, hospitals, nursing homes, federal, state and local governmental agencies and taxicabs; and

(e) Any recipient of a disabled veteran license plate pursuant to section 49-403, Idaho Code.

(5) Any person or business issued a special placard shall affix the special placard to a motor vehicle in a conspicuous place designated by the department. The placard shall bear distinguishing marks, letters or numerals indicating the vehicle is utilized by a permanently disabled person. When the placard is affixed to a motor vehicle and the motor vehicle is transporting a person with a disability, special parking privileges are granted as provided in subsection (7) of this section.

(6) Application for special license plates, a special placard, or both as applicable and at the option of the applicant, shall be made upon a form furnished by the department and shall include a written certification by a licensed physician, licensed physician assistant, or licensed advanced practice professional nurse verifying that the applicant's stated impairment qualifies as a disability according to the provisions of section 49-117, Idaho Code.

(7) Any motor vehicle displaying special license plates for a person with a disability, without regard to the state of residence or displaying the special placard provided in subsections (4) and (8) of this section, shall be allowed to park for unlimited periods of time in parking zones or areas ~~which~~that are otherwise restricted as to the length of time parking is permitted, to park in spaces and zones designated for persons with a disability, and to park in any public parking space with metered parking without being required to pay any parking meter fee. The provisions of this subsection shall not be applicable to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles, to areas where vehicular parking is prohibited for periods in excess of forty-eight (48) hours, or to areas where parking is prohibited for certain periods of time in order to allow snow removal, street construction or maintenance or for other emergency purposes. Nothing herein shall prohibit the designation of parking spaces for use by disabled persons for unlimited periods of time.

(8) Any person who shall submit satisfactory proof to the department that he is so temporarily disabled as defined in section 49-117(7)(b), Idaho Code, shall be entitled to receive for one (1) motor vehicle only, a special placard to be affixed to a motor vehicle in a conspicuous place designated by the department, bearing distinguishing marks, letters or numerals indicating that the vehicle is utilized by a temporarily disabled person. This special temporary placard shall be valid between one (1) and six (6) months depending on the written authorization of the licensed physician, licensed physician assistant, or licensed advanced practice professional nurse and as specified by the department on the placard.

(9) Any use of the plate or placard by any person other than those meeting the definition of disability under section 49-117(7)(b), Idaho Code, or as otherwise authorized by this section, to obtain parking shall constitute an infraction punishable by a fine of one hundred dollars (\$100).

(10) Any person who unlawfully possesses, sells, copies, duplicates, distributes, or manufactures or aids and abets in the unlawful possession, sale, copying, duplicating, distributing or manufacturing of a special plate or placard is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both. The court shall also impose

as a term of the sentence a period not to exceed forty (40) hours of community service provided to a nonprofit organization which serves people with disabilities. The unlawfully obtained special plate or placard shall be subject to confiscation by law enforcement officials. Following conviction or dismissal, the special plate or placard confiscated by law enforcement shall be sent to the department.

Law enforcement officials and/or their designees as authorized by a city or county shall enforce the provisions of subsections (1) through (9) of this section and are empowered, using reasonable discretion, to check personal identification to determine if the user of the plate or placard is authorized to use accessible parking privileges. Any fines collected shall be retained by the city or county whose law enforcement official issued the citation.

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

Approved March 6, 2023

CHAPTER 17
(H.B. No. 56)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-302, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRIVING PRIVILEGES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-303, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRIVING PRIVILEGES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-307, IDAHO CODE, TO REMOVE LANGUAGE REGARDING A CERTAIN RESTRICTION, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, canceled, revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement of husbandry when incidentally operated on a highway.

(2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle ~~which~~ that is:

(a) Controlled and operated by a farmer, including operation by employees or family members; and

(b) Used to transport ~~either~~ agricultural products, farm machinery, or farm supplies, ~~or both~~, to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier; and

(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of commercial motor vehicles ~~which~~ that are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations.

(4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which that is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in Idaho only as a class D operator with driving privileges restricted to daylight hours only ~~except as provided in pursuant to~~ section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age, and only if Idaho residency is not established.

(6) A nonresident who is at least fifteen (15) years of age and who has in his possession a valid driver's license with a motorcycle endorsement or who has a valid motorcycle driver's license issued to him in his home state or country may operate a motorcycle in Idaho with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age.

(7) A nonresident who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in Idaho.

(8) A nonresident on active duty in the armed forces of the United States who has a valid driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son or daughter who has a valid driver's license issued by such person's home jurisdiction.

(9) Any active duty military personnel, active duty U.S. coast guard personnel, and members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians who as civilians are required to wear military uniforms and are subject to the code of military justice, are exempt from obtaining a commercial driver's license to operate military vehicles. This exemption does not apply to U.S. reserve technicians.

(10) Any person with a valid driver's license issued in their name is exempt from the requirement to obtain a motorcycle endorsement on the license when operating a motorcycle on highways or sections of highways designated for unregistered motorcycle use under section 49-426(3), Idaho Code.

(11) Any person under the age of sixteen (16) years when operating an ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or state land where the road is not part of the highway system of the state of Idaho or local road management authority and is supervised by a licensed adult operator eighteen (18) years of age or older, and the road is open for such use, subject to the following:

(a) Any unlicensed operators under the age of sixteen (16) years, on national forest roads must have completed a motorbike or ATV safety course approved by the Idaho department of parks and recreation, and a certificate or other proof of completion of such safety course shall be in the possession of the unlicensed operator of any ATV, UTV, specialty off-highway vehicle or motorbike, or shall be present in the vehicle at all times when the vehicle is operated on national forest roads. The certificate or proof of completion shall be provided for inspection to any peace officer upon request. No person shall be convicted of violating the provisions of this subsection if that person produces, at any time prior to conviction, the certificate or proof of completion of the approved safety course where the certificate shows completion of the course prior to the violation. In the event of a violation of the provisions of this subsection, the supervising adult may be charged with an infraction.

(b) For purposes of this subsection, "supervised" means that the supervising adult must be in a position, on another ATV, UTV, specialty off-highway vehicle or motorbike, or if on the ground, within three hundred (300) feet of the unlicensed operator, to provide close support, assistance or direction to the unlicensed operator.

SECTION 2. That Section 49-303, Idaho Code, be, and the same is hereby amended to read as follows:

49-303. WHICH PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, any instruction permit, privileges or right to drive and, if issued, may revoke or cancel the driver's license of a person who:

(1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver's training course, who has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only ~~except as provided in pursuant to section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.~~ If a person who is at least fifteen (15) years but is under seventeen (17) years of age has successfully completed an approved driver's training course and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years and has not successfully completed an approved driver's training course and has not satisfied the requirements of a class D supervised instruction permit. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(3) As an operator of a commercial vehicle requiring a class A, B or C driver's license, is under the age of eighteen (18) years.

(4) Applicants with less than one (1) year of driving experience, as evidenced by a previous driver's license, shall not be issued a class A, B or C driver's license or a class A, B or C instruction permit.

(5) As a driver, has had his license, class D instruction permit, restricted school attendance driving permit, privileges or right to drive suspended for the duration of the suspension, nor to any person who has had his class D driver's training instruction permit or class D supervised instruction permit canceled for the duration of the cancellation, nor to any person whose license has been revoked, suspended, canceled or disqualified by this state or any other jurisdiction; provided however, where a driver's license has been revoked, suspended, canceled or disqualified in any other jurisdiction, and the driver has completed the period of revocation, suspension, cancellation or disqualification as specified by the jurisdiction, that person may be granted a class D driver's license in this state if five (5) years have elapsed from the time of eligibility for reinstatement in the other jurisdiction, even though the driver has not fulfilled the requirements for reinstatement in the other jurisdiction. Notwithstanding the provisions of this section, a person who has had his noncommercial Idaho driver's license suspended may renew his driver's license as provided in section 49-319, Idaho Code, which renewal shall be subject to the suspension.

(6) Has been adjudged by a court of competent jurisdiction to be a habitual drunkard or addicted to the use of narcotic drugs and such order has been received by the department.

(7) Has been adjudged by a licensed physician or by a court of competent jurisdiction to be afflicted with or suffering from any mental incompetence that would affect the person's ability to safely operate a motor vehicle and who has not at the time of application been restored to competency by the methods provided by law and such order has been received by the department.

(8) Is required by the provisions of this chapter to take an examination, unless that person shall have successfully passed such examination.

(9) May be required under any law of this state to furnish proof of financial responsibility and who has not furnished that proof.

(10) The department has good cause to believe that the operation of a motor vehicle on the highways by that person would be harmful to public safety or welfare.

(11) Is disqualified for a class A, B or C driver's license, except he may be issued a class D driver's license.

(12) Is under eighteen (18) years of age, is not enrolled in school, and has not received a waiver pursuant to or has not satisfactorily completed school as provided in section 49-303A, Idaho Code.

(13) Is not a resident of the state of Idaho.

(14) Is not lawfully present in the United States.

SECTION 3. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section.

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the state highway account, five dollars (\$5.00) shall be deposited in the county current expense fund, and five dollars (\$5.00) shall be:

(a) Deposited in the driver training account if the person is taking driver's training from a public school; or

(b) Paid to the division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund if the person is taking driver's training from a private driver's training program. The amount to be remitted to the division of occupational and professional licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars (\$5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall submit the student log to the county driver's license office and give the class D driver's training instruction permit to the parent or legal guardian of the permittee, and the parent or legal guardian shall assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit.

(7) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) Over a period of time not less than six (6) months, the permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, ~~or~~ have had driving privileges suspended by the department or the court for any offense, or have been found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor gave the permit to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, 18-8004 or 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department

shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time, and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection.

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) (a) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours only for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. ~~Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:~~

~~(a) The person under sixteen (16) years of age has a valid class D driver's license; and~~

~~(b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and~~

~~(c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.~~

~~The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.~~

(b) For purposes of this subsection, "daylight hours only" means the period of time between 5:00 a.m. and 10:00 p.m. local time.

(c) The restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

(i) The person under sixteen (16) years of age has a valid class D driver's license;

(ii) The person under sixteen (16) years of age is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and

(iii) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

(10) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license. Any such licensee who is under the age of seventeen (17) years shall be required, during the first six (6) months from the date of issue of the class D driver's license, to limit the number of passengers in the vehicle who are under the age of seventeen (17) years to not more than one (1) such passenger. Provided however, the limit of one (1) passenger under the age of seventeen (17) years shall not apply to passengers who are related to the driver by blood, adoption or marriage.

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

CHAPTER 18
(S.B. No. 1024)

AN ACT

RELATING TO COMMUTATIONS AND PARDONS; AMENDING SECTION 20-1016, IDAHO CODE, TO REVISE A PROVISION REGARDING COMMUTATIONS AND PARDONS FOR OFFENSES PUNISHABLE BY DEATH OR LIFE IMPRISONMENT AND TO PROVIDE FOR CONSPIRACIES TO COMMIT CERTAIN OFFENSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-1016, Idaho Code, be, and the same is hereby amended to read as follows:

20-1016. COMMUTATIONS AND PARDONS. (1) The commission shall have full and final authority to grant commutations and pardons after conviction and judgment in all cases of offenses against the state except treason or impeachment and as otherwise provided in this section.

(2) ~~With respect to commutations and pardons~~ The commission shall have authority to grant commutations and pardons after conviction and judgment for offenses, or conspiracies to commit any offense, for which the maximum punishment allowed by law at the time of sentencing is death or life imprisonment, the commission's determination shall only constitute a recommendation subject to approval or disapproval by the governor. No commutation or pardon for such offenses shall be effective until presented to and approved by the governor. Any commutation or pardon recommendation not so approved within thirty (30) days of the commission's recommendation shall be deemed denied only after first presenting a recommendation to the governor. If the governor approves the commission's recommendation within thirty (30) days of presentment, the commission's pardon or commutation shall issue. If the governor rejects the commission's recommendation within thirty (30) days of presentment or takes no action on the recommendation before the passage of thirty (30) days from presentment, no pardon or commutation shall issue from the commission, and the commission's recommendation shall be of no force or effect.

(3) Notwithstanding subsection (2) of this section, the commission shall have full and final authority to grant pardons and commutations for:

(a) Any offense, or conspiracies to commit any offense, in violation of chapter 27, title 37, Idaho Code, for which the maximum punishment allowed by law at the time of sentencing is life imprisonment; and

(b) Any offense, or conspiracies to commit any offense, for which the maximum punishment allowed by law at the time of sentencing is enhanced by chapter 25, title 19, Idaho Code, to life imprisonment.

(4) The commission shall conduct commutation and pardon proceedings pursuant to rules and regulations adopted in accordance with law and may attach such conditions as it deems appropriate in granting pardons or commutations.

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

Approved March 7, 2023

CHAPTER 19
(S.B. No. 1041)

AN ACT

RELATING TO THE COUNTY TREASURER AND TAX COLLECTOR; AMENDING CHAPTER 21, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2127, IDAHO CODE, TO AUTHORIZE A COUNTY TREASURER TO MAKE CERTAIN INVESTMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 21, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-2127, Idaho Code, and to read as follows:

31-2127. INVESTMENT OF FUNDS. The county treasurer is authorized and empowered to invest surplus or idle funds pursuant to section 57-127, Idaho Code, in investments permitted by section 67-1210, Idaho Code. The county treasurer may also invest in investments listed in section 67-1210A, Idaho Code, through the state treasurer pursuant to a joint exercise of powers agreement.

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

Approved March 7, 2023

CHAPTER 20
(H.B. No. 11)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-218, IDAHO CODE, TO REVISE A PROVISION REGARDING THE USE OF PRIVATE MONEYS FOR THE PURPOSE OF ELECTION ADMINISTRATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-218, Idaho Code, be, and the same is hereby amended to read as follows:

34-218. ELECTION ADMINISTRATION -- PRIVATE MONEYS PROHIBITED. Elections held in this state must be funded only by lawful appropriations from the government of the United States, the state of Idaho, or other local governments, including counties, cities, and special taxing districts. No official or employee of the state of Idaho, county clerk, local elections office, or other local governing body administering or conducting an election may accept or expend moneys in any amount or accept any items or goods with a total value in excess of one hundred dollars (\$100) from any private persons, corporations, organizations, business entities, political parties, or any other private entity. This section does not apply to the collection of fees authorized by law or to the donation of a facility or space for the use of election officials in holding an election.

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

Approved March 8, 2023

CHAPTER 21
(H.B. No. 87)

AN ACT

RELATING TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM; AMENDING SECTION 40-720, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS AP-PORTIONED TO LOCAL UNITS OF GOVERNMENT BE LIMITED TO CERTAIN USES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-720, Idaho Code, be, and the same is hereby amended to read as follows:

40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM -- FUND ESTABLISHED. (1) The Idaho transportation department shall establish and maintain a transportation expansion and congestion mitigation program.

(2) The fund established pursuant to this section shall finance projects that expand the state system to address and mitigate transportation congestion. The projects shall be evaluated by the Idaho transportation department and shall be chosen by the Idaho transportation board based on a policy that may include mitigation of traffic times, improvement to traffic flow and mitigation of traffic congestion.

(3) There is hereby established in the state treasury the transportation expansion and congestion mitigation fund, to which shall be deposited:

- (a) All moneys distributed pursuant to section 63-2520, Idaho Code;
- (b) All moneys distributed pursuant to section 63-3638, Idaho Code; and
- (c) Any other appropriated moneys for funding the transportation expansion and congestion mitigation program.

(4) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for the transportation expansion and congestion mitigation program.

(5) The Idaho housing and finance association is hereby authorized to issue bonds, secured by otherwise unobligated moneys in the fund established in subsection (3) of this section, for the purpose of financing state transportation projects approved by the Idaho transportation board. The Idaho transportation board shall take into consideration the mitigation of traffic congestion from the state campus site located at 11311 West Chinden Boulevard, Boise, as a priority when approving transportation projects. Moneys from the fund established in subsection (3) of this section shall be used to pay any of the principal, interest, and other amounts for state transportation projects approved by the Idaho transportation board and required for bonds issued pursuant to this subsection in accordance with the provisions of chapter 62, title 67, Idaho Code. If such bonds are issued, moneys in the fund shall first be continuously appropriated and used for repayment of said bonds in accordance with subsection (7) of this section.

(6) The authority provided in subsection (5) of this section shall be used only to issue bonds on an approved resolution by the Idaho transportation board requesting that the Idaho housing and finance association issue bonds contingent upon:

(a) The availability of otherwise unobligated moneys in the fund, established in subsection (3) of this section, necessary to meet bond service obligations;

(b) The moneys disbursed being used in accordance with United States treasury regulations to ensure tax-exempt status is retained, unless tax-exempt bonds are not available; and

(c) The issuance of bonds at prevailing market rates of interest.

(7) From moneys in the fund established in this section, there are hereby continuously appropriated first such amounts as from time to time shall be certified by the Idaho housing and finance association to the state controller, the state treasurer, and the Idaho transportation board as necessary for payment of principal, interest, and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, that are issued to finance improvements described in this section, which amounts shall not exceed the amount received and transferred from section 63-3638(16), Idaho Code, which amounts shall be transferred to the transportation expansion and congestion mitigation program debt service fund established in section 40-721(2), Idaho Code.

(8) Moneys in excess of eighty million dollars (\$80,000,000) apportioned to local units of government for local highway projects pursuant to section 63-3638(16)(b), Idaho Code, shall be used by local units of government only for the purposes of road and bridge maintenance, the expansion of travel lanes, and congestion mitigation for the primary benefit of motor vehicles to improve traffic flow and traffic travel times.

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

Approved March 14, 2023

CHAPTER 22
(H.B. No. 10)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; REPEALING SECTION 40-710, IDAHO CODE, RELATING TO THE AMERICAN TRUCKING ASSOCIATION SETTLEMENT FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-710, Idaho Code, be, and the same is hereby repealed.

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

Approved March 14, 2023

CHAPTER 23
(H.B. No. 85)

AN ACT

RELATING TO FEES FOR COUNTY SERVICES; AMENDING SECTION 31-870, IDAHO CODE, TO PROVIDE FOR THE SAME ADMINISTRATIVE FEE FOR ALL TITLE TRANSACTIONS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-870, Idaho Code, be, and the same is hereby amended to read as follows:

31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other provision of law, a board of county commissioners may impose and collect fees for those services provided by the county which that would otherwise be funded by ad valorem tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered. Taxing districts other than counties may impose fees for services as provided in section 63-1311, Idaho Code.

(2) The board of county commissioners may establish and provide for the collection of a solid waste fee in accordance with a request made pursuant to this section, and such fee shall be certified and collected in the same manner provided by law for the collection of real or personal property taxes.

(3) The administrative fee authorized under the provisions of this section and collected for issuance of motor vehicle registrations pursuant to chapter 4, title 49, Idaho Code, shall be the same for any registration issued pursuant to section 49-402B, Idaho Code, and may not be doubled or in any way increased solely because of registration under that section.

(4) The administrative fee authorized under the provisions of this section and collected for issuance of a motor vehicle title pursuant to chapter 5, title 49, Idaho Code, shall be the same for all title transactions.

~~(4)~~ (5) This section shall not apply to the issuance or renewal of licenses to carry concealed weapons under sections 18-3302, 18-3302H or 18-3302K, Idaho Code.

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

Approved March 14, 2023

CHAPTER 24
(H.B. No. 96)

AN ACT

RELATING TO ENERGY RESOURCES; AMENDING SECTION 67-8902, IDAHO CODE, TO PROVIDE FOR THE PROMOTION AND DEVELOPMENT OF CLEAN ENERGY RESOURCES FOR DECLARED PURPOSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-8903, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SECTION 67-8905, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE REGARDING DIRECTOR TERMS; AMENDING SECTION 67-8908, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS OF THE IDAHO ENERGY RESOURCES AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-8925, IDAHO CODE, TO PROVIDE FOR CLEAN ENERGY GENERATION PROJECTS; AMENDING SECTION 67-8926, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-8902, Idaho Code, be, and the same is hereby amended to read as follows:

67-8902. DECLARATION OF NECESSITY AND PURPOSE. (1) It is hereby determined and declared that:

(a) Industrial, irrigation, commercial and residential consumers in the state of Idaho receive electric service from various investor-owned, cooperative and municipal utilities and the ability of these utilities to provide reliable and economic electric services at stable prices is essential to the economy and the economic development of the state of Idaho and to the health, safety and welfare of its people;

(b) The regional interconnection of electric utilities causes events and conditions in other western states to have a significant impact ~~of~~ on the operations of utilities in the state of Idaho and the restructuring of the electric industry in recent years by the federal government and in other states has exposed all utilities in Idaho, and the consumers served by them, to volatile market prices, reliability concerns and other adverse conditions;

(c) It is in the best interest of the state of Idaho and its people that sufficient and reliable electric generation and transmission resources are developed and made available at cost-based rates in order to enable these utilities to meet existing and future demands for electric services, to provide adequate reserves and to promote reliability at the most stable rates practicable;

(d) The electric utility and energy industries are and will continue to be capital-intensive industries and the availability of cost-effective financing to investor-owned, cooperative and municipal utilities will enhance the ability of these utilities to provide and promote economic electric services to consumers in the state;

(e) Coordination, cooperation and joint ventures between and among such utilities with one another and with the private, cooperative, federal, state and municipal utilities and agencies that provide wholesale and retail electric services in the western states will promote regional electric reliability and stability and will provide economies of scale;

(f) It is the intent of the legislature to create the Idaho energy resources authority to promote the development and financing of facilities for the benefit of participating utilities and to accomplish the purposes stated above, and to authorize the authority to exercise all such powers as are necessary to enable it to achieve such purposes and to thereby promote and protect the economy of the state of Idaho and the health, safety and welfare of its people; and

(g) It is in the best interest of the state of Idaho and its people to encourage and promote the development of renewable clean energy resources in order to develop sustainable reliable, economic, and long-term sources of energy supply, reduce inefficiencies in the use promote efficiencies in the generation, storage, transmission, and utilization of electric energy, and enhance the long-term stability of the energy resources and requirements of the state.

(2) Nothing contained herein is intended or shall be construed to limit or restrict the authority of the Idaho public utilities commission with respect to the regulation of electric corporations and public utilities pursuant to title 61, Idaho Code.

SECTION 2. That Section 67-8903, Idaho Code, be, and the same is hereby amended to read as follows:

67-8903. DEFINITIONS. When used in this chapter, the following terms shall have the following meanings:

(1) "Authority" means the Idaho energy resources authority created pursuant to section 67-8904, Idaho Code.

(2) "Board" means the board of directors of the authority.

(3) "Bonds" means any bonds, notes, certificates or other obligations or evidences of indebtedness issued by the authority.

(4) "Clean energy" means energy derived from biogas, biomass, hydrogen, waste heat, manufacturing process byproducts, hydroelectric, geothermal, nuclear, solar, or wind resources, or any other noncarbon dioxide emitting source.

(5) "Clean energy generation project" means:

(a) An electric generating facility or system that uses clean energy as a source of energy to generate electricity; and

(b) Battery and other energy storage facilities.

~~(4)~~ (6) "Commission" means the Idaho public utilities commission created pursuant to section 61-201, Idaho Code.

~~(5)~~ (7) "Electric cooperative" means a cooperative corporation or association that is:

(a) Organized under the provisions of section 501(c) (12) or 1381 of the Internal Revenue Code;

(b) An Idaho nonprofit corporation pursuant to chapter 30, title 30, Idaho Code; and

(c) An operating entity or successor entity thereof that owns facilities and provides electric service to customers in Idaho as of the effective date of this chapter.

~~(6)~~ (8) "Facility" means any facility necessary, used or useful in connection with the generation, transmission or distribution of electric power and energy and any renewable clean energy generation project, in each case including~~7~~ but not limited to~~7~~ all real and personal property, fuel supplies and transportation facilities, pollution control facilities, battery and other energy storage facilities, and all equipment and improvements necessary or desirable in connection with a facility. "Facility" shall include facilities owned in whole or in part by the authority or a participating utility, including undivided ownership interests in facilities, leasehold interests in facilities and other estates, but excludes a generating facility that sells any portion of its output as a qualifying

facility to a participating utility under provisions of the public utility regulatory policies act of 1978, 16 U.S.C. section 2601 et seq.

~~(7) (9) "Independent power producer" means any public or private corporation that is not itself a participating utility, but which may be an affiliate of a participating utility, that develops any renewable clean energy generation project undertaken by the authority pursuant to this chapter.~~

~~(8) (10) "Participating utility" means, with respect to any facilities undertaken by the authority pursuant to this chapter, any public or private corporation, electric cooperative or other cooperative corporation or association, municipal corporation, political subdivision of this state or another state, state or federal agency, joint operating entity or other entity that:~~

~~(a) Owns and operates an electric utility system that provides electric services to consumers of electricity located in an existing service area within the boundaries of this state;~~

~~(b) Provides electric generation, power supply, transmission and/or ancillary and related services at wholesale to one (1) or more participating utilities described in paragraph (a) of this subsection; or~~

~~(c) Is organized or operates as a regional transmission organization covering all or any part of the state of Idaho and one (1) or more other states.~~

~~(9) "Renewable energy" means a source of energy that occurs naturally, is regenerated naturally or uses as a fuel source, a waste product or byproduct from a manufacturing process including, but not limited to, open or closed-loop biomass, fuel cells, geothermal energy, waste heat, cogeneration, solar energy, waterpower and wind.~~

~~(10) "Renewable energy generation project" means an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity.~~

~~(11) "Revenues" means all receipts, purchase payments, loan repayments, lease payments, rents, fees and charges, and all other income or receipts derived by the authority from a participating utility.~~

SECTION 3. That Section 67-8905, Idaho Code, be, and the same is hereby amended to read as follows:

67-8905. DIRECTORS -- TERMS OF OFFICE -- APPOINTMENT -- FILLING VACANCIES AND REMOVAL. (1) The powers of the authority shall be vested in a board of seven (7) directors to be appointed by the governor and confirmed by the senate.

(2) In making appointments, the governor shall endeavor to appoint individuals with direct professional experience and demonstrated knowledge in the electric utility industry. In addition to representatives of investor-owned, electric cooperative or municipal utilities, the governor may also appoint individuals with expertise in fields related to the functions of the authority such as engineering, banking, finance, economics and law.

~~(3) The directors of the authority first appointed by the governor shall serve for terms to be designated by the governor expiring on June 30, as follows: two (2) in 2006, one (1) in 2007, two (2) in 2008 and one (1) in each of 2009 and 2010. After the expiration of these initial terms, directors shall serve for five (5) year terms. Each director shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Any Each director shall be eligible for reappointment but no director may serve more than two (2) consecutive terms.~~

(4) The governor shall fill any vacancy for the remainder of any unexpired term.

(5) Any director may be removed by the governor for malfeasance or willful neglect of duty or other cause.

SECTION 4. That Section 67-8908, Idaho Code, be, and the same is hereby amended to read as follows:

67-8908. POWERS. (1) The authority shall have the following powers, which are hereby declared to be necessary to enable the authority to carry out and effectuate the purposes and provisions of this chapter, together with all powers incidental thereto or necessary for the performance thereof:

- (a) To have perpetual succession as a body politic and corporate;
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (d) To have and to use a corporate seal and to alter the same at pleasure;
- (e) To maintain an office at such place or places as it may designate;
- (f) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (g) To acquire, whether by purchase, gift, grant, bequest, devise, exchange, eminent domain or otherwise, own, hold, improve, lease, transfer, assign, pledge and dispose of, any real or personal property or any interest therein necessary or convenient in connection with any facility or its purposes under this chapter; provided however, that the power of eminent domain is limited to only those purposes and participating utilities as authorized by section 7-701, Idaho Code;
- (h) To acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, manage, operate, lease as lessee or lessor, and regulate any facility; to enter into contracts for any and all of such purposes and for the acquisition and management of fuel supplies, provided such is reasonably necessary for the operation and maintenance of any facility; to enter into contracts and agreements to manage risks associated with the purchase and sale of energy and energy commodities, provided such is reasonably necessary for the operation and maintenance of any facility; and shall to designate one (1) or more qualified participating utilities as agent or agents of the authority, as agreed to among the participating utilities, with respect to the foregoing;
- (i) To sell, lease or otherwise provide by contract to one (1) or more participating utilities the services, output or product provided by any or all of the facilities undertaken by the authority upon such terms and conditions as the authority and the participating utilities shall deem proper, and to establish, charge, collect and revise from time to time such rents, fees and charges for such services, output or product as provided for in this chapter;
- (j) To borrow money and to issue bonds for any of the purposes described in this chapter, to issue refunding bonds and to enter into contracts and agreements determined by the authority to be necessary or desirable to manage its debt service and interest costs;
- (k) To establish rules and regulations for the use of facilities and to designate a participating utility as its agent, to establish rules and regulations for the use of the facilities undertaken or operated by such participating utility;
- (l) To employ or contract for consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(m) To enter into contracts, agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or any state or any agency or governmental subdivision thereof, in furtherance of the purposes of this chapter including, but not limited to, the development, maintenance, operation, and financing of any facility and to do any and all things necessary in order to avail itself of such aid and cooperation;

(n) To receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied to carry out the purposes of this chapter subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or any state for any purpose consistent with this chapter;

(o) To assign and pledge all or any part of its revenues and income and to mortgage or otherwise encumber any or all of its facilities and the site or sites thereof, whether then owned or thereafter acquired, for the benefit and security of the holders of bonds issued to finance such facilities or any portion thereof;

(p) To make loans to any participating utility to finance the cost of any facilities in accordance with an agreement between the authority and such participating utility;

(q) To make secured or unsecured loans to a participating utility to refinance obligations and indebtedness incurred for facilities undertaken and completed prior to or after the enactment of this chapter when the authority finds that such financing is in the public interest and either alleviates the financial hardship upon the participating utility or is in connection with other financing by the authority for such participating utility or may be expected to result in a cost-effective delivery of electricity to the consumers served by the participating utility, or any combination thereof;

(r) To charge to and equitably apportion its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter among the participating utilities that have entered into contracts with the authority;

(s) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable and to self-insure against such risks as it shall deem to be reasonable;

(t) To invest any funds not needed for immediate use or disbursement, including any funds held in reserve, in:

(i) Bonds, notes and other obligations of the United States or any agency or instrumentality thereof and other securities secured by such bonds, notes or other obligations;

(ii) Money market funds which are insured or the assets of which are limited to obligations of the United States or any agency or instrumentality thereof;

(iii) Time certificates of deposit and savings accounts;

(iv) Commercial paper which, at the time of its purchase, is rated in the highest category by a nationally recognized rating service;

(v) Property or securities in which the state treasurer may invest funds in the state treasury pursuant to section 67-1210, Idaho Code; and

(vi) With respect to any funds representing bond proceeds or amounts pledged to the payment of bonds, such other investments as may be specified in a bond resolution or trust indenture securing bonds of the authority;

(u) To participate in cooperative ventures with any agencies or organizations in order to provide affordable and reliable energy to the residents of the state;

(v) To undertake and finance renewable clean energy generation projects developed by a participating utility or an independent power producer;

(w) To finance or refinance the cost of conservation measures as provided in section 67-8926, Idaho Code; and

(x) To do all things necessary and convenient to carry out the purposes of this chapter.

(2) Notwithstanding any other provision of this chapter, the authority shall have no power to:

(a) Acquire the operating property of any investor-owned, private, cooperative, municipal or other utility by the exercise of the power of eminent domain;

(b) Provide financing for the acquisition of the operating property of any such utility by or under threat of eminent domain, in either case unless such utility consents in writing to the acquisition; or

(c) Deliver retail electricity or related retail products or services to any ultimate consumer, whether in violation of the Idaho electric supplier stabilization act or otherwise.

(3) The authority is not a "taxing district," as defined in section 67-3901, Idaho Code, and, for so long as any bonds are outstanding or any contract, agreement or transaction between the authority and a participating utility is in effect, the authority shall not have the power and shall not be authorized to be a debtor under the U.S. bankruptcy code, title 11 U.S.C., or any other bankruptcy, insolvency, moratorium, liquidation, dissolution or wind-down law.

SECTION 5. That Section 67-8925, Idaho Code, be, and the same is hereby amended to read as follows:

67-8925. RENEWABLE CLEAN ENERGY GENERATION PROJECTS. The authority may undertake any renewable clean energy generation project for the benefit of one (1) or more independent power producers and may issue its bonds to finance the cost thereof, all to the same extent and subject to the same provisions applicable to the undertaking and financing of other facilities for the benefit of one (1) or more participating utilities. In furtherance of the foregoing, an independent power producer shall be deemed to be a participating utility with respect to a renewable clean energy generation project for purposes of sections 67-8909, 67-8910 and 67-8911, Idaho Code.

SECTION 6. That Section 67-8926, Idaho Code, be, and the same is hereby amended to read as follows:

67-8926. CONSERVATION MEASURES. (1) For purposes of this section:

(a) "Conservation" means a reduction in electric power consumption as a result of increases in the efficiency of energy use, production or distribution;

(b) "Conservation measure" means an action, property, facility, equipment, improvement, system or measure to promote conservation that provides a conservation resource that is acquired by a participating utility pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. section 839 et seq., including, but not limited to, loans and grants to consumers for insulation, weatherization, increased system efficiency and waste energy recovery by direct application;

(c) "Conservation resource" means actual or planned reductions in electric demand or consumption as a result of one (1) or more conservation measures; and

(d) "Participating utility" means only a federal agency that is a participating utility described in section 67-8903(8)-(b), Idaho Code.

(2) The authority may, under such terms and conditions as are approved by the authority:

(a) Issue bonds to finance or refinance the cost of conservation measures, thereby giving rise to conservation resources that are acquired by a participating utility;

(b) Pledge as security for the bonds payments to be made by a participating utility for its acquisition of conservation resources or other payments to be received in connection with the conservation resources or the associated conservation measures; and

(c) Enter into contracts and agreements, including grant agreements, between or among the authority, a participating utility, any of the customers served by the participating utility and other persons or entities in connection with the acquisition of conservation resources by a participating utility, the financing or refinancing of conservation measures, the funding, implementation, management or administration of conservation measures, or the administration of funds, including the proceeds of bonds and other moneys relating to conservation resources and conservation measures.

(3) Bonds issued pursuant to this section shall be issued in accordance with sections 67-8915 through 67-8918, Idaho Code, and shall be subject to all provisions of this act applicable to bonds issued by the authority; provided that:

(a) Conservation resources and conservation measures shall not be considered to be a facility, other than for purposes of section 67-8903(8), Idaho Code; and

(b) The authority shall not own conservation measures, which may be owned by or on behalf of any other person or entity.

(4) It is hereby determined and declared that all actions taken by the authority pursuant to this section are in furtherance of the purposes of this act, and will promote and achieve conservation of natural resources, efficiencies and economies of scale. This section is supplemental to the other provisions of this act and shall be liberally construed to effectuate the financing of conservation measures by the authority.

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

Approved March 14, 2023

CHAPTER 25
(H.B. No. 194)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 240, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$219,700 from the Public School Income Fund to be expended for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$219,700 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. Of the additional amount appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$219,700 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

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

Approved March 14, 2023

CHAPTER 26
(H.B. No. 207)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PEST CONTROL DEFICIENCY WARRANT FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WASTE TIRE DISPOSAL DEFICIENCY WARRANT FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$450,100 from the General Fund to the Pest Control Deficiency Warrant Fund as soon as practicable for the period July 1, 2022, through June 30, 2023. Such moneys shall be used to reimburse costs incurred by the Plant Industries Program in the Department of Agriculture pursuant to Section 22-2019, Idaho Code.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$8,100 from the General Fund to the Hazardous Substance Emergency Response Fund as soon as practicable for the period July 1, 2022, through June 30, 2023. Such moneys shall be used to reimburse costs incurred by the Office of Emergency Management Program in the Military Division pursuant to Section 39-7110, Idaho Code.

SECTION 3. There is hereby appropriated and the Office of the State Controller shall transfer \$14,000 from the General Fund to the Waste Tire Disposal Deficiency Warrant Fund as soon as practicable for the period July 1, 2022, through June 30, 2023. Such moneys shall be used to reimburse costs incurred by the Waste Management and Remediation Program in the Department of Environmental Quality pursuant to Section 39-6502, Idaho Code.

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

Approved March 14, 2023

CHAPTER 27
(H.B. No. 124)

AN ACT

RELATING TO VOTERS; AMENDING SECTION 34-1113, IDAHO CODE, TO REMOVE A PROVISION REGARDING FORMS OF VOTER IDENTIFICATION AT THE POLLS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1113, Idaho Code, be, and the same is hereby amended to read as follows:

34-1113. IDENTIFICATION AT THE POLLS. All voters shall be required to provide personal identification before voting at the polls or at absent electors polling places as required by section 34-1006, Idaho Code. The personal identification that may be presented shall be one (1) of the following:

(1) An Idaho driver's license or identification card issued by the Idaho transportation department;

(2) A passport or an identification card, including a photograph, issued by an agency of the United States government;

(3) A tribal identification card, including a photograph; or

~~(4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho; or~~

~~(5)~~ (4) A license to carry concealed weapons issued under section 18-3302, Idaho Code, or an enhanced license to carry concealed weapons issued under section 18-3302K, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after January 1, 2024.

Approved March 15, 2023

CHAPTER 28
(H.B. No. 95)

AN ACT

RELATING TO COMMERCIAL FEED; AMENDING SECTION 25-2703, IDAHO CODE, TO CLARIFY THAT ANIMAL REMEDIES FOR CERTAIN ANIMALS THAT INCLUDE INGREDIENTS FROM INDUSTRIAL HEMP ARE NOT CONSIDERED ADULTERATED AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 25-2703, Idaho Code, be, and the same is hereby amended to read as follows:

25-2703. DEFINITIONS. When used in this chapter:

(1) The term "animal remedy" means any drug, combination of drugs, pharmaceutical, proprietary medicine, veterinary biologics, or combination of drugs and other ingredients, other than for food or cosmetic purposes, which is prepared or compounded for any animal use except man, or materials other than food intended to affect the structure or any function of the body of animals other than man. This term does not include medicated feeds.

(2) The term "brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

(3) The term "commercial feed" means all materials or combination of materials ~~which~~ that are distributed or intended for distribution for use as feed, or for mixing in feed, for poultry and animals other than man, except:

(a) Unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(b) Seeds mixed and planted as such mixture, grown and harvested as one (1) crop, and processed as one (1) mixture when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(c) All hay, except commercially dehydrated legumes and grasses and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(d) Whole or ground straw, stover, silage, cobs, husks, hulls, wet or pressed beet pulp, pea screenings and beet discard molasses when not mixed with other materials and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(e) Live, whole or unprocessed animals when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(f) Animal remedies when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code. Animal remedies for pets, specialty pets, and equines that include ingredients from industrial hemp as defined in section 22-1703, Idaho Code, and as defined in section 37-2705(d)(27), Idaho Code, are not considered adulterated.

(g) Individual mineral substances when not mixed with another material and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(h) Certain processing byproducts or production waste, identified by the director in rule, without further processing, received by the end user directly from the food processor when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

The director, by rule, may exempt from this definition, or from specific provisions of this chapter, commodities, and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials, and are not adulterated according to the provisions of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(4) The term "contract feeder" means a person who as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined, all or in part, by feed consumption, mortality, profits, or amount or quality of product.

(5) The term "customer-formula feed" means commercial feed which that consists of a mixture of commercial feeds and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser, end user or consumer. Customer-formula feed does not include commercial feeds which that are used as ingredients in other commercial feed or are offered for retail or further distribution.

(6) The term "department" means the Idaho department of agriculture.

(7) The term "director" means the director of the Idaho department of agriculture or the director's authorized agent.

(8) The term "distribute" means to offer for sale, sell, exchange or barter commercial feeds in or into this state, or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

(9) The term "distributor" means any person who distributes.

(10) The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.

(11) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

(12) The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(13) The term "labeling" means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrapper, or accompanying such commercial feed. This includes statements and promotion on company websites or other internet-based customer interfaces.

(14) The term "manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(15) The term "medicated feed" means any feed which that contains drug ingredients intended or presented for the cure, mitigation, treatment, or prevention of disease in animals other than man or which that contains drug ingredients intended to affect the structure or any function of the body of animals other than man.

(16) The term "mineral" means a naturally occurring, homogeneous inorganic solid substance, essential to the nutrition of animals, having a definite chemical composition and characteristic crystalline structure, color and hardness.

(17) The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(18) The term "official sample" means a sample of commercial feed taken by the director or an authorized agent in accordance with the provisions of section 25-2709, Idaho Code.

(19) The term "percent" or "percentage" means percentage by weight.

(20) The term "person" includes an individual, partnership, corporation, firm, association and agent.

(21) The term "pet" means any domesticated animal normally maintained in or near the household(s) of the owner(s) thereof.

(22) The term "pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

(23) The term "pharmaceutical" means any product prescribed for the treatment or prevention of disease for veterinary purposes, including vaccines, synthetic and natural hormones, anesthetics, stimulants or depressants.

(24) The term "product name" means the name of the commercial feed which that identifies it as to kind, class or specific use.

(25) The term "purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(26) The term "purchaser" means a person who takes by purchase.

(27) The term "registrant" means that person, manufacturer, guarantor, or distributor who registers a product or products according to the provisions of section 25-2704, Idaho Code.

(28) The term "sell" or "sale" includes exchange.

(29) The term "specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(30) The term "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(31) The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(32) The term "veterinary biologics" means any biologic product used for veterinary purposes, including, but not limited to, antibiotics, antiparasitics, growth promotants and bioculture products.

(33) Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

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

Approved March 15, 2023

CHAPTER 29
(H.B. No. 107)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-405, IDAHO CODE, TO PROVIDE FOR THE DESIGN OF RADIO AMATEUR LICENSE PLATES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-405, Idaho Code, be, and the same is hereby amended to read as follows:

49-405. RADIO AMATEURS -- SPECIAL LICENSE PLATES. (1) In order to enhance visibility and identification of radio amateurs during times of emergency, any radio amateur residing in the state of Idaho, may, upon application to the department, register one (1) motor vehicle per radio license issued by the federal government and receive for that vehicle special license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. The number on the plates shall be the same combination of figures and letters that make up the radio call sign of the amateur radio operator.

(2) The radio amateur license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. The distinguishing features of the license plate shall be:

(a) A representation of a radio tower emitting radio waves in the form of lightning bolts with the phrase "Amateur Radio" beneath it;

(b) The phrase "CQ DE" spelled out in international Morse code; and

(c) The phrase "Emergency Communication" at the bottom of the plate and underneath the call sign.

(3) The design and any slogan on the plate shall be acceptable to the Idaho section of the American radio relay league. Any future design or re-design of the plate shall also be approved by the Idaho section of the American radio relay league. Initial costs of the plate program, including costs of plate design, shall be borne by the department.

~~(2)~~ (4) Proof of holding an amateur license from the federal communications commission must be furnished to the department before the plates will be issued. Should the amateur's radio license expire during any given year and not be renewed, the special license plates must be surrendered to the department and regular license plates obtained.

~~(3)~~ (5) Radio amateurs will notify the department at a time to be set by the department of their intention to procure special license plates under the terms specified in this section. Failure to do so will result in the amateur being required to accept regular license plates should the department be unable to procure the special plates. Special plates may still be procured when available, but amateurs will be subject to the usual transfer fee.

~~(4)~~ (6) Whenever an amateur transfers or assigns his title or interest to a vehicle especially registered, the registration shall expire, but the amateur may hold his special license plates, which he may have reissued to him upon the payment of the required transfer fees. He may only display the plates only after receipt of new registration from the department.

~~(5)~~ (7) In addition to the regular registration fees required in section 49-402(1) or 49-434(1), Idaho Code, the applicant shall pay the plate fee specified in section 49-450, Idaho Code.

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

Approved March 15, 2023

CHAPTER 30
(H.B. No. 94)

AN ACT

RELATING TO NOXIOUS WEEDS; AMENDING SECTION 22-2405, IDAHO CODE, TO REVISE PROVISIONS REGARDING COUNTY DUTIES ASSOCIATED WITH CERTAIN NOTICES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-2405, Idaho Code, be, and the same is hereby amended to read as follows:

22-2405. COUNTY DUTIES. (1) The county control authority shall:

(a) Carry out the duties and responsibilities vested in the county under this chapter and rules prescribed by the director; and

(b) Establish and maintain a coordinated program for control of noxious weeds in the county; employ a county weed superintendent, who may be a superintendent for more than one (1) county and who shall be qualified to detect and treat noxious weeds; and

(c) Designate one (1) of its members as the liaison between the county weed superintendent and the county commissioners; and

(d) Provide operational and educational funds for the county weed superintendent; and

(e) Be authorized to initiate cooperative agreements with other agencies or counties for the designation of or participation in cooperative weed management areas for control of noxious weeds.

(2) A general notice for control of noxious weeds shall be published between March 1 and April 30⁷ in a newspaper of general circulation within the county. The notice shall contain the list of noxious weeds and identify those known to be in the county⁷ and shall stipulate the obligation to control. Failure to publish the notice for control or serve individual notices herein provided does not relieve any person from full compliance with this chapter thereunder. In all cases said published notice shall be deemed legal and sufficient notice.

(3) Whenever any county finds it necessary to secure more prompt or definite control of noxious weeds than is accomplished by the general notice, it shall cause individual notices on a form prescribed by the director to be served upon the landowner and where possible on the operator of the land giving specific instructions when and how certain named noxious weeds are to be controlled. The individual notice shall also contain information concerning the right to appeal pursuant to section 22-2408, Idaho Code. Individual notices shall be applicable only to the current growing season.

(4) Whenever the landowner of any nonfederal land or nonfederally administered land on which noxious weeds are present has neglected or failed to initiate control as required pursuant to this chapter within five (5) working days from receipt of an individual notice given pursuant to this section, the county having jurisdiction shall have proper control methods used on such land, including necessary destruction of crops, and shall advise the landowner of the cost incurred in connection with such operation. If the landowner is not known or readily available, notice shall be deemed satisfied after eight (8) days from the notice's postmark or certified registered receipt to the address as shown on the assessment roll of the county. The cost of any such control shall be at the expense of the landowner. If the costs have not been paid to the control authority within sixty (60) days, the control authority may direct that suit be brought in a court of competent jurisdiction for the unpaid charges. On private lands, if unpaid for sixty (60) days or longer, the amount of such expense shall become a lien upon the property; and thereafter the lien shall be subject to collection by the county by sale of the property in the same manner as for delinquent taxes. Nothing contained in this section shall be construed to require satisfaction of the imposed obligation by the sale of property or to bar the application of any other available remedy.

(5) Amounts collected under the provisions of this section shall be deposited to the noxious weed fund of the county and shall be accounted for as prescribed by the county auditor. Disbursements from the noxious weed fund shall be made only for noxious weed control purposes.

- (6) The county weed superintendent shall:
- (a) Examine all land within the county for the purpose of determining whether the provisions of this chapter and rules of the director have been complied with; and
 - (b) Compile data and submit reports as the director or county may require; and
 - (c) Implement enforcement action as outlined in this chapter; and
 - (d) Consult, advise and provide direction on matters pertaining to the most effective and most practical methods of noxious weed control; and
 - (e) Investigate or aid in the investigation and prosecution of any violation of the provisions of this chapter; and
 - (f) Make recommendations regarding establishment of cooperative weed management areas; and
 - (g) Participate on weed control advisory committees to develop and implement noxious weed control strategies for cooperative weed management areas, at the discretion of the county weed control authority.

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

Approved March 15, 2023

CHAPTER 31
(H.B. No. 83)

AN ACT

RELATING TO PHYSICIANS; AMENDING SECTION 39-6102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PURPOSE OF THE IDAHO CONRAD J-1 VISA WAIVER PROGRAM AND THE NATIONAL INTEREST WAIVER PROGRAM; AMENDING SECTION 39-6105, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-6106, IDAHO CODE, TO INCREASE THE NUMBER OF J-1 VISA WAIVER REQUEST APPLICATIONS ALLOTTED TO A HEALTH CARE FACILITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6107, IDAHO CODE, TO REDUCE THE PERIOD OF TIME FOR SUSTAINED ACTIVE RECRUITMENT THAT A HEALTH CARE FACILITY MUST DEMONSTRATE IN ORDER FOR ITS WAIVER REQUEST APPLICATION TO BE CONSIDERED; AMENDING SECTION 39-6108, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICANT CRITERIA; AMENDING SECTION 39-6111, IDAHO CODE, TO REVISE PROVISIONS REGARDING J-1 PETITIONING PHYSICIAN CRITERIA; AMENDING SECTION 39-6111A, IDAHO CODE, TO REVISE PROVISIONS REGARDING FLEX WAIVERS FOR J-1 PETITIONING PHYSICIANS; AMENDING SECTION 39-6111B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRITERIA FOR NATIONAL INTEREST WAIVER PETITIONING PHYSICIANS; AMENDING SECTION 39-6114, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN APPLICATION FORMS AND ACCOMPANYING DOCUMENTS; AMENDING SECTION 39-6114A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN APPLICATION FORMS AND DOCUMENTS; AMENDING SECTION 39-6116, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE WILL RETURN APPLICATIONS AND APPLICATION FEES TO CERTAIN APPLICANTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-6102, Idaho Code, be, and the same is hereby amended to read as follows:

39-6102. PURPOSE. Under this chapter, rural and underserved communities in Idaho would be able to apply for the placement of a foreign trained physician after demonstrating that they are unable to recruit an American physician, and all other recruitment/placement possibilities have proven to be inaccessible.

(1) The "Idaho Conrad J-1 Visa Waiver Program" authorizes the Idaho department of health and welfare to recommend up to thirty (30) foreign trained physicians per federal fiscal year to locate in communities that are federally designated as having a health workforce shortage. ~~No more than ten (10) of thirty (30) recommendations~~ Recommendations may be for ~~physician specialists other than pediatrics, internal medicine, family medicine, obstetrics, gynecology, psychiatry, or general surgery, or physician specialists.~~ Applications for specialists must demonstrate a need for the type of specialty held by the petitioning physician. Final approval of J-1 visa waiver requests are made by the United States bureau of citizenship and immigration services.

(2) Provided health care organizations located in federally designated shortage areas do not utilize the full annual allocation of J-1 visa waivers, the department will may accept ~~no more than ten (10)~~ waiver applications six (6) months after the beginning of each federal fiscal year for petitioning J-1 visa waiver physicians to work in areas without a federal shortage area designation. The practice and petitioning physician must serve patients who reside in federally designated areas of underservice. ~~The maximum number of flex waiver applications available to specialists is limited to no more than five (5) per federal fiscal year.~~

(3) The "National Interest Waiver Program" allows the Idaho department of health and welfare to testify that it is in the public's interest that a waiver be granted to a foreign trained physician who commits to locating in a community that is federally determined as having a health workforce shortage. Final approval of the national interest waiver request is made by the United States bureau of citizenship and immigration services.

SECTION 2. That Section 39-6105, Idaho Code, be, and the same is hereby amended to read as follows:

39-6105. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a health care facility that seeks to employ a physician and is requesting state support of a J-1 visa waiver or national interest waiver.

(2) "Area of underservice" means a health professional shortage area in primary care or mental health, a medically underserved area, or a medically underserved population, federally designated by the secretary of health and human services.

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

(4) "Employment contract" means a legally binding agreement between the applicant and the physician named in the J-1 visa waiver or national interest waiver application ~~which~~ that contains all terms and conditions of employment, including, but not limited to, the salary, benefits, length of employment and any other consideration owing under the agreement. The employment contract must meet all state and federal criteria, including labor and immigration rules.

(5) "Federal fiscal year" means the twelve (12) months ~~which~~ that commence the first day of October in each year and close on the thirtieth day of September of the following year.

(6) "Flex" means ~~the maximum of ten (10) waiver applications, with no more than five (5) available to specialists,~~ applications that may be submitted six (6) months following the beginning of each federal fiscal year for J-1 visa waiver physicians to work in areas without a federal shortage area designation.

(7) "Full time" means a working week of a minimum of forty (40) hours at one (1) or more health care facilities.

(8) "Health care facility" means an entity with an active Idaho taxpayer identification number doing business or proposing to do business in the practice location where the physician would be employed, whose stated purposes include the delivery of primary medical or mental health care.

(9) "Interested government agency" means an agency that has the authority from the United States department of state to submit requests for J-1 visa waivers of foreign physician petitioners on behalf of public interest.

(10) "J-1 visa" means an entrance permit into the United States for a foreign trained physician who is a nonimmigrant admitted under section 101(a)(15)(J) of the United States ~~information and education exchange~~ immigration and nationality act or who acquired such status or who acquired exchange visitor status under the act.

(11) "J-1 visa waiver" means a federal action that waives the requirement for a foreign physician, in the United States on a J-1 visa, to return to his home country for a two (2) year period following medical residency training.

(12) "National interest waiver" means an exemption from the labor certification process administered by the United States department of labor for foreign physicians whose will to stay in the United States and work in an area of underservice in Idaho is determined to be in the public interest by the Idaho department of health and welfare.

(13) "New start" means a health care facility, as defined in subsection (8) of this section, that has been in existence for twelve (12) months or less.

(14) "Petitioning physician" means the foreign physician, named in the J-1 visa waiver or national interest waiver application, who requires a waiver to remain in the United States to practice medicine.

(15) "Primary care" means a medical doctor or doctor of osteopathy licensed in pediatrics, family medicine, internal medicine, obstetrics, gynecology, general surgery or psychiatry.

~~(16) "Sliding fee discount schedule" means a written delineation documenting the value of charge discounts granted to patients based upon financial hardship and federal poverty guidelines.~~

~~(17)~~ (16) "Specialist" means a medical doctor or doctor of osteopathy in any specialty or subspecialty other than pediatrics, family medicine, internal medicine, obstetrics, gynecology, general surgery or psychiatry.

~~(18)~~ (17) "Unmet need" means a vacancy or shortage of primary care or specialist physicians experienced by a community or population, as defined by federally designated health professional shortage areas or medically underserved areas/populations or as demonstrated by additional data and information required by the department.

~~(19)~~ (18) "Vacancy" means a full-time physician practice opportunity in the delivery of health care services.

SECTION 3. That Section 39-6106, Idaho Code, be, and the same is hereby amended to read as follows:

39-6106. GENERAL REQUIREMENTS AND LIMITATIONS. (1) J-1 visa waiver or national interest waiver request. The department may only submit a waiver request when:

- (a) The application contains all of the required information and documentation; and
- (b) The application meets all state and federal criteria; and
- (c) Foreign exchange physicians having a J-1 case number assigned by the United States department of state have paid all federal processing fees; and

(d) The applicant has paid the state of Idaho application processing fee.

(2) Limitations of department actions.

(a) Prior to submission of an application, the department may provide information to the applicant on preparing a complete application.

(b) The department will not be responsible for adding any information to incomplete application packets.

(c) For applicants who have benefited from department waiver requests previously, the applicant's history of compliance will be a consideration in future decisions for waiver requests.

(d) In any single program year, a health care facility will not be allotted more than ~~two (2)~~ five (5) J-1 visa waiver request applications per practice location.

(e) The shortage area designation must be current on the date the United States department of state reviews and recommends the application and on the date the immigration agency approves the J-1 visa waiver and national interest waiver. Any application that is being submitted to the department at the end of the three (3) year health professional shortage area designation cycle may be summarily denied if the renewal is not obtained.

(i) Participation by the department in the J-1 visa waiver program and in the national interest waiver program is completely discretionary and voluntary. The department may elect not to participate in the program at any time. The submission of a complete waiver application package does not ensure the department will recommend a waiver. The department reserves the right to recommend or decline any request for a waiver.

(ii) The department, its employees or agents are held harmless of any perceived consequence for the denial of a waiver petitioner, or the approved placement of one that is not favorable.

(iii) Application procedures for J-1 visa waiver physician placements were developed by the department in compliance with P.L. 103-416 and subsequent revisions. The procedures for the issuance of national interest waiver recommendations were developed by the department in compliance with 8 CFR ~~sec.~~ 214.12 and 8 CFR ~~sec.~~ 245 and subsequent revisions. These procedures are subject to updates and changes at any time. Interpretation of these procedures rests solely with the department in consultation with the appropriate federal agencies.

SECTION 4. That Section 39-6107, Idaho Code, be, and the same is hereby amended to read as follows:

39-6107. APPLIED PRINCIPLES. (1) Option of last resort. The J-1 visa waiver and national interest waiver programs are considered a final source for recruiting qualified physicians. These programs are not a substitute for broad recruiting efforts for graduates from United States medical schools, but an option of last resort. Any application that qualifies for consideration under any other interested government agency or federal program, such as the one administered by the department of health and human services, must be submitted under that program in lieu of the J-1 visa waiver program. The option of last resort principle does not apply to national interest waiver petitioning physicians for whom a J-1 visa waiver request was issued by the state of Idaho; in which case, physician retention is the objective if it is determined to be in the public interest.

(2) Waiver request applications will only be considered for health care facilities that can provide evidence of sustained active recruitment over a period of at least ~~six (6)~~ three (3) months for the physician vacancy in the practice location. The ~~six (6)~~ three (3) month vacancy requirement does not apply to a national interest waiver petitioning physician for whom a J-1 visa waiver request was issued by the state of Idaho.

(3) The J-1 visa waiver program and national interest waiver program will be used to assist health care facilities that can document the provision of health care services to all residents of the federally determined area of underservice. When a federal designation is for an underserved population, the health care facility must document the provision of care to, and assure access by, the underserved population.

SECTION 5. That Section 39-6108, Idaho Code, be, and the same is hereby amended to read as follows:

39-6108. CRITERIA FOR APPLICANTS. (1) Applicants must be existing health care facilities that:

(a) Have an active taxpayer identification number in Idaho; and

(b) Have provided medical or mental health care in Idaho for a minimum of twelve (12) months prior to submitting the application, or meet the requirements for a new start as defined in this chapter.

(2) The waiver request to the department must come from a U.S. health care facility on behalf of the physician and not directly from the physician or his representative.

(3) J-1 visa waiver and national interest waiver petitioners with fellowship training must contract with employers to provide primary care services full time.

(4) Applicants must not be former J-1 visa waiver or national interest waiver physicians who are currently fulfilling their required three (3) or five (5) year obligation.

(5) Applicants may not submit waiver requests for a relative.

(6) Applicants must accept all patients regardless of their ability to pay.

(7) Except for state institutional and correctional facilities designated as federal shortage areas, the applicant must:

~~(a) Serve~~ serve medicare clients, medicaid clients, low-income clients, uninsured clients, and the population of a federal shortage designation.

~~(b) Agree to implement a sliding fee discount schedule. The schedule must be:~~

~~(i) Available in Spanish (where applicable) and English; and~~

~~(ii) Posted conspicuously; and~~

~~(iii) Distributed in hard copy on request to individuals making or keeping appointments with that physician.~~

(8) Applicants must have a signed employment contract with the physician, and guarantee wages for the duration of the contract.

(9) Applicants must cooperate in providing the department with clarifying information, in verifying information already provided, or in any investigation of the applicant's financial status and payer mix.

(10) Applicants must first apply through any organization with federal or interested governmental agency authority which that submits waiver requests for Idaho's underserved rural areas. Documentation which that fully explains why this route was not taken for placement is required as part of the application.

(11) The physician's name and practice location will be made available to the public as a provider who accepts medicare, and medicaid ~~and utilizes a sliding fee schedule for the low-income population.~~

(12) An assurance letter that the health care facility, its principals, and the J-1 or national interest waiver petitioning physician are not under investigation for, under probation for, or under restriction for medicare or medicaid fraud, or other violations of law or licensure restrictions that may indicate that it may not be in the public interest that a waiver be granted, must be provided.

(13) The applicant and its principals must be free of default on any federal or state scholarship or loan repayment program such as the national health service corps ~~or by the state~~.

SECTION 6. That Section 39-6111, Idaho Code, be, and the same is hereby amended to read as follows:

39-6111. CRITERIA FOR THE J-1 PETITIONING PHYSICIAN. (1) The petitioning physician must not have a J-1 visa waiver pending for any other employment offer, and must provide a notarized statement testifying to this fact.

(2) The physician must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Petitioning physicians must:

(a) Provide direct patient care full time; and

(b) Be trained in:

(i) Family medicine;

(ii) Internal medicine;

(iii) Pediatrics;

(iv) Obstetrics and gynecology;

(v) General surgery;

(vi) Psychiatry and its subspecialties; or

(vii) Other specialties licensed or eligible for licensure by the Idaho board of medicine, if there is a demonstrated need by the applicant organization.

(4) Physicians must apply and be eligible for an active Idaho medical license. The petitioning physician may be participating in an accredited residency program for this application, but must have successfully completed the third year of their residency training program for their employment contract to be activated. The petitioning physician must have an unrestricted license to practice in the state of Idaho and be board-certified or eligible in his respective medical specialty at the commencement of employment. A copy of the acknowledgment of receipt form from the state board of medicine must be included in the waiver request.

~~(5) Physicians must have at least one (1) recommendation from their residency program that:~~

~~(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income persons in the United States;~~

~~(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities;~~

~~(c) Documents the level of specialty training, if any;~~

~~(d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and~~

~~(e) Includes name, title, relationship to physician, address, and telephone number of signatory.~~

~~(6)~~ (5) The petitioning physician must agree with all provisions of the employment contract as described in section 39-6109, Idaho Code. Other negotiable terms of the contract are between the petitioning physician and the hiring agency.

- ~~(7)~~ (6) The petitioning physician must:
- (a) (i) Agree to work full time for no less than three (3) years in an area of underservice in the state of Idaho;
 - ~~(b)~~ (ii) Provide health care to medicare and medicaid beneficiaries; and
 - ~~(c)~~ Post and implement a sliding fee discount schedule;
 - ~~(d)~~ (iii) Serve the low-income population; all individuals within a shortage designation population, including low-income and uninsured individuals; or
 - ~~(e)~~ Serve the uninsured population; and
 - ~~(f)~~ Serve the shortage designation population; or
 - ~~(g)~~ (b) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.

SECTION 7. That Section 39-6111A, Idaho Code, be, and the same is hereby amended to read as follows:

39-6111A. FLEX WAIVERS FOR J-1 PETITIONING PHYSICIANS. The department will accept ~~no more than ten (10)~~ waiver applications six (6) months after the beginning of each federal fiscal year for petitioning J-1 visa waiver physicians to work in areas without a federal shortage area designation. The practice and petitioning physician must serve patients who reside in federally designated areas of underservice. The maximum number of flex applications may not exceed the total number of waiver slots available.

(1) The practice location must be located outside of a federally designated shortage area to apply for a flex waiver.

(2) The applicant organization and petitioning physician must meet all eligibility, application and reporting requirements with the exception of the practice location.

(3) The applicant organization must submit documentation demonstrating how the practice location and petitioning physician will serve patients who reside in federally designated areas of underservice.

~~(4) The maximum number of flex waiver applications available for specialists is limited to no more than five (5) per federal fiscal year.~~

~~(5)~~ (4) Flex waiver applications must demonstrate a need for the primary care or specialty petitioning physician.

SECTION 8. That Section 39-6111B, Idaho Code, be, and the same is hereby amended to read as follows:

39-6111B. CRITERIA FOR THE NATIONAL INTEREST WAIVER PETITIONING PHYSICIAN. The national interest waiver petitioning physician must:

(1) (a) Provide direct patient care full time; and

(b) Be trained in:

(i) Family medicine;

(ii) Internal medicine;

(iii) Pediatrics;

(iv) Obstetrics and gynecology;

(v) General surgery; ~~or~~

(vi) Psychiatry and its subspecialties; or

(vii) Other specialties licensed or eligible for licensure by the Idaho board of medicine, if there is a demonstrated need by the applicant organization.

(2) Apply and be eligible for an active Idaho medical license. The physician may be participating in an accredited residency program for this application, but must have successfully completed the third year of his residency training program for his employment contract to be activated. The physician must have an unrestricted license to practice in the state of Idaho and be board-certified or eligible in his respective medical specialty at

the commencement of employment. A copy of the acknowledgment of receipt form from the state board of medicine must be included in the waiver request.

~~(3) Have at least one (1) recommendation from their residency program and one (1) from a previous employer, if applicable, that:~~

~~(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income persons in the United States;~~

~~(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities;~~

~~(c) Documents the level of specialty training, if any;~~

~~(d) Is prepared on residency program letterhead or the employer's business letterhead and is signed by residency program staff or faculty; and~~

~~(e) Includes name, title, relationship to physician, address and phone number of signatory.~~

~~(4) (3) Agree with all provisions of the employment contract as described in section 39-6109A, Idaho Code. Other negotiable terms of the contract are between the physician and the hiring agency.~~

~~(5) (4) (a) (i) Agree to work full time for no less than five (5) years in an area of underservice in the state of Idaho unless the physician qualifies for the three (3) year service provision under the applicable national interest waiver rules and regulations or the physician is transferring from another area of underservice;~~

~~(b) (ii) Provide health care to medicare and medicaid beneficiaries; and~~

~~(c) Post and implement a sliding fee discount schedule;~~

~~(d) (iii) Serve the low-income population; all individuals within a shortage designation population, including low-income and uninsured individuals; or~~

~~(e) Serve the uninsured population; and~~

~~(f) Serve the shortage designation population; or~~

~~(g) (b) Serve the population of a local, state or federal governmental institution or corrections facility as an employee of the institution.~~

SECTION 9. That Section 39-6114, Idaho Code, be, and the same is hereby amended to read as follows:

39-6114. REQUIRED APPLICATION FORMS AND ACCOMPANYING DOCUMENTS FOR A J-1 VISA WAIVER REQUEST. (1) Applications for the J-1 visa waiver program must include, but not be limited to, the following:

(a) Evidence the applicant has no other mechanism through another process or interested government agency to apply for a J-1 visa waiver for the petitioning physician;

(b) Evidence of recruiting efforts over a minimum of ~~six (6)~~ three (3) months prior to when the physician applied for the vacancy; this must include regional and national electronic or print advertising stating the position available and the practice site location. Copies of advertisements submitted must show the publication date. Advertisements run at the time of or after preparation of the employment contract are unusable. Online advertisements must show dates the advertisements were online. Contracts with recruitment firms are allowable as evidence in lieu of electronic or print advertisements if the activities described in this section are provided under contract. Recruitment firm contracts must be included if applicable documentation that the health care facility has utilized broad recruitment efforts and was unsuccessful;

(c) Evidence that the petitioning physician selected for the position visited the practice site;

(d) A mailing list of physicians who applied for the position and the reason they were not selected;

(e) Evidence that the applicant has been providing medical or mental health care in Idaho for at least twelve (12) months or meets the requirements for a new start as defined in this chapter. This includes, but may not be limited to, the Idaho taxpayer identification number, facility address, fax and telephone numbers, and staffing list;

(f) A copy of an employment contract between the petitioning physician and the applicant for no less than three (3) years;

(g) Evidence that the employment site is in a designated area of under-service;

~~(h) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures;~~

~~(i) A copy of the sliding fee scale which the health care facility must agree to implement and post;~~

~~(j) (h)~~ A copy of the petitioning physician's license to practice medicine in the state of Idaho, or proof of the physician's eligibility to apply for an Idaho license;

~~(k) (i)~~ Legible copies of all IAP-66/DS 2019 forms (certificate of eligibility for exchange visitor status), covering every period the physician was in J-1 status, submitted in chronological order;

~~(l) (j)~~ Legible copies (front and back) of all I-94 entry and departure cards for the physician and family members;

~~(m) (k)~~ The petitioning physician's curriculum vitae;

~~(n) (l)~~ A statement of "no objection from the government" of the petitioning physician's country of nationality, if applicable. The government of the country to which the petitioning physician is otherwise contractually obliged to return must furnish a letter to the director of the United States department of state with a statement in writing that there is no objection to such waiver in cases where the petitioning physician's medical education or training is funded by the government of the petitioning physician's home country. Whether or not there is foreign government funding can be determined from examining the physician's IAP-66 DS 2019 form. This letter must be in English and follow the procedures and format outlined in federal register volume 60, number 197, published October 12, 1995 (or subsequent revisions);

~~(o) (m)~~ Payment of the department's administrative application processing fee;

~~(p) (n)~~ Federal form G-28 or letterhead from the law office, if the physician is being represented by an attorney, with telephone and fax numbers, and a contact name and address; and

~~(q) (o)~~ A copy of the United States department of state-issued instruction sheet with case number.

(2) The state may require any other documentation or information for the support and approval process in the waiver application on the part of the petitioning physician or the applicant.

(3) These requirements are subject to change without notice.

(4) J-1 visa waiver program application forms and instructions are available and may be requested from the department.

(5) The petitioning physician's case number must appear on each page. The case number is assigned by the United States department of state.

(6) All required information and documentation must be submitted in a single package with all documents presented per instructions that will be provided by the department upon request. One (1) single-sided, unbound original and one (1) single-sided, unbound copy must be included. Waiver requests that do not comply with these requirements and the instructions provided by the department will not be considered.

(7) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures.

SECTION 10. That Section 39-6114A, Idaho Code, be, and the same is hereby amended to read as follows:

39-6114A. REQUIRED APPLICATION FORMS AND DOCUMENTS FOR A NATIONAL INTEREST WAIVER REQUEST. (1) Applications for the national interest waiver program must include, but not be limited to, the following:

(a) Evidence of recruiting efforts over a minimum of ~~six (6)~~ three (3) months prior to when the petitioning physician applied for the vacancy. This evidence must include ~~regional and national electronic or print advertising stating the position available and the practice site location. Copies of advertisements submitted must show the publication date. Advertisements run at the time of or after preparation of the employment contract are unusable. Online advertisements must show dates the advertisements were online. Contracts with recruitment firms are allowable as evidence in lieu of electronic or print advertisements if the activities described in this paragraph are provided under contract. Recruitment firm contracts must be included, if applicable. The provision of evidence for recruitment efforts over a six (6) month period is not necessary for national interest waiver petitioning physicians who receive a J-1 visa waiver at the request of the state of Idaho~~ documentation that the health care facility has utilized broad recruitment efforts and was unsuccessful;

(b) Evidence that the physician selected for the position visited the practice site;

(c) A mailing list of physicians who applied for the position and the reason they were not selected;

(d) Evidence that the applicant has been providing medical or mental health care in Idaho for at least twelve (12) months or meets the requirements for a new start as defined in section 39-6105, Idaho Code. This includes, but may not be limited to, the Idaho taxpayer identification number, facility address, fax and telephone numbers, and staffing list;

(e) A copy of an employment contract between the physician and the applicant;

(f) Evidence that the employment site is in a federally determined area of underservice;

~~(g) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures;~~

~~(h) A copy of the sliding fee scale which the health care facility must agree to implement and post;~~

~~(i) (g) A copy of the physician's license to practice medicine in the state of Idaho, or eligibility to apply for an Idaho license;~~

~~(j) (h) Legible copies of any DS 2019 forms (formerly IAP-66), and other United States immigration documentation attesting to the physician's current legal status and history of stay in the United States;~~

~~(k) (i) The physician's curriculum vitae; and~~

~~(l) (j) Payment of the department's administrative application processing fee.~~

(2) The state of Idaho may require any other documentation or information for the support and approval process in the waiver application on the part of the physician or the applicant.

(3) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures.

~~(3)~~ (4) These requirements are subject to change without notice.

SECTION 11. That Section 39-6116, Idaho Code, be, and the same is hereby amended to read as follows:

39-6116. DEPARTMENT REVIEW AND ACTION. (1) The department will review applications for completeness in date order received.

(2) Applications submitted for petitioning physicians with language skills appropriate to the community they wish to serve will be given priority.

(3) Selection preference will be given to applications received from health professional shortage areas having the greatest unmet need for physicians.

(4) Applications must be mailed, sent by commercial carrier, or delivered in person. Applications may not be sent electronically. The department is not responsible for applications or related materials lost in the mail.

(5) The department may limit the time period during which applications may be submitted including refusing to process applications after the department has submitted requests for all applications allowed in a given federal fiscal year.

(6) In the event an applicant for a J-1 visa waiver or a national interest waiver submits an application to the department, the department will acknowledge receipt of the copy of the application within five (5) business days of receipt.

(7) The department will review applications within thirty (30) working days of receipt of the application to determine if the application is complete, and provide a written explanation of missing items.

(8) An additional fee will not be charged for incomplete applications if the missing items are provided within thirty (30) calendar days of the date on the letter of explanation from the department. If new information is not received within this time frame, the application will be returned to the applicant. The application fee will not be returned.

(9) The department will return applications and application fees to applicants having had ~~two (2)~~ five (5) approved J-1 visa waiver requests in the current federal fiscal year for the shortage area or applications received after thirty (30) placements have been recommended.

(10) The department will review complete applications against the criteria specified in this chapter.

(11) The department may:

(a) Request additional clarifying information;

(b) Verify information presented;

(c) Investigate the financial status of the applicant;

(d) Request verification of the health care facility's payer mix for the previous twelve (12) to eighteen (18) months; and

(e) Return the application as incomplete if the applicant does not supply the requested clarifying information in its entirety within thirty (30) days of request. The application fee is nonrefundable. Incomplete applications must be resubmitted with the application fee. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(12) The department may request the director of the United States department of state to recommend that the immigration agency grant the J-1 visa waiver.

(13) The department may provide a letter of attestation to the immigration agency that the physician's work in Idaho is in the public interest for a national interest waiver.

(14) The department will notify the applicant in writing of action taken by the department. If the decision is to decline the J-1 visa waiver or national interest waiver request, the department will provide an explanation of how the application failed to meet the stated criterion or criteria. The application fee is nonrefundable.

(15) The department may deny a J-1 visa waiver or national interest waiver request or, prior to United States department of state or immigration agency approval, may withdraw a J-1 visa waiver or national interest waiver recommendation for cause, which shall include the following:

- (a) The application is not consistent with state or federal criteria;
- (b) Fraud;
- (c) Misrepresentation;
- (d) False statements;
- (e) Misleading statements;
- (f) Evasion or suppression of material facts in the J-1 visa waiver or national interest waiver application or in any of its required documentation and supporting materials;
- (g) Incomplete or insufficient information; or
- (h) Allowable number of recommendations for the facility or year has been met.

(16) Applications denied may be resubmitted with concerns addressed, with the application fee. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(17) The department retains the authority to audit, monitor and conduct unannounced site visits.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 15, 2023

CHAPTER 32
(H.B. No. 70)

AN ACT

RELATING TO COUNTY INDIGENCE SERVICES AND FINANCES; AMENDING SECTION 20-605, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE THAT THE COST OF MEDICAL OR DENTAL SERVICES FOR PERSONS CONFINED AT CERTAIN FACILITIES SHALL BE PAID AT A CERTAIN RATE; AMENDING SECTION 31-3302, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE THAT MEDICAL SERVICES FOR PERSONS CONFINED AT A COUNTY JAIL SHALL BE PAID AT A CERTAIN RATE; AMENDING SECTION 31-3503, IDAHO CODE, TO PROVIDE FOR NEGOTIATION AND SETTLEMENT OF CERTAIN CASES; AMENDING SECTION 49-673, IDAHO CODE, TO REMOVE REFERENCES TO THE CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING SECTION 57-813, IDAHO CODE, RELATING TO THE CATASTROPHIC HEALTH CARE COST ACCOUNT; AMENDING SECTION 63, CHAPTER 318, LAWS OF 2022, TO REVISE THE EFFECTIVE DATE OF A REPEAL; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 20-605, Idaho Code, be, and the same is hereby amended to read as follows:

20-605. COSTS OF CONFINEMENT. (1) For purposes of this section, "reimbursement rate" means ninety-five percent (95%) of the unadjusted medic-aid rate of reimbursement for medical charges allowed pursuant to title XIX of the social security act, as amended, that is in effect at the time the service is rendered.

(2) The county wherein any court has entered an order pursuant to section 20-604, Idaho Code, shall pay all direct and indirect costs of the detention or confinement of the person to the governmental unit or agency owning or operating the jail or confinement facilities in which the person was confined or detained. The amount of such direct and indirect costs shall be determined on a per day per person basis by agreement between the county wherein the court entered the order and the county or governmental unit or agency owning or operating such jail or confinement facilities. In the absence of such agreement or order fixing the cost as provided in section 20-606, Idaho Code, the charge for each person confined or detained shall be the sum of thirty-five dollars (\$35.00) per day, plus the cost of any medical or dental services paid at the ~~rate of reimbursement as provided in chapter 35, title 31, Idaho Code~~ reimbursement rate, unless a rate of reimbursement is otherwise established by contract or agreement; provided, however, that the county may determine whether the detained or confined person is eligible for any local, state, federal or private program that covers dental, medical and/or burial expenses. That person will be required to apply for those benefits, and any such benefits obtained may be applied to the detained or confined person's incurred expenses, and in the event of the death of such detained or confined person, the county wherein the court entered the order shall pay all actual burial costs. Release from an order pursuant to section 20-604, Idaho Code, for the purpose of a person receiving medical treatment shall not relieve the county of its obligation of paying the medical care expenses imposed in this section. In case a person confined or detained was initially arrested by a city police officer for violation of the motor vehicle laws of this state or for violation of a city ordinance, the cost of such confinement or detention shall be a charge against such city by the county wherein the order of confinement was entered. All payments under this section shall be acted upon for each calendar month by the second Monday of the month following the date of billing.

SECTION 2. That Section 31-3302, Idaho Code, be, and the same is hereby amended to read as follows:

31-3302. COUNTY CHARGES ENUMERATED. (1) For purposes of this section, "reimbursement rate" means ninety-five percent (95%) of the unadjusted med-icaid rate of reimbursement for medical charges allowed pursuant to title XIX of the social security act, as amended, that is in effect at the time the service is rendered.

(2) The following are county charges:

~~(1)~~ (a) Charges incurred against the county by virtue of any provision of this title.

~~(2)~~ (b) The compensation allowed by law to constables and sheriffs for executing process on persons charged with criminal offenses; for services and expenses in conveying criminals to jail; for the service of subpoenas issued by or at the request of the prosecuting attorneys, and for other services in relation to criminal proceedings.

~~(3)~~ (c) The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail. Provided that any medical expenses shall be paid at the ~~rate of reimbursement as provided in chapter 35, title 31, Idaho Code,~~ reimbursement rate unless a rate of reimbursement is otherwise established by contract or agreement.

- ~~(4)~~ (d) The compensation allowed by law to county officers in criminal proceedings, when not otherwise collectible.
- ~~(5)~~ (e) The sum required by law to be paid to grand jurors and indigent witnesses in criminal cases.
- ~~(6)~~ (f) The accounts of the coroner of the county, for such services as are not provided to be paid otherwise.
- ~~(7)~~ (g) The necessary expenses incurred in the support of county hospitals, and the indigent sick and nonmedical assistance for indigents, whose support is chargeable to the county.
- ~~(8)~~ (h) The contingent expenses, necessarily incurred for the use and benefit of the county.
- ~~(9)~~ (i) Every other sum directed by law to be raised for any county purpose, under the direction of the board of county commissioners, or declared to be a county charge.

SECTION 3. That Section 31-3503, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503. REIMBURSEMENT. (1) An approved application for financial assistance for services received through March 31, 2022, shall obligate an applicant to reimburse the obligated county and the state for such reasonable portion of the financial assistance paid on behalf of the applicant as the county commissioners may determine that the applicant is able to pay from resources over a reasonable period of time. Cash amounts received shall be prorated between the county and the state in proportion to the amount each has paid. Moneys distributed to the state shall be deposited into the state general fund.

(2) A final determination shall not relieve the applicant's duty to make additional reimbursement from resources if the county commissioners subsequently find within a reasonable period of time that there has been a substantial change in circumstances such that the applicant is able to pay additional amounts up to the total claim paid on behalf of the applicant.

(3) A final determination shall not prohibit the county commissioners from reviewing a petition from an applicant to reduce an order of reimbursement based on a substantial change in circumstances.

(4) The automatic lien created pursuant to the chapter may be filed and recorded in any county of this state wherein the applicant has resources and may be liquidated or unliquidated in amount. Nothing herein shall prohibit an applicant from executing a consensual lien in addition to the automatic lien created by filing an application pursuant to this chapter. In the event that resources can be located in another state, the clerk may file the lien with the district court and provide notice to the recipient. The recipient shall have twenty (20) days to object, following which the district court shall enter judgment against the recipient. The judgment entered may thereafter be filed as provided for the filing of a foreign judgment in that jurisdiction.

(5) The county shall have the same right of recovery as provided to the state of Idaho pursuant to sections 56-218 and 56-218A, Idaho Code.

(6) The county commissioners may require the employment of such of the medically indigent as are capable and able to work and whose attending physician certifies they are capable of working.

(7) That portion of the moneys received by a county as reimbursement that are not assigned to the state shall be credited to the respective county current expense fund.

(8) The automatic lien attached to an application for services received through March 31, 2022, pursuant to this chapter as it existed on March 1, 2022, shall continue to be valid for the purposes of collecting reimbursement pursuant to this section.

(9) Upon receipt of a settlement application, the county commissioners may negotiate and settle a case for financial assistance paid, which includes full lien release, on behalf of the state.

SECTION 4. That Section 49-673, Idaho Code, be, and the same is hereby amended to read as follows:

49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho Code, and subsection (2) of this section, each occupant of a motor vehicle that has a gross vehicle weight of not more than eight thousand (8,000) pounds, and that was manufactured with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall have a safety restraint properly fastened about the occupant's body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

(a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable for medical reasons to wear a safety restraint;

(b) Occupants of motorcycles, implements of husbandry and emergency vehicles;

(c) Occupants of seats of a motor vehicle in which all safety restraints are then properly in use by other occupants of that vehicle; or

(d) Mail carriers only if all vehicle regulations and safety practices of the United States postal service are adhered to.

(3) (a) A citation may be issued to:

(i) Any occupant of the motor vehicle who is age eighteen (18) years or older and fails to wear a safety restraint as required in this section; and

(ii) The operator of the motor vehicle who is age eighteen (18) years or older if any occupant under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subparagraph, it shall be deemed a single violation regardless of the number of occupants not properly restrained.

(b) A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), ~~with five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund, as set forth in section 57-813, Idaho Code.~~ A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) A citation may be issued to the operator of the motor vehicle if the operator is under eighteen (18) years of age and the operator or any other occupant who is under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subsection, it shall be deemed a single violation regardless of the number of occupants not properly restrained. A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), ~~five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund as set forth in section 57-813, Idaho Code,~~ plus court costs. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this subsection shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.

(6) The department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety restraints and other restraint devices in reducing risk of harm to occupants of motor vehicles.

(7) The department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho highway safety plan which it submits to the national highway traffic safety administration and federal highway administration pursuant to 23 U.S.C. section 402.

(8) The failure to use a safety restraint shall not be considered under any circumstances as evidence of contributory or comparative negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.

SECTION 5. That Section 57-813, Idaho Code, be, and the same is hereby repealed.

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

SECTION 63. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 through 38, 54, 59, and 61 of this act shall be in full force and effect on and after passage and approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall be in full force and effect on and after July 1, 2022. Sections 39 40 through 52 shall be in full force and effect on and after July 1, 2023. Section 39 shall be in full force and effect on and after September 30, 2023. Section 62 shall be in full force and effect on and after July 2, 2024. Section 56 shall be in full force and effect on and after October 1, 2024.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature, in enacting this act, to revise and repeal provisions of law affected by the repeal of the County Indigent Program and the Catastrophic Health Care Cost Program in House Bill 735, enacted as Chapter 318, Laws of 2022.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 through 4, 6, and 7 of this act shall be in full force and effect on and after passage and approval, and Section 5 shall be in full force and effect on and after September 30, 2023.

Approved March 15, 2023

CHAPTER 33
(H.B. No. 59)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3029B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INCOME TAX CREDIT FOR CAPITAL INVESTMENT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3029B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029B. INCOME TAX CREDIT FOR CAPITAL INVESTMENT. (1) At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to the sum of:

- (a) The tax credit carryovers; and
- (b) The tax credit for the taxable year.

(2) The maximum allowable amount of the credit for the current taxable year shall be three percent (3%) of the amount of qualified investments made during the taxable year.

(3) As used in this section, "qualified investment" means certain property which that:

- (a) (i) Is eligible for the federal investment tax credit, as defined in sections 46(c) and 48 of the Internal Revenue Code, subject to the limitations provided for certain regulated companies in section 46(f) of the Internal Revenue Code, and is not a motor vehicle under eight thousand (8,000) pounds gross weight; or
- (ii) Is qualified broadband equipment, as defined in section 63-3029I, Idaho Code; and

(b) Is acquired, constructed, reconstructed, erected or placed into service after December 31, 1981; and

(c) Has a situs in Idaho, as determined under pursuant to subsection (9) of this section.

(4) (a) For qualified investments placed in service in 2003 and thereafter, a taxpayer, other than a person whose rate of charge or rate of return, or both, is regulated or limited according to federal or state law, may elect, in lieu of the credit provided by this section, a two (2) year exemption from all taxes on personal property on the qualified investment. The exemption from personal property tax shall apply to the year the election is filed as provided in this section and the immediately following year. The election provided by this paragraph is available only to a taxpayer whose Idaho taxable income, before application of net operating losses carried back or forward, in the second preceding taxable year in which the investment is placed in service is negative.

(b) The election shall be made in the form prescribed by the state tax commission and shall include a specific description and location of all qualified investments placed into service and located in the jurisdiction of the assessing authority, a designation of the specific assets for which the exemption is claimed, and such other information as the state tax commission may require. The election must be made by including the election form with the listing of personal property required by section 63-302, Idaho Code, or, in the case of operating property assessed under chapter 4, title 63, Idaho Code, with the operator's statement required by section 63-404, Idaho Code. Once made, the election is irrevocable. If no election is made, the election is not

otherwise available. A copy of the election form must also be attached to the original income tax return due for the taxable year in which the claim was made.

(c) The state tax commission and the various county assessors are authorized to exchange information as necessary to properly coordinate the exemption provided in this subsection. Information disclosed to county officials under this subsection may be used only to determine the validity or amount of a taxpayer's entitlement to the exemption provided in this section, and is not otherwise subject to public disclosure as provided in section 74-107, Idaho Code.

(d) In the event that an investment in regard to which the election under this subsection was made is determined by the state tax commission:

- (i) To not be a qualified investment; or
- (ii) To have ceased to qualify during the recapture period; or
- (iii) To be otherwise not qualified for the election;

the taxpayer shall be subject to recapture of the property tax benefit.

(e) The benefit to be recaptured in subsection ~~(4)~~ paragraph (d) of this subsection shall be computed in the manner required in subsection (7) of this section, and such recapture amount shall be subject to assessment in the same manner as a deficiency in tax under this chapter. For purposes of calculating the recapture, the property tax benefit shall be:

- (i) In the case of locally assessed property located in a single county or nonapportioned centrally assessed property, the market value of exempted property times the average property tax levy for that county in the year or years for which the exemption was claimed; or
- (ii) In the case of other centrally assessed property and property located in more than one (1) county, the market value of exempted property times the average urban property tax levy of the state as determined by the state tax commission in each of the years for which the exemption was claimed.

(f) In the event that a recapture of the exemption is required under this subsection ~~(4)~~, the person claiming the exemption shall report the event to the state tax commission in the manner the state tax commission may by rule require. The report shall be due no later than the due date of that person's income tax return under this chapter for the taxable year in which the event occurs. The recapture amount is due and payable with the report. Any amount of recapture not paid is a deficiency within the meaning of section 63-3044, Idaho Code.

(g) All moneys collected by the state tax commission pursuant to this subsection, which amounts are continuously appropriated for this purpose, shall be deposited with the state treasurer and placed in the state refund account, as provided by section 63-3067, Idaho Code, to be remitted to the county within which the property was located that was not a qualified investment or ceased to qualify during the recapture period. The county shall distribute this remittance to all appropriate taxing districts based on the proportion each appropriate taxing district's levy is to the total of all the levies of the taxing districts for the tax code area where the property was located for each year the exemption was granted. If any taxing district is dissolved or disincorporated, the proportionate share of the remittance to be distributed to that taxing district shall be deposited in the county current expense fund.

(h) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection shall be treated as property tax revenue by taxing districts.

(5) Notwithstanding the provisions of subsections (1) and (2) of this section, the amount of the credit allowed shall not exceed fifty percent (50%) of the tax liability of the taxpayer. The tax liability of the taxpayer shall be the tax after deducting the credit allowed by section 63-3029, Idaho Code.

(6) If the sum of credit carryovers from the credit allowed by subsection (2) of this section and the amount of credit for the taxable year from the credit allowed by subsection (2) of this section exceed the limitation imposed by subsection (5) of this section for the current taxable year, the excess attributable to the current taxable year's credit shall be an investment credit carryover to the fourteen (14) succeeding taxable years so as long as the qualified investment property for which the unused credit was granted otherwise remains a qualified investment as determined under subsection (3) of this section in each of the taxable years during the recapture period. In the case of a group of corporations filing a combined report under section 63-3027, Idaho Code, or sections 63-3027B through 63-3027E, Idaho Code, credit earned by one (1) member of the group but not used by that member may be used by another member of the group, subject to the provisions of subsection (5) of this section, instead of carried over. The entire amount of unused credit shall be carried forward to the earliest of the succeeding years, wherein the oldest available unused credit shall be used first. For a combined group of corporations, credit carried forward may be claimed by any member of the group, unless the member who earned the credit is no longer included in the combined group.

(7) Any recapture of the credit allowed by subsection (2) of this section on property disposed of or ceasing to qualify, prior to the close of the recapture period, shall be determined according to the applicable recapture provisions of the Internal Revenue Code. In the case of a unitary group of corporations, the increase in tax due to the recapture of investment tax credit must be reported by the member of the group who earned the credit regardless of which member claimed the credit against tax.

(8) For the purpose of determining whether property placed in service is a "qualified investment" as defined in subsection (3) of this section, the provisions of section 49 of the Internal Revenue Code shall be disregarded. "Qualified investment" shall not include any amount for which a deduction is allowed under section 168(k) or section 179 of the Internal Revenue Code in computing Idaho taxable income.

(9) For purposes of this section, property has a situs in Idaho during a taxable year if it is used in Idaho at any time during the taxable year. Property not used in Idaho during a taxable year does not have a situs in Idaho in the taxable year during which the property is not used in Idaho or in any subsequent taxable year. The Idaho situs of property must be established by records maintained by the taxpayer ~~which~~ that are created reasonably contemporaneously with the use of the property.

(10) In the case of property used both in and outside Idaho, the taxpayer, electing to claim the credit provided in this section, must elect to compute the qualified investment in property with a situs in Idaho for all such investments first qualifying during that year in one (1), but only one (1), of the following ways:

(a) The amount of each qualified investment in a specific asset shall be separately computed based on the percentage of the actual use of the property in Idaho by using a measure of the use, such as total miles or total machine hours, that most accurately reflects the beneficial use during the taxable year in which it is first acquired, constructed, reconstructed, erected, or placed into service; provided, that the asset is placed in service more than ninety (90) days before the end of the taxable year. In the case of assets acquired, constructed, reconstructed, erected, or placed into service within ninety (90) days prior to the end of the taxable year in which the investment first qualifies,

the measure of the use of that asset within Idaho for that year shall be based upon the percentage of use in Idaho during the first ninety (90) days of use of the asset; or

(b) The investment in qualified property used both inside and outside Idaho during the taxable year in which it is first acquired, constructed, reconstructed, erected, or placed into service shall be multiplied by the percent of the investment that would be included in the numerator of the Idaho property factor determined pursuant to section 63-3027, Idaho Code, for the same year; provided that the asset is placed in service more than ninety (90) days before the end of the taxable year. In the case of assets acquired, constructed, reconstructed, erected, or placed into service within ninety (90) days prior to the end of the taxable year in which the investment first qualifies, the investment in qualified property used both inside and outside Idaho shall be multiplied by the percent of the investment that would be included in the numerator of the Idaho property factor determined pursuant to section 63-3027, Idaho Code, during the first ninety (90) days of use of the asset.

(11) References to sections 46, 48 and 49 of the "Internal Revenue Code" mean those sections as they existed in the Internal Revenue Code of 1986 prior to November 5, 1990.

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

Approved March 16, 2023

CHAPTER 34
(H.B. No. 80)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3042A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A TAXPAYER'S EVIDENCE OF EXPENDITURES; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3042A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3042A. EVIDENCE OF EXPENDITURES. For the purpose of documenting an expenditure as a deduction or credit under this chapter, ~~there is a rebuttable presumption that a taxpayer's statement or invoice from a credit card company or other financial institution reflecting the expenditure serves as evidence that the expenditure was made by the taxpayer. This presumption may be rebutted by competent evidence.~~ absent clear and convincing evidence of fraud, a taxpayer's statement or invoice from a credit card company or other financial institution reflecting the expenditure shall conclusively establish that the expenditure was made by the taxpayer.

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

Approved March 16, 2023

CHAPTER 35
(H.B. No. 51)

AN ACT

RELATING TO PROPERTY VALUATION ASSESSMENT NOTICES; AMENDING SECTION 63-308, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE VALUATION ASSESSMENT NOTICE TO BE FURNISHED TO THE TAXPAYER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-308, Idaho Code, be, and the same is hereby amended to read as follows:

63-308. VALUATION ASSESSMENT NOTICE TO BE FURNISHED TO THE TAXPAYER. (1) ~~At the taxpayer's request, on a form provided by the assessor, the valuation assessment notice may be transmitted electronically to the taxpayer. The state tax commission shall prepare a standard valuation assessment notice form to be used by all counties in fulfilling the requirements of this section.~~

(2) The valuation assessment notice required under the provisions of this chapter shall be delivered or may be transmitted electronically, as that term is defined in section 63-115, Idaho Code, if electronic transmission is requested by the taxpayer, to the taxpayer or to his agent or representative or mailed to the taxpayer or to his agent or representative at his last known post office address no later than the first Monday in June.

(3) The original valuation assessment notice so mailed or transmitted electronically must contain notices of all meetings of the board of equalization prescribed by this title for the purposes of equalizing assessments of property and for granting exemptions from taxation. The notice shall, in clear terms, inform the taxpayer of the assessed market value for assessment purposes of ~~his~~ the taxpayer's property for the current year and ~~his~~ the right to appeal to the county board of equalization. The notice shall also state:

(a) The market value for assessment purposes of the taxpayer's property for the previous two (2) years;

(b) The property taxes on the taxpayer's property by each taxing district and unit for the previous two (2) years;

(c) The percentage of increase or decrease that occurred over the previous two (2) years of the property tax amount on the taxpayer's property for each taxing district and unit;

(d) The date of each taxing district's or unit's budget hearing, if scheduled. If not scheduled as of the time of the notice, then the date by which the budget hearing must be held; and

(e) A telephone number for each taxing district or unit by which a taxpayer may obtain further information.

(4) The state tax commission may require that other data or information be shown on the form.

~~(3)~~ (5) In case any changes or corrections are made by the assessor from the original valuation assessment notice, the assessor shall immediately transmit electronically or mail a corrected valuation assessment notice to the taxpayer or to his agent or representative.

~~(4)~~ (6) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall transmit electronically or mail to the equitable titleholder a true copy of the valuation assessment notice on or before the second Monday in June.

~~(5)~~ (7) For property entered and assessed on the subsequent property roll pursuant to section 63-311, Idaho Code, the valuation assessment notice shall be transmitted electronically to the taxpayer or to his agent or representative or mailed to the taxpayer or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the third Monday in November.

~~(6)~~ (8) For property entered and assessed on the missed property roll pursuant to section 63-311, Idaho Code, the valuation assessment notice shall be transmitted electronically to the taxpayer or to his agent or representative or mailed to the taxpayer or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the first Monday of January of the following year.

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

Approved March 16, 2023

CHAPTER 36
(H.B. No. 112)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5603, IDAHO CODE, TO REVISE MEMBERSHIP OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5604, IDAHO CODE, TO EXPAND DISTRIBUTIONS FOR REIMBURSEMENTS, TO PROVIDE FOR THE OFFICE OF THE STATE BOARD OF EDUCATION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5605, IDAHO CODE, TO REQUIRE THE COMMISSION FOR LIBRARIES TO MAKE CERTAIN DISTRIBUTIONS AND TO ALLOW THE STATE BOARD OF EDUCATION TO AUTHORIZE CERTAIN INCREASES IN FUNDING AND GUIDANCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-5603, Idaho Code, be, and the same is hereby amended to read as follows:

33-5603. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- MEMBERS AND MEETINGS. (1) There is hereby established in the ~~state department office of the state board of education~~ the education opportunity resource committee. The committee shall consist of the following eight (8) members:

- (a) One (1) member shall be the state superintendent of public instruction or the superintendent's designee;
- (b) One (1) member shall be ~~appointed by the state board of education~~ the education data chief information officer or the officer's designee;
- (c) Three (3) members shall be appointed by the Idaho association of school administrators as follows:
 - (i) One (1) member who is a superintendent from a school district with fewer than one thousand (1,000) students enrolled, or the superintendent's designee;
 - (ii) One (1) member who is a superintendent from a school district with between one thousand (1,000) and four thousand nine hundred ninety-nine (4,999) students enrolled, or the superintendent's designee; and

(iii) One (1) member who is a superintendent from a school district with five thousand (5,000) or more students enrolled, or the superintendent's designee;

(d) One (1) member shall be the state librarian or the state librarian's designee; and

(e) Two (2) members shall be school technology personnel appointed by the Idaho education technology association.

(2) The chairperson shall be the education data chief information officer. The committee shall elect a chairperson and a vice chairperson who shall each hold such position for a two (2) year terms and who may be reelected. Members of the committee shall serve four (4) year terms. Vacancies shall be filled by the relevant appointing authority for the remaining term.

(3) The committee shall meet at least once quarterly until July 1, 2018, after which date the committee shall meet at least once annually.

(4) All meetings of the committee shall be held in accordance with the state open meetings law set forth in chapter 2, title 74, Idaho Code.

SECTION 2. That Section 33-5604, Idaho Code, be, and the same is hereby amended to read as follows:

33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DUTIES. In carrying out its powers and duties set forth in this section, the education opportunity resource committee shall focus on the broadband, wireless LAN and related services needs of all E-rate eligible entities. At a minimum, the committee shall:

(1) Make budget and policy recommendations to the state department office of the state board of education regarding:

(a) Broadband parameters;

(b) Wireless LAN parameters;

(c) Incentives for E-rate eligible entities to obtain the most appropriate service that best fits such entities' broadband needs and that is fiscally responsible;

(d) Incentives for districts to obtain the most appropriate service that best fits their wireless LAN needs and that is fiscally responsible; and

(e) The minimum and maximum service levels, the quality of services, and the minimum per-student or per-person internet and wireless LAN levels that contracts must adhere to for E-rate eligible entities to be eligible for state reimbursement.

(2) Establish reimbursement methodology that includes, but is not necessarily limited to, the following components:

(a) Distribution of appropriated moneys to E-rate eligible entities that have received E-rate funding. Distribution of such moneys must be in an amount equal to the non-E-rate reimbursed cost of internet services;

(b) If E-rate funding is not available to an E-rate eligible entity for any reason, other than a failure of the entity to apply in good faith for available E-rate funding, reimburse reimbursement to the entity for its internet service costs;

(c) Distribution of appropriated moneys remaining, after internet services are fully funded, for wide area networks (WANs). If necessary, the committee shall create an equalization formula for WAN distributions; and

(d) Distribution of appropriated moneys for related services, including but not limited to wireless LAN service, to districts that either have received E-rate funding or have applied in good faith for E-rate funding.

(3) Compile and analyze broadband utilization statistics from E-rate eligible entities to determine the levels of internet services necessary for such entities and report the statistics to the state department office of the state board of education, and E-rate eligible entities shall cooperate with the committee in carrying out its duty to compile and analyze such information;

(4) Advise and recommend resources to assist the state department office of the state board of education in carrying out its responsibility to provide E-rate application assistance and support to E-rate eligible entities districts;

(5) Not provide legal advice;

(6) Collaborate with other relevant governmental and nongovernmental entities to ensure best practices in broadband and wireless LAN are used and to recommend the terms of contracts for broadband, wireless LAN and related services; and

(7) Ensure compliance with appropriate purchasing laws.

SECTION 3. That Section 33-5605, Idaho Code, be, and the same is hereby amended to read as follows:

33-5605. EDUCATION OPPORTUNITY RESOURCE ACT -- ~~STATE DEPARTMENT OF EDUCATION DUTIES~~ -- RULEMAKING. (1) The state department of education shall:

~~(a) Distribute appropriated moneys to E-rate eligible entities districts for reimbursement for the cost of internet service and other allowable services in accordance with the methodology established by the education opportunity resource committee;~~

~~(b) Authorize funding increases for internet service levels when an E-rate eligible entity consistently exceeds utilization benchmarks established by the education opportunity resource committee during school or business days and hours, provided adequate funding is available; and~~

~~(c) Provide technical, E-rate, security, contracting and procurement guidance and assistance to E-rate eligible entities at any such entity's request.~~

(2) The commission for libraries shall distribute appropriated moneys to Idaho public libraries for reimbursement for the cost of internet service and other allowable services in accordance with the methodology established by the education opportunity resource committee and shall provide technical, E-rate, and security contracting, procurement guidance, and assistance to Idaho public libraries at any such entity's request.

~~(2) (3) The state board of education may promulgate:~~

(a) Promulgate rules in compliance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter. In promulgating such rules, the board shall collaborate with the education opportunity resource committee;

(b) Authorize funding increases for internet service levels when a district consistently exceeds utilization benchmarks, as established by the education opportunity resource committee, during school or business days and hours, provided adequate funding is available; and

(c) Provide technical, E-rate, and security contracting, procurement guidance, and assistance to districts at any such entity's request.

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

CHAPTER 37
(H.B. No. 135)

AN ACT

RELATING TO PROPERTY VALUATION ASSESSMENT NOTICES; AMENDING SECTION 2 OF HOUSE BILL NO. 51, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2 of House Bill No. 51, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

~~SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval. This act shall be in full force and effect on and after January 1, 2024.~~

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

Approved March 16, 2023

CHAPTER 38
(H.B. No. 132)

AN ACT

RELATING TO THE STRATEGIC INITIATIVES PROGRAMS; AMENDING SECTION 40-719, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE STRATEGIC INITIATIVES PROGRAM FUND, TO ESTABLISH A STRATEGIC INITIATIVES GRANT PROGRAM AND FUND FOR LOCAL UNITS OF GOVERNMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-719, Idaho Code, be, and the same is hereby amended to read as follows:

40-719. STRATEGIC INITIATIVES PROGRAM AND STRATEGIC INITIATIVES GRANT PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts and local units of government. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:

- (a) Safety, including the projected reduction of crashes, injuries and fatalities;
- (b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
- (c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
- (d) The repair and maintenance of bridges;

- (e) The purchase of public rights-of-way; and
- (f) Children Child pedestrian safety on the state and local system.
- (2) (a) There is hereby established in the state treasury the strategic initiatives program fund, to which shall be deposited:
- ~~(a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 2019. After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the strategic initiatives fund.~~
- ~~(b) Any other any appropriated moneys for funding of the strategic initiatives program.~~
- ~~(c) (b) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May 30, 2017, shall be apportioned as follows:~~
- ~~(i) Sixty percent (60%) to projects proposed by the Idaho transportation department's six (6) districts; and~~
 - ~~(ii) Forty percent (40%) to local units of government for the purpose of operating a strategic initiatives program administered by the local highway technical assistance council established in section 40-2401, Idaho Code.~~
- ~~(d) (c) The strategic initiatives program for local units of government shall be exempt from the requirements contained in subsection (1) (c) of this section.~~
- (3) (a) The Idaho transportation department shall establish and maintain a strategic initiatives grant program, which shall be separate from the strategic initiatives program described in subsections (1) and (2) of this section. The strategic initiatives grant program shall be for the purpose of assisting local units of government to mitigate the impact of state highway projects on local roads or for economically significant local transportation projects that require the assistance of the Idaho transportation department to facilitate.
- (b) There is hereby established in the state treasury the strategic initiatives grant program fund, to which shall be deposited any appropriated moneys for funding of the strategic initiatives grant program.
- (c) Fifty percent (50%) of the funds appropriated to the strategic initiatives grant program described in this subsection shall be awarded to large urban areas that have a population greater than fifty thousand (50,000), and fifty percent (50%) of such funds shall be awarded to rural areas or to small urban areas with a population that is less than fifty thousand (50,000). For fiscal year 2024 only, the first thirty-six million dollars (\$36,000,000) appropriated to the strategic initiatives grant program shall be used by the Idaho transportation department on local roads to mitigate the impact of adding new connections of state highways to interstate highways. The Idaho transportation department shall report annually to the transportation and defense committee of the house of representatives and the transportation committee of the senate of the legislature regarding the strategic initiatives grant program.

~~(3)~~ (4) Interest earned on the investment of idle moneys in the funds established pursuant to this section shall be paid to ~~the fund~~ such funds. All moneys in the strategic initiatives program fund shall be used for funding the strategic initiatives program. All moneys in the strategic initiatives grant program fund shall be used for funding the strategic initiatives grant program. All moneys in the funds established pursuant to this section are hereby continuously appropriated to the Idaho transportation department.

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

Approved March 16, 2023

CHAPTER 39
(H.B. No. 210)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 211, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Child Welfare Program \$537,400 from the Cooperative Welfare (General) Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023.

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

Approved March 16, 2023

CHAPTER 40
(H.B. No. 208)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 239, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers \$1,500,000 from the Public School Income Fund to be expended for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$1,500,000 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. Of the additional amount appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Teachers, \$1,500,000 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

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

Approved March 16, 2023

CHAPTER 41
(H.B. No. 209)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 210, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Indirect Support Services \$327,600 from the Cooperative Welfare (General) Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

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

Approved March 16, 2023

CHAPTER 42
(H.B. No. 52)

AN ACT

RELATING TO GRAND JURIES; AMENDING SECTION 19-1111, IDAHO CODE, TO REVISE A PROVISION REGARDING WHO MAY BE PRESENT AT SESSIONS OF A GRAND JURY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-1111, Idaho Code, be, and the same is hereby amended to read as follows:

19-1111. WHO MAY BE PRESENT AT SESSIONS OF JURY. The grand jury may, at all reasonable times, ask the advice of the court, or the judge thereof, or of the prosecuting attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The prosecuting attorney of the county may at all times appear before the grand jury for the purpose of giving them information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever they or he think it necessary, but no other person is permitted to be present during the sessions of the grand jury, except the members and witnesses actually under examination, and an interpreter, when necessary, a supporting person for a child witness requested by the prosecuting attorney as authorized by section 19-3023, Idaho Code, and the person designated by the district judge or the presiding juror to report the proceedings, and no person must be permitted to be present during the expressions of their opinions, or giving their votes upon any matter before them.

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

Approved March 16, 2023

CHAPTER 43
(H.B. No. 99)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DISTRIBUTION OF SALES TAX REVENUE TO CERTAIN SPECIAL PURPOSE TAXING DISTRICTS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

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

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

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

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

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

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

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

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

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

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

(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and
2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(iii) Following the distribution required by subparagraph (i) of this paragraph, forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
2. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.
3. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
4. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

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

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

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

(iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount distributed under paragraph (c) (i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. ~~The state tax commission shall calculate district current property tax budgets to include~~ Each year, starting with the distribution for the quarter ending December 31, the state tax commission shall calculate this distribution based on the district's current property tax budgets, including any unrecovered forgone amounts as determined under section 63-802 (1) (e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

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

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

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

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

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts

received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

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

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

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

(16) (a) Four and five-tenths percent (4.5%), but not less than eighty million dollars (\$80,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

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

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

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

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

Approved March 16, 2023

CHAPTER 44
(H.B. No. 172)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 15, CHAPTER 1, LAWS OF 2022, FIRST EXTRAORDINARY SESSION, TO REVISE THE EFFECTIVE DATE OF CERTAIN SECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 15, Chapter 1, Laws of 2022, First Extraordinary Session, be, and the same is hereby amended to read as follows:

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 12, 13, and 14 of this act shall be in full force and effect on and after passage and approval. Sections 4 through 11 of this act shall be in full force and effect on and after January 31, 2023.

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

Approved March 16, 2023

CHAPTER 45
(H.B. No. 31)

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1406A, IDAHO CODE, TO REVISE CERTAIN REQUIREMENTS FOR CERTIFIED MEDICATION ASSISTANTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1406A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1406A. CERTIFIED MEDICATION ASSISTANT. (1) The board shall issue a certificate of medication assistance (MA-C) to an individual who:

(a) Is registered as a nursing assistant, without substantiated charges, on the nursing assistant registry currently maintained by the Idaho department of health and welfare;

(b) Has received training preparing for a role in administering medications and works under the supervision of a licensed nurse in a skilled nursing facility;

~~(b) (c)~~ Has completed an MA-C program at an institution accredited by the United States department of education following the model curriculum approved by the national council of state boards of nursing;

~~(e) (d)~~ Has passed the medication aide certification exam approved by the national council of state boards of nursing or other nationally or regionally recognized nursing testing organization that offers exams for medication aides; and

~~(d) (e)~~ Has paid applicable fees.

(2) The board shall not require the examination required in ~~paragraph subsection (1) (ed)~~ of this section for a person who is registered as a nursing assistant pursuant to ~~paragraph subsection (1) (a)~~ of this section on July 1, 2020.

(3) The board shall maintain a public registry of the names and addresses of all certified medication assistants.

(4) The board is authorized to impose and collect initial application fees and two (2) year renewal fees, as well as reinstatement fees, and verification of records fees not to exceed, in total, one hundred dollars (\$100), as determined by board rule. Fees collected pursuant to this section shall be deposited in the state board of nursing account.

(5) A person may not use the title "certified medication assistant" or the abbreviation "MA-C" unless such person has been duly certified pursuant to this section.

(6) A certified MA-C is permitted to administer medications as delegated by a licensed nurse.

(7) The board shall have the authority to administer discipline as set forth in paragraph (a) of this subsection for any one (1) or a combination of grounds for discipline as set forth in paragraph (b) of this subsection.

(a) Disciplinary action by the board shall include:

(i) Denying certification or recertification, suspending, revoking, placing on probation, reprimanding, limiting, restricting, conditioning, or accepting the voluntary surrender of a certificate issued pursuant to this section if a certified medication assistant commits an act that constitutes grounds for discipline;

(ii) Referring criminal violations of this section to the appropriate law enforcement agency; and

- (iii) Imposing a civil penalty of no more than one hundred dollars (\$100) per violation.
- (b) Grounds for discipline shall include:
 - (i) Substance abuse or dependency;
 - (ii) Client abandonment, neglect, or abuse;
 - (iii) Fraud or deceit, which may include but is not limited to:
 - 1. Filing false credentials;
 - 2. Falsely representing facts on an application for initial certification, renewal, or reinstatement; and
 - 3. Giving or receiving assistance in taking the exam required in paragraph subsection (1) (ed) of this section.
 - (iv) Boundary violations;
 - (v) Performance of unsafe client care;
 - (vi) Performing acts beyond the range of authorized functions or beyond those tasks delegated under the provisions of this section;
 - (vii) Misappropriation or misuse of property;
 - (viii) Obtaining money or property of a client, resident, or other person by theft, fraud, misrepresentation, or duress committed during the course of employment as a certified medication assistant;
 - (ix) Criminal conviction of a misdemeanor that directly relates to or affects the functions of a certified medication assistant or conviction of any felony as set forth in rule;
 - (x) Putting clients at risk of harm; and
 - (xi) Violating the privacy or failing to maintain the confidentiality of client or resident information.

(8) The board shall comply with the provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, in taking any disciplinary action against a certified medication assistant and shall maintain records of any such disciplinary action, which records shall be available for public inspection to the same extent as records regarding disciplinary proceedings against nurses and as otherwise consistent with chapter 1, title 74, Idaho Code. The assessment of costs and fees incurred in the investigation and prosecution or defense of a certified medication assistant shall be governed by the provisions of section 12-117(5), Idaho Code.

(9) The board shall notify the Idaho nursing assistant registry of any disciplinary action taken against a certified medication assistant pursuant to this section.

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

Approved March 20, 2023

CHAPTER 46
(H.B. No. 50)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO CLARIFY THE USES OF CERTAIN FUNDS BY SPECIAL PURPOSE TAXING DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount

allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

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

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

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

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

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

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

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

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

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall

be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

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

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

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

(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

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

(iii) Following the distribution required by subparagraph (i) of this paragraph, forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(viii) Special purpose taxing districts shall use funds received under the provisions of this subsection only for the purposes for which the special purpose taxing districts were formed.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the

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

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

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

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

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

(16) (a) Four and five-tenths percent (4.5%), but not less than eighty million dollars (\$80,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

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

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

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

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

Approved March 20, 2023

CHAPTER 47
(H.B. No. 60)

AN ACT

RELATING TO USE TAXES; AMENDING SECTION 63-3621, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPLICATION OF THE USE TAX AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:

63-3621. IMPOSITION AND RATE OF THE USE TAX -- EXEMPTIONS. (1) An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property acquired on or after October 1, 2006, for storage, use, or other consumption in this state at the rate of six percent (6%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property unless the property is wireless telecommunications equipment, in which case a recent sales price shall be conclusive evidence of the value of the property.

(2) Every person storing, using, or otherwise consuming, in this state, tangible personal property is liable for the tax. His liability is not extinguished until the tax has been paid to this state, except that a receipt from a retailer maintaining a place of business in this state or engaged in business in this state given to the purchaser is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers. A retailer shall not be considered to have stored, used, or consumed wireless telecommunications equipment by virtue of giving, selling, or otherwise transferring such equipment at a discount as an inducement to a consumer to commence or continue a contract for telecommunications service.

(3) Every retailer engaged in business in this state and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under section 63-3622, Idaho Code, shall, at the time of making the sales or, if storage, use, or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(4) The provisions of this section shall not apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(5) Every retailer engaged in business in this state or maintaining a place of business in this state shall register with the state tax commission and give the name and address of all agents operating in this state the location of all distributions or sales houses or offices or other places of business in this state and such other information as the state tax commission may require.

(6) For the purpose of the proper administration of this act and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use, or other consumption in this state. The burden of proving the sale is tax-exempt is upon on the person who makes the sale, unless he obtains from the purchaser a resale certificate to the effect that the property is purchased for resale or rental. It shall be presumed that sales made to a person who has completed a resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property purchased is taxable to the purchaser as a matter of law in the particular instance claimed on the resale certificate.

(a) A seller may accept a resale certificate from a purchaser prior to the time of sale, at the time of sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. The resale certificate relieves the person selling the property from the burden of proof only if taken from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by section 63-3620, Idaho Code, or who is a retailer not engaged in business in this state and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or ~~will be~~ used for some other purpose. Other than as provided elsewhere in this section, when a resale certificate, properly executed, is presented to the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented, regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter.

(b) The resale certificate shall bear the name and address of the purchaser, shall be signed by the purchaser or his agent, shall indicate the number of the permit issued to the purchaser or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the state tax commission may prescribe.

(c) If a purchaser who gives a resale certificate makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

(7) Any person violating any provision of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred dollars (\$100), and each violation shall constitute a separate offense.

(8) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser was purchased from a retailer for storage, use, or other consumption in this state.

(9) It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use, or other consumption in this state. This presumption may be controverted by evidence satisfactory to the state tax commission that the property was not purchased for storage, use, or other consumption in this state.

(10) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States in an amount equal to or greater than the amount of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax. If the amount paid to the other state was less, the property will be subject to use tax to the extent that the Idaho tax exceeds the tax paid to the other state. For the purposes of this subsection, a registration certificate or title issued by another state or subdivision thereof for a vehicle or trailer or a vessel as defined in section 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(11) The use tax imposed by this section shall not apply to the use by a nonresident of this state of a motor vehicle registered or licensed under the laws of the state of his residence and not used in this state more than a cumulative period of time totaling ninety (90) days in any consecutive twelve

(12) months and if none of the buyers listed on the purchase, registration, or title documents are Idaho residents. A nonresident business entity will be held to the same requirements as a nonresident individual to qualify for the exemption provided in this subsection, except that the nonresident business entity also must not be formed under the laws of the state of Idaho. The use tax herein shall also not apply to any use of a motor vehicle registered or licensed under the laws of the state of residence of a nonresident student while such nonresident student is enrolled as a full-time student in an institution of postsecondary education that is both physically located in Idaho and recognized as accredited by the state board of education.

(12) The use tax imposed by this section shall not apply to the use of household goods, personal effects, and personally owned vehicles or personally owned aircraft by a resident of this state if such articles were acquired by such person in another state while a resident of that state and primarily for use outside this state and if such use was actual and substantial, ~~but; however,~~ if an article was acquired less than ~~three (3) months~~ ninety (90) days prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial. The use tax imposed by this section shall not apply to the use of household goods, personal effects, and personally owned vehicles or personally owned aircraft by active duty military personnel temporarily assigned in this state and spouses who accom-

pany them if such articles were acquired prior to receipt of orders to transfer to Idaho or ~~three (3) months~~ ninety (90) days prior to moving to Idaho, whichever time period is shorter. For purposes of this subsection, "resident" shall be as defined in section 63-3013 or 63-3013A, Idaho Code. For purposes of this subsection, wherever the term "individual" appears in section 63-3013 or 63-3013A, Idaho Code, the term includes a natural person or a grantor trust as described in sections 673 through 678 of the Internal Revenue Code.

(13) (a) The use tax imposed by this section shall not apply to the storage, use, or other consumption of tangible personal property that is or will be incorporated into real property and has been donated to and has become the property of:

- (i) A nonprofit organization as defined in section 63-36220, Idaho Code;
- (ii) The state of Idaho; or
- (iii) Any political subdivision of the state.

(b) This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor, or a subcontractor of the donee, or any other person.

(14) The use tax imposed by this section shall not apply to tastings of food and beverages, including but not limited to wine and beer. For the purposes of this subsection, a tasting of wine and beer shall be defined as the maximum serving allowed by state or federal laws for such occasions provided to a potential customer, at no charge, at a location where like or similar beverages are sold. For nonalcoholic beverages and food, a tasting shall be defined as a sample from a unit available for sale at the tasting location.

(15) The use tax imposed by this section shall not apply to donations of food or beverages, or both, to individuals or nonprofit organizations. For the purposes of this section, "nonprofit organization" means those nonprofit entities currently registered with the secretary of state pursuant to section 30-30-102, Idaho Code.

(16) The use tax imposed by this section shall not apply to a retailer supplying prepared food or beverages free of charge to its employee when that retailer sells prepared food or beverages in its normal course of business.

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

Approved March 20, 2023

CHAPTER 48
(H.B. No. 73)

AN ACT

RELATING TO DRUG COURTS AND MENTAL HEALTH COURTS; AMENDING CHAPTER 56, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5610, IDAHO CODE, TO AUTHORIZE COUNSELING SERVICES TO AN ADULT RECEIVING SERVICE THROUGH A DRUG OR MENTAL HEALTH COURT BY CERTAIN PERSONS AND TO PROVIDE THAT A PRIOR CRIMINAL CONVICTION SHALL NOT BE AUTOMATICALLY DISQUALIFYING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 56, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-5610, Idaho Code, and to read as follows:

19-5610. COUNSELING SERVICE IN DRUG COURTS AND MENTAL HEALTH COURTS. Any licensee licensed under chapter 34, title 54, Idaho Code, who is in good standing with the Idaho state licensing board of professional counselors and marriage and family therapists shall be eligible to provide professional counseling services to an adult receiving service through a drug court or mental health court established pursuant to this chapter. No licensee shall be automatically disqualified from providing professional counseling services because of a prior criminal conviction. For purposes of this section, the relevancy of a licensee's prior criminal conviction shall be evaluated pursuant to section 67-9411, Idaho Code.

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

Approved March 20, 2023

CHAPTER 49
(H.B. No. 90)

AN ACT

RELATING TO LEGAL NOTICES; AMENDING SECTION 60-106A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 60-106A, Idaho Code, be, and the same is hereby amended to read as follows:

60-106A. ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS. (1) In addition to the newspaper publication required by section 60-106, Idaho Code, legal notices, advertisements or publications of any kind required or provided by the laws of the state of Idaho to be published in a newspaper may also be electronically published by any newspaper. An electronically published legal notice, advertisement or publication shall have the same legal effect as a legal notice, advertisement or publication that is published in a newspaper.

(2) The following definitions apply to this section:

(a) "Electronically published" means the printing and disseminating of legal notices, advertisements or publications through the use of messaging.

(b) "Messaging" means the use of interconnected electronic networks that automatically transmit data from one (1) computer to another.

(3) The following provisions apply to this section:

~~(a) Electronic publication may be in addition to the required printed publication in a newspaper; and~~

~~(b) Electronic publication may be made by:~~

~~(i) By newspapers having electronic publication capability. Nothing in this section shall be construed to require a newspaper to develop and maintain an electronic publication capability; and or~~

~~(ii) On a public legal notice website established by the combined efforts of Idaho newspapers that collectively distribute newspapers to the majority of newspaper subscribers in Idaho.~~

~~(c) (b) Newspapers may not charge an additional rate for electronic publication. Rates for such electronic publication shall be included in the rates for official notices as provided for in section 60-105, Idaho Code; and.~~

~~(d) (c) Any party placing a legally required public notice in electronic form should, to the greatest extent practicable, provide in such notices the messaging address of the newspaper and, if applicable, that of the person or governmental agency requiring such notice to be published.~~

(4) In the case of any governmental entity required or permitted under the laws of the state of Idaho to publish legal notices or publications in a newspaper, the date of electronic publication may be used to satisfy commencement of publication requirements, as long as the required legal notice, advertisement, or publication appears in the next available edition of the printed newspaper or as otherwise required by law.

(5) If the state of Idaho or any political subdivision thereof properly submits a legal notice, advertisement, or publication to a newspaper for publishing and such governmental entity has otherwise met all statutory publication requirements and deadlines, it shall not be liable for failing to comply with publication deadlines provided by law or administrative rule in the event that a newspaper fails to correctly publish such legal notice, advertisement, or publication. The electronic publication may be used in conjunction with any publication method the governmental entity determines in good faith is feasible to meet the notice requirements.

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

Approved March 20, 2023

CHAPTER 50
(H.B. No. 92)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1614, IDAHO CODE, TO ESTABLISH PROVISIONS REQUIRING COURSES IN FINANCIAL LITERACY FOR HIGH SCHOOL STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1614, Idaho Code, and to read as follows:

33-1614. FINANCIAL LITERACY (1) Each school district, specially chartered district, and public charter school serving students in grades 9 through 12, or any combination thereof, shall provide to all students in grades 9 through 12 one (1) or more courses in personal financial literacy and money management.

(2) This instruction must include the following core competency areas:

(a) Recognize the influence of money on human behavior;

(b) Learn about various types of bank accounts;

(c) Evaluate various investment options and calculate net worth;

(d) Learn about various types of credit and how credit rating is determined;

(e) Understand the essentials of financing a college education;

(f) Evaluate various types of insurance associated with independent living;

(g) Recognize the purpose of the tax system and how it relates to each citizen and the citizen's income;

(h) Build a budget for independent living; and

(i) Recognize and utilize modern consumer skills, tools, and practices.

(3) Completing this course will fulfill the financial literacy component of the high school graduation requirement.

(4) Subject to state-appropriated funds, the state department of education shall make available funding for high-quality professional development focused on financial literacy courses that align with the core competency areas described in subsection (2) of this section. Allowable expenses include summer institutes offered at different sites throughout the state and workshops to help high school teachers prepare to teach students financial literacy.

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

Approved March 20, 2023

CHAPTER 51
(H.B. No. 93)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402B, IDAHO CODE, TO REVISE PROVISIONS REGARDING MOTOR VEHICLES ELIGIBLE FOR BIENNIAL REGISTRATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

49-402B. OPTIONAL BIENNIAL REGISTRATION. (1) At the option of the applicant, any vehicle registered under the provisions of section 49-402(1) through (5) or 49-434(1), Idaho Code, may be registered for a period of two (2) years for a fee that is double the fee currently assessed for annual registration of the vehicle in section 49-402 or 49-434(1), Idaho Code.

(2) If any vehicle registered under a special license plate program is registered for a two (2) year period as provided in this section, the registrant shall also be required to pay the special programs fees for a two (2) year period.

(3) Any vehicle registered pursuant to section 49-435, Idaho Code, shall not be eligible for biennial registration.

~~(3)~~ (4) The additional fee collected for emergency medical services pursuant to section 49-452, Idaho Code, or project choice pursuant to section 49-454, Idaho Code, shall also be doubled for any registration issued under the provisions of this section.

~~(4)~~ (5) The administrative fee collected for issuance of a motor vehicle registration shall be the same as for an annual registration and shall not be doubled or in any way increased solely because of registration under the provisions of this section.

SECTION 2. This act shall be in full force and effect on and after July 1, 2024.

Approved March 20, 2023

CHAPTER 52
(H.B. No. 97)

AN ACT

RELATING TO THE STATE CONTROLLER; AMENDING SECTION 67-1001, IDAHO CODE, TO PROVIDE THAT THE STATE CONTROLLER SHALL HAVE A DUTY REGARDING CERTAIN AGREEMENTS ENTERED INTO AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1085, IDAHO CODE, TO PROVIDE THAT ALL STATE OFFICERS AND AGENCIES SHALL REPORT AGREEMENTS ENTERED INTO TO THE STATE CONTROLLER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-1001, Idaho Code, be, and the same is hereby amended to read as follows:

67-1001. DUTIES OF CONTROLLER. It is the duty of the state controller:

- (1) To superintend the fiscal concerns of the state, with its accounting, informational, payroll, and related data processing services.
- (2) To deliver to the governor and the legislative services office on or before the first day of January a financial statement that complies with generally accepted accounting principles of the funds of the state, its revenues, and of the public expenditures during the preceding fiscal year.
- (3) When requested, to give information in writing to either house of the legislature relating to the fiscal affairs of the state or the duties of his office.
- (4) To suggest plans and provide internal control standards for the improvement and management of the public revenues, assets, expenditures, and liabilities.
- (5) To keep and state all funds in which the state is interested.
- (6) To keep an account of all warrants drawn upon the treasurer, and a separate account under the head of each specified appropriation, showing at all times the unexpended balance of such appropriation.
- (7) To keep an account between the state and the treasurer and therein to charge the treasurer with the balance in the treasury when he came into office and with all moneys received by him and to credit him with all warrants drawn on and paid by him.
- (8) To keep a register of warrants showing the fund or funds upon which they are drawn, the number, in whose favor, the appropriation applicable to the payment thereof, and when the liability accrued.
- (9) To examine and settle the accounts of all persons indebted to the state.
- (10) In his discretion, to require any person presenting an account for settlement to be sworn before him and to answer, orally or in writing, as to any facts relating to the account for settlement.
- (11) To require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts.
- (12) To account for the collection of all moneys due the state, that are not the responsibility of any other agency and institute suits in its name for all official delinquencies in relation to assessment, collection and payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the state, of which suits the courts of Ada County county have jurisdiction, without regard to the residence of the defendants.

(13) To draw warrants on the treasurer for the payment of moneys directed by law to be paid out of the treasury; but no warrant must be drawn unless authorized by law.

(14) To furnish the state treasurer with a daily total dollar amount, by fund and/or account when requested by the state treasurer, of warrants drawn upon the treasury.

(15) To authenticate with his signature, his electronic signature, or his facsimile signature all warrants drawn by him and all copies of official documents issued from his office.

(16) To charge the state treasurer with money and evidences of indebtedness received from, and to credit him for money drawn by, the state board of land commissioners in the moneys or accounts over which said board has control.

(17) To act ex officio as member of the state board of canvassers and state board of land commissioners, secretary of the state board of examiners, and participant in other organizations in the performance of such duties as prescribed by law for such officer.

(18) To create and establish such divisions and other administrative units within the office as necessary.

(19) To be the official repository of all audit reports of the state and political subdivisions that are required to be audited pursuant to sections 67-450B, 67-450C, and 67-450D, Idaho Code.

(20) To store, maintain, and publish a current list of agreements entered into by state officers and agencies pursuant to section 67-1085, Idaho Code.

SECTION 2. That Chapter 10, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1085, Idaho Code, and to read as follows:

67-1085. AGREEMENTS ENTERED INTO BY STATE OFFICERS OR STATE AGENCIES -- REPORTING. (1) All state officers and departments, divisions, bureaus, and agencies of the state of Idaho shall report to the state controller any agreement entered into, including any memorandum of agreement or memorandum of understanding, within ten (10) days of the state officer or department, division, bureau, or agency entering into such agreement. The state controller shall store, maintain, and publish a current list of all such agreements, as provided in section 67-1001 (20), Idaho Code.

(2) Any state officer or department, division, bureau, or agency reporting an agreement pursuant to subsection (1) of this section shall also provide a contact person for the agreement and a digital copy of the agreement.

(3) Any agreement described in subsection (1) of this section that is sealed or exempt from disclosure under the public records act shall still be subject to the reporting requirement in subsection (1) but may not be publicly disclosed by the state controller.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after the earlier of:

(1) The date upon which the State Controller's Office certifies in writing to the Secretary of State that it can fulfill the requirements of this act; or

(2) January 1, 2024.

CHAPTER 53
(H.B. No. 102)

AN ACT

RELATING TO STATE EMPLOYEE COMPENSATION; AMENDING SECTION 67-5309B, IDAHO CODE, TO PROVIDE FOR ADVANCEMENT IN PAY BASED ON CERTAIN FACTORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5309D, IDAHO CODE, TO PROVIDE FOR RETENTION BONUSES IN CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO PROVIDE FOR RETENTION BONUSES IN CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5309B, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309B. IDAHO COMPENSATION PLAN. (1) The administrator of the division of human resources shall establish benchmark job classifications and shall assign all classifications to a pay grade utilizing the Hay profile method in combination with market data. Pay grades established or revised by the administrator shall appropriately weigh Hay points and market data to ensure internal pay equity and market pay equity within the classified service.

(2) It shall be the responsibility of each department director to prepare a department salary administration plan and corresponding budget plan that supports the core mission of the department and ~~is~~ are consistent with the provisions of section 67-5309A, Idaho Code.

(3) Advancement in pay shall be based on performance and, internal pay equity, or external market changes and be provided in a variety of delivery methods, including ongoing increases, temporary or conditional increases, and market-related payline moves. Market-related payline moves may advance all eligible employees as well as the structure to avoid compression in the salary system.

(4) Pay for performance shall provide faster salary advancement for higher performers based on a merit increase matrix developed by the division of human resources. Such matrix shall be based ~~upon~~ on the employee's proximity to the state midpoint market average, and the employee's relative performance. Such matrix may be adapted by each agency to meet its specific needs when approved by the division of human resources.

(5) No employee shall advance in a salary range based on performance without a performance evaluation on file certifying that the employee meets the performance criteria of the assigned position.

(6) Each employee's work performance shall be evaluated by the employee's department through a format and process approved by ~~the department~~ and the division of human resources. The employee shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion, and thereafter be evaluated after each two thousand eighty (2,080) hours of credited state service. Employees may be eligible for advancement in pay based on performance if certified as meeting the performance requirements of this section. However, such in-grade advancement shall not be construed as a vested right. The department director shall designate in writing whether such in-grade advancement is temporary, conditional or permanent. It shall be the specific responsibility of the employee's immediate supervisor to effect the evaluation process. Such evaluation shall be approved by the department director or the director's designee.

(7) All supervisors who evaluate state employees shall receive training in the evaluation format and process to assure fairness and consistency in the evaluation process.

(8) Notwithstanding any other provision of Idaho Code, it is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees of like classification and pay grade allocation shall be treated in a substantially similar manner with reference to personnel benefits.

SECTION 2. That Section 67-5309D, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309D. OTHER PAY DELIVERY OPTIONS. (1) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee bonus pay not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon on exemplary performance. Exceptions to the two-thousand-dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all bonuses granted in the preceding fiscal year.

(2) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee an award payment based upon on suggestions or recommendations made by the employee that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department or to the state of Idaho in excess of the amount of the award and in compliance with the rules for employee suggestion awards promulgated by the division of human resources. The award may be an amount up to twenty-five percent (25%) of the amount determined to be the dollar savings to the state, but not in excess of two thousand dollars (\$2,000). Exceptions to the two-thousand-dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(3) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant award pay to a classified employee for recruitment or retention purposes upon. Retention bonuses require completion of at least six (6) months of achieving performance standards prior to issuance. The department director and the administrator of the division of human resources are authorized to seek legal remedies available, including deductions from an employee's accrued vacation funds, from an employee who resigns during the designated period of time after receipt of a recruitment or retention bonus. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(4) In addition to pay increases authorized in section 67-5309B, Idaho Code, department directors may provide a classified employee other nonperformance-related pay as provided in this subsection. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year, including:

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff;

(b) Geographic differential pay in areas of the state where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living; and

(c) Wildland firefighter differential pay up to twenty-five percent (25%) of hourly rates for wildland firefighting personnel who hold current incident qualification cards while working on the fireline of a fire incident not deemed controlled or at a fire incident helibase servicing active flights.

Employees in the same classification who are similarly situated shall be treated consistently in respect to shift differential and geographic pay differential.

(5) When necessary to obtain or retain qualified personnel in a particular classification, upon petition of the department to the administrator containing acceptable reasons therefor, a higher temporary pay grade may be authorized by the administrator that, if granted, shall be reviewed annually to determine the need for continuance.

(6) In unusual circumstances, with prior approval from the administrators of the division of human resources and the division of financial management, agencies may grant nonperformance-related pay to employees, which in no case may exceed five percent (5%) of an employee's base pay. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(7) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

SECTION 3. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications in consultation with the division of human resources. Temporary employees and agricultural inspectors referred to in subsections (m) and (o) of section 67-5303, Idaho Code, shall not be entitled to sick leave accruals provided in section 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code, ~~nor~~ or holiday pay defined in subsection (15) of section 67-5302, Idaho Code, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership.

(2) To the extent possible, nonclassified state employees in the executive department reporting to the governor or a board or commission appointed by the governor shall conform with chapter 53, title 67, Idaho Code, defining the state personnel system, in sections where nonclassified state employee personnel standards are expressly defined.

(3) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications.

(4) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department that are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(5) The state board of education shall determine the schedules of salary and compensation, and prescribe policies for overtime and compensatory time off from duty, for all officers, teaching staff, and employees of the state board of education as provided by law. To the extent possible, the state board of education shall adopt schedules and policies compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state controller.

(6) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(7) Any schedule of salary and compensation must be approved by the appointing authority and be communicated to the state controller in writing at least thirty (30) days in advance of the effective date of the schedule.

(8) In addition to salary increases provided by any compensation schedule adopted pursuant to subsection (7) of this section, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon an affirmative certification of meritorious service. Exceptions to the two-thousand-dollar (\$2,000) limit provided in this section may be granted under extraordinary circumstances if approved in advance by the state board of examiners. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all awards granted in the preceding fiscal year.

(9) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon suggestions or recommendations made by the employee that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department, office or institution or to the state of Idaho in excess of the amount of the award. Exceptions to the two-thousand-dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. The appointing authority shall as near as practicable utilize the criteria in conformance with rules promulgated by the division of human resources pursuant to section 67-5309D, Idaho Code. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(10) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

(11) The adjutant general, with the approval of the governor, shall prescribe personnel policies for all officers and employees of the national guard that are not otherwise fixed by law. Such policies will include an employee grievance procedure with appeal to the adjutant general. The adjutant general shall determine schedules of salary and compensation that are, to the extent possible, comparable to the schedules used for federal civil service employees of the national guard and those employees serving in military status. Schedules adopted shall be compatible with the state's accounting system to the extent possible.

(12) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted award pay for recruitment or retention purposes ~~based upon affirmative certification of meritorious service after completion of at least six (6) months of service.~~ Retention bonuses require affirmative certification of meritorious service after completion of at least six (6) months of service prior to issuance. Department directors and the administrator of the division of human resources are authorized to seek legal remedies available, including deductions from an employee's accrued vacation funds, from an employee who resigns during the designated period of time after receipt of a recruitment or retention bonus. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(13) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted other pay as provided in this subsection. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year, including:

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff;

(b) Geographic differential pay in areas of the state where recruitment and retention are difficult due to economic conditions and cost of living; and

(c) Wildland firefighter differential pay up to twenty-five percent (25%) of hourly rates for wildland firefighting personnel who hold current incident qualification cards while working on the fireline of a fire incident not deemed controlled or at a fire incident helibase servicing active flights.

(14) ~~In unusual circumstances,~~ When necessary to obtain or retain qualified personnel and when a distribution has been approved for classified employees pursuant to section 67-5309D, Idaho Code, each appointing authority, including the elective offices in the executive branch, the legislative branch, the judicial branch, and the state board of education and the board of regents of the university of Idaho, may grant nonclassified employees nonmerit pay in the same proportion as received by classified employees in that department or institution. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(15) Each appointing authority shall, as nearly as practicable, utilize the criteria for reimbursement of moving expenses in conformance with section 67-5337, Idaho Code, and rules promulgated by the division of human resources pursuant thereto. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all moving reimbursements granted in the preceding fiscal year.

(16) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

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

CHAPTER 54
(H.B. No. 103)

AN ACT

RELATING TO RECREATION; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 36, TITLE 6, IDAHO CODE, TO PROVIDE FOR THE ASSUMPTION OF RISK AND LEGAL RESPONSIBILITY BY RECREATIONAL PARTICIPANTS FOR INJURIES ASSOCIATED WITH RECREATIONAL ACTIVITIES IN STATE PARKS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 36, Title 6, Idaho Code, and to read as follows:

CHAPTER 36
DUTIES OF RECREATIONAL PARTICIPANTS

6-3601. DUTIES OF RECREATIONAL PARTICIPANTS. It is recognized that recreational activities in state parks are hazardous regardless of all feasible safety measures that can be taken. Each recreational participant expressly assumes the risk of and legal responsibility for any injury to person or property that results from participation in recreational activities. Each recreational participant shall have the sole individual responsibility for knowing the range of the participant's own ability while participating in a recreational activity in a state park and to heed all posted notes, cautions, and warnings. Recreational participants shall refrain from acting in a manner that may cause or contribute to the injury of persons or property. The responsibility for injury to person or property shall be solely that of the individual or individuals involved in such recreational activity and not that of the Idaho department of parks and recreation.

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

Approved March 20, 2023

CHAPTER 55
(H.B. No. 106)

AN ACT

RELATING TO PROHIBITIONS ON UTILITY CONNECTIONS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-881, IDAHO CODE, TO PROHIBIT A COUNTY FROM RESTRICTING THE CONNECTION OF CERTAIN UTILITY SERVICES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-346, IDAHO CODE, TO PROHIBIT A MUNICIPALITY FROM RESTRICTING THE CONNECTION OF CERTAIN UTILITY SERVICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-881, Idaho Code, and to read as follows:

31-881. COUNTY PROHIBITIONS ON UTILITY CONNECTIONS. No county, incorporated or unincorporated area, special use district, or any other local government entity of any kind may enact or implement any resolution, policy, or ordinance that:

(1) Prohibits, or has the effect of prohibiting, the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility;

(2) Restricts, or has the effect of restricting, the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility; or

(3) Requires residents or businesses within the county to use a particular type or generation source of electricity, natural gas, propane, or other fuel.

SECTION 2. That Chapter 3, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-346, Idaho Code, and to read as follows:

50-346. MUNICIPALITY PROHIBITIONS ON UTILITY CONNECTIONS. No municipality, city, incorporated or unincorporated area, special use district, or any other local government entity of any kind may enact or implement any resolution, policy, or ordinance that:

(1) Prohibits, or has the effect of prohibiting, the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility;

(2) Restricts, or has the effect of restricting, the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility; or

(3) Requires residents or businesses within the municipality to use a particular type or generation source of electricity, natural gas, propane, or other fuel.

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

CHAPTER 56
(H.B. No. 119)

AN ACT

RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3106, IDAHO CODE, TO CLARIFY THE ENTITIES THE DIRECTOR MAY CONSULT WITH REGARDING PETITIONS FOR PROPOSED DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-3109, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INITIAL BOARD OF COMMISSIONERS, APPOINTMENT OF COMMISSIONERS, QUALIFICATION OF COMMISSIONERS, BONDS, OATHS, AND ORGANIZATION OF COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-3111, IDAHO CODE, TO PROVIDE FOR ANNUAL APPOINTMENTS BY THE BOARD, TO PROVIDE FOR NOTIFICATION TO THE DIRECTOR, TO PROVIDE FOR QUALIFICATIONS, OATHS, AND BONDS, TO PROVIDE FOR APPOINTMENT AT-LARGE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR VACANCIES, TO PROVIDE FOR REMOVAL, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-3112, IDAHO CODE, TO PROVIDE FOR FILLING OF VACANCIES BY THE BOARD, TO PROVIDE FOR APPOINTMENT AT-LARGE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR APPOINTMENT BY THE DIRECTOR UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-3106, Idaho Code, be, and the same is hereby amended to read as follows:

42-3106. DIVISION OF DISTRICT -- MAPS AND SURVEYS. (1) The director shall examine said petition and, if it is found to be in accordance with the requirements here set forth, shall, without delay, proceed and examine all matters named and referred to in said petition and make such surveys of the territory to be effected ~~affected~~ by the proposed district, as will enable him to fully determine whether the same is necessary, practicable or feasible and shall prepare a report of his findings. For the purpose of making his findings, the director may advise and consult with any local governmental subdivision, ~~including the officers and agents of any irrigation district, drainage district, canal company, or any individual water user who is not a member of any such company, who or which may be interested in, or affected by,~~ the proposed district.

(2) The director shall prepare a map of the proposed district and shall divide the proposed district into not less than three (3), nor more than nine (9) divisions so as to provide adequate representation to all of the interests within said district.

SECTION 2. That Section 42-3109, Idaho Code, be, and the same is hereby amended to read as follows:

42-3109. ~~BOARD MEMBERS -- APPOINTMENT -- BOND OF COMMISSIONERS -- OATH -- REMOVAL~~ INITIAL BOARD OF COMMISSIONERS -- APPOINTMENT -- QUALIFICATION -- BOND -- OATH -- ORGANIZATION. (1) The order of the director organizing said district shall name the initial members of the district board of commissioners without regard to political affiliation. Each division of the district shall be represented by one (1) commissioner ~~who~~. Each initial commissioner shall be a qualified voter elector pursuant to section 42-3118, Idaho Code, and shall reside within the division which he represents, ~~and a resident and qualified elector of the county in which he resides.~~

~~(2) The members of the board of the district, appointed as aforesaid, Each appointed commissioner shall be entitled to enter upon the duties of their his office upon qualification as county officers are required to qualify, and upon each commissioner giving taking the oath of office as provided for in section 59-401, Idaho Code, and filing a bond to the state for the benefit of said district for the faithful performance of his the commissioner's duties as such commissioner in the sum of. The amount of the bond shall be five thousand dollars (\$5,000) with one (1) or more sureties, or a surety bond, the premium for which shall be a lawful expenditure of the district, either of which shall be approved by the judge of the district court wherein the commissioner resides; provided, the judge of the district court, upon application and proper showing by the board, may enter an order reducing the amount of the bond to such sum as may appear to him to be reasonable and adequate under the showing made. The commissioners shall take the oath of office and file their bonds within fifteen (15) days after they are appointed and they shall hold office until their successors are duly appointed and qualified as in this act provided. The bonds of the initial commissioners shall be filed with the clerk of the district court of the county in which the office of the district is located and kept in trust by said clerk of the district court.~~

~~(3) Immediately after their appointment and the filing and approval of their bonds, the commissioners shall organize themselves into a board, as in this act provided, and shall by lot determine the terms of their office, which shall be one (1), two (2) and three (3) years, respectively. Annually thereafter the director shall appoint the commissioner, or commissioners, to succeed those whose terms of office are expiring. Such appointments shall be for three (3) years, provided that each division of the district shall be represented by one (1) commissioner who shall be a qualified voter within the division which he represents, and a resident and qualified elector of the county in which he resides.~~

~~The director may remove a commissioner for neglect of duty, misconduct or malfeasance or inability to perform the duties of a commissioner, or if the commissioner is no longer a resident of the division from which appointed. The director may appoint a successor for the unexpired term.~~

SECTION 3. That Section 42-3111, Idaho Code, be, and the same is hereby amended to read as follows:

~~42-3111. COMMISSIONERS -- ANNUAL APPOINTMENT -- OFFICERS' ELECTION -- DUTIES BOARD OF COMMISSIONERS -- ANNUAL APPOINTMENT -- QUALIFICATION -- OATH -- BOND -- OFFICERS' ELECTION -- DUTIES -- TERM OF OFFICE -- REMOVAL. Annually on the same day the district was organized the director shall appoint a commissioner or commissioners whose term expires. Each commissioner thereafter who may be appointed shall qualify by taking the oath and filing a bond which shall be approved in the same manner as provided in section 42-3109 of this act (1) Annually after the director's order organizing the district and appointing the initial members of the district board of commissioners, the board shall appoint or reappoint the commissioner or commissioners to succeed those whose terms of office are expiring and shall notify the director of such appointments. The director may make such appointments if the board fails to do so. Appointments shall be for three (3) years, provided that each division of the district shall be represented by one (1) commissioner. Each commissioner appointed pursuant to this section:~~

(a) Shall be a qualified elector of the district pursuant to section 42-3118, Idaho Code, and a resident of the division he represents, except that, in the event the board is unable to appoint a resident of the division, the board may appoint a person at-large who is a qualified elector of the district; and

(b) Shall qualify by taking the oath and filing a bond that meets the requirements of section 42-3109, Idaho Code, with either the clerk of the district court of the county in which the office of the district is located or with the secretary of the board.

(2) Upon the initial organization and annually thereafter on the same date, the board shall organize, by the election of one (1) of their number as chairman, and one (1) of their number as vice chairman. They shall elect, or appoint a secretary, who may, or may not, be a member of the board. They shall elect, or appoint a treasurer, who may, or may not, be a member of the board.

(3) The chairman shall preside at all meetings, sign all claims, except his own, which shall be signed by the vice chairman, sign all warrants in payment of claims, after the submission of such claims and thus approved by the board, and such other duties as shall be required of him by law, or prescribed by the board.

(4) The vice chairman, in the absence of the chairman, shall have the same powers and duties as the chairman.

(5) The secretary of the board shall have the duties as are prescribed by the board. He shall attend all meetings of the board, shall keep a record of the proceedings, and shall enter in said record all matters required by law, or by the board, so to be entered; and said record shall be open to inspection by any person at all reasonable times. In the absence of the secretary, the board shall appoint some person, who, as acting secretary, shall keep the record of the proceedings of the board and certify the same to the secretary, and the board. Whenever in the discretion of the board, it is deemed advisable to do so, the secretary may be placed under surety (fidelity) bond, in the manner and in the amount which shall be prescribed by the board.

(6) The treasurer appointed, or elected, by the board shall have such duties as the board may prescribe. He shall be placed under a surety (fidelity) bond issued by a surety company authorized to do business in the state, in such an amount as the board from time to time may determine. The treasurer shall keep a complete and accurate record of all of the financial affairs of the district and shall deposit all moneys of the district in the designated depository ordered by the board, and shall comply with the public depository law as now appearing, or as it may be amended.

(7) Commissioners shall hold office until they vacate their office through death, resignation, failure to meet the qualification requirements of this section, or removal by the director or until their successors are duly appointed and qualified as provided in this chapter.

(8) The director may remove a commissioner for neglect of duty, misconduct or malfeasance, or inability to perform the duties of a commissioner.

SECTION 4. That Section 42-3112, Idaho Code, be, and the same is hereby amended to read as follows:

42-3112. VACANCIES ON BOARD -- APPOINTMENT BY DIRECTOR BOARD. If ~~vacancies occur in said board~~ there is a vacancy of any commissioner position through death, resignation, or failure to qualify of one (1) or more of the commissioners, meet the qualification requirements of section 42-3111, Idaho Code, or removal by the director, such vacancy shall be filled by appointment by the director and said remaining members or member of the board. Said appointee shall be ~~from~~ a resident of the same division of the district as the commissioner whom he is replacing, and shall serve for the unexpired term, or until his successor is appointed and qualified, except that, in the event the board is unable to appoint a resident of the division vacated, the board may appoint a person at-large who is a qualified elector of the district pursuant to section 42-3118, Idaho Code, to serve as commissioner of the division where the vacancy occurred. If the board fails to fill a vacancy, or if there are no members of the board due to vacancies, the director may make such appointments to represent each division of the district.

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

Approved March 20, 2023

CHAPTER 57
(H.B. No. 143)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE FOR A CERTAIN FUR BUYER LICENSE; AMENDING SECTION 36-602, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXIDERMIST AND FUR BUYER'S LICENSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-416, Idaho Code, be, and the same is hereby amended to read as follows:

36-416. SCHEDULE OF LICENSE FEES. As used in this section, "N/A" means "not available."

(a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$ 37.00	\$ 262.25
Hunting License	14.00	N/A
Hunting License with 3 Day Fishing License	N/A	183.25
Fishing License	28.75	106.25
Sr. Combination License (65 and Older)	12.00	N/A
Sportsman's Pak License	135.00	N/A
Jr. Combination License	18.00	N/A
Jr. Hunting License	6.50	N/A
Jr. Mentored Hunting License with 3 Day Fishing License	N/A	90.00

Disabled American Veteran Hunting License with 3 Day Fishing License	N/A	30.00
Jr. Fishing License	14.25	22.00
Disabled Combination License	4.00	N/A
Disabled Fishing License	4.00	N/A
Military Furlough Combination License	18.75	N/A
Military Furlough Fishing License	18.75	N/A
Small Game Hunting License	N/A	140.00
3 Day Small Game Hunting License	N/A	70.00
Daily Fishing (1st-day) License	11.75	21.00
Consecutive Day Fishing License	6.00	7.00
3 Day Fishing with Salmon/Steelhead Permit	N/A	43.00
Nongame Hunting License	N/A	37.25
Jr. Trapping License	6.50	N/A
Trapping License	28.00	330.00
(b) Sport Tags		
Deer Tag	\$ 23.00	\$ 350.00
Controlled Hunt Deer Tag	23.00	350.00
Jr. or Sr. or Disabled American Veteran Deer Tag	10.75	N/A
Jr. Mentored Deer Tag	N/A	175.00
Disabled American Veteran Deer Tag	N/A	22.00
Elk A Tag	35.00	650.00
Elk B Tag	35.00	650.00
Controlled Hunt Elk Tag	35.00	650.00
Jr. or Sr. or Disabled American Veteran Elk Tag	17.00	N/A
Jr. Mentored Elk Tag	N/A	298.00
Disabled American Veteran Elk Tag	N/A	38.00
Black Bear Tag	12.00	230.00
Jr. or Sr. or Disabled American Veteran Black Bear Tag	6.00	N/A
Jr. Mentored Black Bear Tag	N/A	115.00

Disabled American Veteran		
Black Bear Tag	N/A	22.00
Turkey Tag	21.00	86.25
Jr. or Sr. or Disabled American		
Veteran Turkey Tag	10.75	N/A
Jr. Mentored		
Turkey Tag	N/A	43.00
Disabled American Veteran		
Turkey Tag	N/A	18.00
Mountain Lion Tag	12.00	202.75
Gray Wolf Tag	12.00	184.25
Pronghorn Antelope Tag	34.75	341.00
Moose Tag	198.00	2,625.00
Bighorn Sheep Tag	198.00	2,625.00
Mountain Goat Tag	198.00	2,625.00
Grizzly Bear Tag	198.00	2,625.00
Sandhill Crane Tag	21.00	72.50
Swan Tag	21.00	72.50
Sage Grouse Tag	21.00	72.50

For purposes of this subsection, disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans hunting license.

(c) Sport Permits

Bear Baiting Permit	\$ 13.25	\$ 33.00
Hound Hunter Permit	13.25	300.00
Upland Game Bird Permit	27.00	55.00
Archery Permit	17.75	80.00
Disabled American		
Veteran Archery Permit	2.00	4.00
Muzzleloader Permit	17.75	80.00
Disabled American		
Veteran Muzzleloader Permit	2.00	4.00
Salmon Permit	13.50	26.50
Steelhead Permit	13.50	26.50
Federal Migratory Bird Harvest Info.		
Permit	1.00	3.25
Disabled Archery Permit	0.00	0.00
2-Pole Fishing Permit	13.25	15.25
Turkey Controlled Hunt Permit	6.00	6.75
Sharptail Grouse Permit	4.00	16.00
Disabled Hunt Motor Vehicle		
Permit	0.00	0.00

(d) Commercial Licenses and Permits

Raptor Captive Breeding		
Permit	\$78.75	\$ 104.00
Falconry Permit	78.75	N/A
Falconry Capture Permit	18.50	185.00

Peregrine Capture Permit	30.00	220.00
Taxidermist-Fur Buyer License		
5-Year License	175.00	N/A
1-Year License	38.25	185.25
<u>3-Day Fur Buyer License</u>	<u>N/A</u>	<u>72.50</u>
Shooting Preserve Permit	329.75	N/A
Commercial Wildlife Farm		
License	137.50	N/A
Commercial Fishing License	110.00	291.50
Wholesale Steelhead License	165.00	218.25
Retail Steelhead Trout Buyer's		
License	33.00	43.25
(e) Commercial Tags		
Bobcat Tag	\$ 3.00	\$ 3.50
Otter Tag	3.00	3.50
Net Tag	55.00	72.50
Crayfish/Minnow Tag	1.25	3.50
(f) Miscellaneous-Other Licenses		
Duplicate License	\$ 5.50	\$ 7.25
Shooting Preserve License	11.00	24.25
Captive Wolf License	32.00	N/A
(g) Miscellaneous-Other Tags		
Duplicate Tag	\$ 5.50	\$ 7.25
Wild Bird Shooting Preserve		
Tag	5.50	7.25
(h) Miscellaneous-Other Permits-Points-Fees		
Falconry In-State Transfer		
Permit	\$ 5.50	\$ N/A
Falconry Meet Permit	N/A	29.00
Rehab Permit	3.00	3.50
Educational Fishing Permit	0.00	0.00
Live Fish Importation		
Permit	3.00	3.50
Sport Dog and Falconry Training		
Permit	3.00	3.50
Wildlife Transport Permit	3.00	3.50
Scientific Collection Permit	50.00	55.00
Private Park Permit	21.75	29.00
Wildlife Import Permit	21.75	29.00
Wildlife Export Permit	11.00	14.75
Wildlife Release Permit	11.00	14.75
Captive Wildlife Permit	21.75	29.00
Fishing Tournament Permit	21.75	27.50
Dog Field Trial Permit	33.00	44.00
Live Fish Transport Permit	21.75	29.00

Controlled Hunt Application Fee		
Moose, Sheep, Goat, Grizzly Bear	15.00	44.00
Controlled Hunt Application Fee	4.50	16.25
Fee for Application for the Purchase of Controlled Hunt Bonus or Preference Points	4.50	4.50
Nursing Home Fishing Permit	33.00	N/A

SECTION 2. That Section 36-602, Idaho Code, be, and the same is hereby amended to read as follows:

36-602. LICENSE FEES -- EXPIRATION. (a) Resident Taxidermist and Fur Buyer's License. A fee as specified in section 36-416, Idaho Code, shall be charged for a resident taxidermist and fur buyer's license.

(b) Nonresident Taxidermist and Fur Buyer's License. ~~Nonresidents shall pay an amount equal to that charged Idaho residents in the state of the applicant for the license. In cases where the state of the applicant requires more than one (1) license, the cost shall be the total of all licenses required of an Idaho resident to engage in similar activities in the state of the applicant. In no case shall this amount be less than the A fee as specified in section 36-416, Idaho Code, shall be charged for a nonresident taxidermist and fur buyer annual license.~~

(c) A fee as specified in section 36-416, Idaho Code, shall be charged for a nonresident 3-day fur buyer license, available only to nonresidents who are temporarily in the state to engage in the business of buying raw hides, skins, pelts, or parts as set forth in section 36-601, Idaho Code.

(d) The department shall promulgate rules implementing the provisions of this section.

~~(e)~~ (e) The expiration date for taxidermist and fur buyer's licenses shall be June 30 of the fifth year next following the date of issuance for five (5) year licenses and June 30 next following the date of issuance for one (1) year licenses.

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

Approved March 20, 2023

CHAPTER 58
(H.B. No. 144)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-413, IDAHO CODE, TO PROVIDE FOR TRAPPING LICENSE CERTIFICATES, TO PROVIDE CORRECT CODE REFERENCES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-413, Idaho Code, be, and the same is hereby amended to read as follows:

36-413. LIFETIME LICENSE CERTIFICATE -- FEE. (a) The fish and game commission shall issue rules and regulations to administer a lifetime license certificate system.

(b) A lifetime license certificate may be sold to any person who qualifies as a resident or is granted resident license privileges as provided in subsection (s) of section 36-202, Idaho Code.

(c) A lifetime certificate may be obtained by a person one (1) day of age through one (1) year of age possessing the qualifications therein described upon payment of: twenty-five (25) times the fee prescribed for a combined hunting and fishing license in section 36-406 36-416(a), Idaho Code, for a combined hunting and fishing license certificate; twenty-five (25) times the fee prescribed for a hunting license in section 36-406 36-416(a), Idaho Code, for a hunting license certificate; or twenty-five (25) times the fee prescribed for a fishing license in section 36-406 36-416(a), Idaho Code, for a fishing license certificate; or twenty-five (25) times the fee prescribed for a trapping license in section 36-416(a), Idaho Code, for a trapping license certificate.

(d) A lifetime certificate may be obtained by a person two (2) years of age through fifty (50) years of age possessing the qualifications therein described upon payment of: thirty-five (35) times the fee prescribed for a combined hunting and fishing license in section 36-406 36-416(a), Idaho Code, for a combined hunting and fishing license certificate; thirty-five (35) times the fee prescribed for a hunting license in section 36-406 36-416(a), Idaho Code, for a hunting license certificate; or thirty-five (35) times the fee prescribed for a fishing license in section 36-406 36-416(a), Idaho Code, for a fishing license certificate; or thirty-five (35) times the fee prescribed for a trapping license in section 36-416(a), Idaho Code, for a trapping license certificate.

(e) A lifetime certificate may be obtained by a person fifty-one (51) years of age or older possessing the qualifications therein described upon payment of: twenty (20) times the fee prescribed for a combined hunting and fishing license in section 36-406 36-416(a), Idaho Code, for a combined hunting and fishing license certificate; twenty (20) times the fee prescribed for a hunting license in section 36-406 36-416(a), Idaho Code, for a hunting license certificate; or twenty (20) times the fee prescribed for a fishing license in section 36-406 36-416(a), Idaho Code, for a fishing license certificate; or twenty (20) times the fee prescribed for a trapping license in section 36-416(a), Idaho Code, for a trapping license certificate.

(f) Holders of lifetime license certificates shall be subject to the provisions of title 36, Idaho Code.

(g) The director shall promptly transmit to the state treasurer all moneys received by him from the sale of lifetime license certificates and the state treasurer shall deposit all such moneys in the fish and game trust account fund. All such moneys shall be expended at the direction of the commission to carry out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose.

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

Approved March 20, 2023

CHAPTER 59
(H.B. No. 211)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 201, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Parks and Recreation for the Capital Development Program \$900,000 from the General Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023, for the purpose of constructing a maintenance building at the Trail of the Coeur d'Alenes.

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

Approved March 20, 2023

CHAPTER 60
(H.B. No. 213)

AN ACT

RELATING TO THE RURAL NURSING LOAN REPAYMENT PROGRAM; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 39, IDAHO CODE, TO ESTABLISH THE RURAL NURSING LOAN REPAYMENT PROGRAM, TO DEFINE TERMS, TO ESTABLISH THE RURAL NURSING LOAN REPAYMENT FUND, TO PROVIDE FOR A REVIEW BOARD, TO ESTABLISH PROVISIONS REGARDING THE SCOPE OF RURAL NURSING LOAN REPAYMENT GRANT SUPPORT, TO ESTABLISH PROVISIONS REGARDING ELIGIBILITY FOR GRANTS, TO ESTABLISH PROVISIONS REGARDING GRANT APPLICATIONS, TO PROVIDE FOR A GRANT REWARD SCHEDULE, TO ESTABLISH PROVISIONS REGARDING AWARD CRITERIA, TO ESTABLISH PROVISIONS REGARDING FRAUDULENT INFORMATION ON A GRANT APPLICATION, TO PROVIDE AUTHORITY TO THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR ADMINISTRATIVE APPEALS, AND TO PROVIDE A SUNSET DATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 25, Title 39, Idaho Code, and to read as follows:

CHAPTER 25
RURAL NURSING LOAN REPAYMENT PROGRAM

39-2501. RURAL NURSING LOAN REPAYMENT PROGRAM. A rural and underserved nursing incentive program as set forth in this chapter shall be administered by the department of health and welfare. The program shall provide for the payment of nursing education loans for eligible nurses practicing in rural and underserved areas of the state subject to the

requirements of this chapter. The department of health and welfare may promulgate rules to implement the provisions of this chapter.

39-2502. DEFINITIONS. As used in this chapter:

(1) "Applicant" means an individual submitting documents required by the department of health and welfare for the purpose of requesting a grant from the rural nursing loan repayment program.

(2) "Application period" means the time period from October 1 to November 30 of the state fiscal year for which funding is requested.

(3) "Approval" means written notification that the application will be awarded funding through the rural nursing loan repayment program.

(4) "Board" means the rural nursing loan repayment grant review board.

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

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

(7) "Eligible area" means:

(a) A rural area also designated by the United States secretary of health and human services as a health professional shortage area;

(b) A county without a population center of twenty thousand (20,000) or more persons; or

(c) All certified Idaho critical access hospitals.

(8) "Eligible employer" means:

(a) Critical access hospitals, federally qualified health centers, rural health clinics, long-term care facilities, public health districts, state hospitals, licensed home health agencies, licensed hospice agencies, rural health care clinics, tribal clinics, veterans health administration hospitals, veterans health administration clinics, veterans health administration long-term care homes, or Indian health service clinics; or

(b) Any other employer located in a rural area that employs nurses for purposes of providing nursing services to patients, as determine by the board.

(9) "Grant period" means the time immediately following the application period from December 1 through June 30 for which funding is granted.

(10) "Nurse" means a licensed practical nurse or a registered nurse pursuant to chapter 14, title 54, Idaho Code.

(11) "Qualified nursing education debt" means a debt with a financial aid program or financial institution incurred to meet the educational costs of attending an accredited nursing school.

(12) "Recipient" means an individual who receives a grant pursuant to this chapter.

(13) "Rural nurse" means a licensed nurse who spends a minimum of thirty-two (32) hours per week, on average, providing nursing care to patients in an eligible area.

(14) "Rural nursing loan repayment fund" or "fund" means the fund in the state treasury established in section 39-2503, Idaho Code.

(15) "Rural nursing loan repayment grant" or "grant" means a grant awarded pursuant to this chapter.

(16) "Rural nursing loan repayment program" or "program" means the rural nursing loan repayment program established by this chapter.

39-2503. RURAL NURSING LOAN REPAYMENT FUND. There is hereby established in the state treasury a rural nursing loan repayment fund to be administered by the department. Moneys in the fund shall:

(1) Be subject to appropriation by the legislature to pay for:

(a) The educational debts of nurses in rural and underserved areas of the state that demonstrate a need for assistance in nursing recruitment and retention; and

- (b) The expenses of administering the rural nursing loan repayment program, which expenses shall not exceed ten percent (10%) of the annual appropriation by the legislature; and
- (2) Consist of:
 - (a) Legislative appropriations;
 - (b) Health care industry contributions, private donations, and federal funds as available; and
 - (c) Interest earned on idle moneys in the fund.

39-2504. REVIEW BOARD. (1) The director shall appoint eight (8) members of a board to be known as the rural nursing loan repayment grant review board. Members of the board:

- (a) Shall serve at the pleasure of the director; and
- (b) Shall not be compensated but shall be reimbursed for travel expenses incurred for attendance at board meetings.
- (2) The board shall meet at least annually for the purposes described in this chapter.
- (3) The board shall be composed of the following:
 - (a) A rural hospital chief nursing officer or administrator;
 - (b) A rural long-term care chief nursing officer or administrator;
 - (c) A faculty member from an Idaho-accredited registered nursing school;
 - (d) A faculty member from an Idaho-licensed practical nursing school;
 - (e) A federally qualified health center or rural health clinic representative;
 - (f) A representative from the American nurses association-Idaho or the nurse leaders of Idaho association;
 - (g) An Idaho hospital association representative; and
 - (h) An Idaho health care association representative.
- (4) Appointments to the board shall be for three (3) years, except for initial appointments to the board, which shall be staggered in such a manner that approximately one-third (1/3) of the board members are appointed for one (1) year, one-third (1/3) of the board members are appointed for two (2) years, and one-third (1/3) of the board members are appointed for three (3) years. Board members may be reappointed at the end of their terms.
- (5) A majority of the board members constitutes a quorum for the transaction of business. A majority vote is required by the quorum in finalizing decisions.

39-2505. SCOPE OF RURAL NURSING LOAN REPAYMENT GRANT SUPPORT. (1) The board may award grants in accordance with the procedures and criteria in this chapter to nurses for qualified education debt repayments and for nursing education loan repayments.

- (2) Rural nursing loan repayment grant awards.
 - (a) Grant award recipients will be determined annually by the board.
 - (b) Subject to available funding, the board may offer awards to up to fifty (50) qualified applicants per year.
 - (c) A nurse selected to receive a rural nursing loan repayment grant award shall be entitled to receive qualified nursing education debt repayments for a period not to exceed three (3) years.
 - (d) Award amounts shall consist of:
 - (i) Five thousand dollars (\$5,000) after the verified completion of one (1) year of continuous employment by eligible employers in an eligible area;
 - (ii) Ten thousand dollars (\$10,000) after the verified completion of two (2) years of continuous employment by eligible employers in an eligible area; and

(iii) Ten thousand dollars (\$10,000) after the verified completion of three (3) years of continuous employment by eligible employers in an eligible area.

(e) The award shall not exceed the qualified nursing education debt incurred by the recipient, and the maximum amount of education debt repayments that a rural nurse may receive shall be twenty-five thousand dollars (\$25,000) over a three (3) year period.

(f) All nursing grant awards shall be paid directly from the rural nursing loan repayment fund to the recipient of the award.

(g) In determining the awards to be made in any given year, the board and the department shall consider the value of retaining an appropriate balance in the fund for use in future years.

(h) An award payment to a recipient in a single year is not guaranteed or assured in subsequent years.

(3) Grant awards are limited to qualified education debt repayments and nursing loan repayments for nurses providing nursing care in eligible areas.

(4) Nothing in this chapter may be construed to require the provision of awards without an appropriation for that purpose.

39-2506. ELIGIBILITY FOR GRANTS. (1) A nurse who meets the following requirements is eligible to apply for a rural nursing loan repayment grant award:

(a) During the period covered by the award, the nurse must be a rural nurse providing nursing care in an eligible area. A nurse may provide patient care services in nursing care in more than one (1) eligible area;

(b) The nurse must be licensed as a licensed practical nurse or a registered nurse and must have completed an accredited nursing program; and

(c) The nurse must hold an unrestricted Idaho nursing license and must be able to meet the nursing requirements of the eligible employer.

(2) Nurses receiving or having received other nursing educational loan repayment through programs such as the rural health care access program and the state loan repayment program are not eligible for this program.

(3) Advanced practice registered nurses are not eligible for this program.

39-2507. RURAL NURSING LOAN REPAYMENT GRANT APPLICATIONS REQUIRED. (1) A completed grant application must be submitted by the applicant to the department for the purpose of requesting a grant on or before the conclusion of the application period specified for the appropriate grant cycle. All applications must include the required information.

(2) The grant application and any attachments submitted by the applicant shall be the primary source of information for awarding a grant. Additionally, the board may request or use other information known to it in making its decision.

(3) All grant applications shall:

(a) Be on a form prescribed by the department; and

(b) Include a letter of support from an eligible employer along with supporting documentation.

39-2508. RURAL NURSING LOAN REPAYMENT GRANT AWARD SCHEDULE. (1) The board shall conduct the grant process in accordance with the schedule provided in this section.

(2) The department will make available a list of areas eligible for potential grant assistance no later than August 1 prior to the application period.

(3) The department shall develop an application form and make guidance available no later than October 1, which shall initiate the application period prior to the grant period.

(4) The completed application shall be submitted to the department no later than November 30 of the application period.

(5) Applications will be reviewed by the board, and the board will select award recipients from qualified applicants.

(6) The board shall issue notification to every applicant regarding the disposition of their grant request by February 15 prior to the grant period.

(7) Funds for approved rural nursing loan repayment grants shall be disbursed upon verified completion of employment by eligible employers after one (1) year, two (2) years, or three (3) years of continuous employment, according to the payment schedule, that meets grant criteria.

39-2509. RURAL NURSING LOAN REPAYMENT AWARD CRITERIA. (1) Grant awards shall be made by the board based on ranking and priority in accordance with the following criteria:

(a) Priority shall be given to licensed practical nurses and registered nurses who are Idaho residents and graduated from an accredited nursing program in Idaho; and

(b) Award priority shall be given to nurses working in an eligible area with a demonstrated nursing shortage.

(2) In reviewing and weighing the criteria listed in subsection (1) of this section, the board shall consider all relevant factors.

(3) If a nurse selected for an award of debt payments does not accept the award, then the award shall be made to an eligible nurse who has not yet been awarded a grant and who best satisfies the criteria provided in subsection (1) of this section.

39-2510. FRAUDULENT INFORMATION ON GRANT APPLICATION. Providing false information on any application or document submitted under this chapter is a misdemeanor and grounds for declaring the applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the rural nursing loan repayment grant program. This section shall not limit other remedies that may be available for the filing of false or fraudulent applications.

39-2511. DEPARTMENT AUTHORITY. The state department of health and welfare is authorized to take all actions necessary to implement and enforce the provisions of this chapter, including the promulgation of rules.

39-2512. ADMINISTRATIVE APPEALS. Applicants aggrieved by the award or failure to award a grant pursuant to this chapter shall be afforded the remedies provided in chapter 52, title 67, Idaho Code.

39-2513. SUNSET DATE. The provisions of this chapter shall be null, void, and of no force and effect on and after June 30, 2029.

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

Approved March 20, 2023

CHAPTER 61
(H.B. No. 222)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 2023; DIRECTING A REPORT OF THE EXPENDITURE OF FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 176, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for the University of Idaho \$1,000,000 from the General Fund to be expended for operating expenditures for the purpose of costs related to a security incident for the period July 1, 2022, through June 30, 2023.

SECTION 2. The University of Idaho shall submit a report regarding the expenditure of funds appropriated in Section 1 of this act, no later than August 1, 2023, to the Legislative Services Office. This report shall include an itemized list of all expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office.

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

Approved March 20, 2023

CHAPTER 62
(H.B. No. 249)

AN ACT

RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$511,400
Operating Expenditures	97,700
Capital Outlay	<u>53,100</u>
TOTAL	\$662,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 20, 2023

CHAPTER 63
(H.B. No. 251)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION; PROVIDING REQUIREMENTS FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Division of Human Resources the following amounts to be expended according to the designated expense classes from the Division of Human Resources Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$16,049,900
Operating Expenditures	1,239,200
Capital Outlay	<u>4,500</u>
TOTAL	\$17,293,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than one hundred sixty (160.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. In accordance with Chapter 53, Title 67, Idaho Code, the Division of Human Resources shall shift the salary structure upward by an average of eight and one-half percent (8.5%) beginning on July 1, 2023, with the exception of the minimum wage of \$7.25 per hour at pay grade D, and shall add an additional pay structure for public safety. The division shall also maintain the job classifications currently on payline exception. Each agency is appropriated \$1.20 per hour for permanent employees to be distributed based on merit with the flexibility for agency heads and institution presidents to distribute funds for recruitment and retention purposes in hard-to-fill, hard-to-retain positions.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 20, 2023

CHAPTER 64
(H.B. No. 252)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Independent Living Council the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$148,600	\$111,300		\$259,900
State Independent Living Council (Ded)				
Fund	299,000	94,600		393,600
Federal Grant				
Fund	<u>24,600</u>	<u>9,400</u>	<u>\$25,100</u>	<u>59,100</u>
TOTAL	\$472,200	\$215,300	\$25,100	\$712,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Independent Living Council is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved March 20, 2023

CHAPTER 65
(H.B. No. 253)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR CONTINUOUS APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory				
Fund	\$8,372,200	\$2,210,700	\$39,600	\$10,622,500
Mortgage Recovery				
Fund		50,000		50,000
Securities Investor Training				
Fund	<u>0</u>	<u>50,000</u>	<u>0</u>	<u>50,000</u>
TOTAL	\$8,372,200	\$2,310,700	\$39,600	\$10,722,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Finance is authorized no more than seventy-two (72.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION AUTHORITY. The Department of Finance is hereby granted continuous appropriation authority for reimbursement of persons to whom the Idaho courts have made a final determination of actual damages resulting from acts constituting violations of the Idaho Residential Mortgage Practices Act by a mortgage broker, mortgage lender, or mortgage loan originator who was licensed or required to be licensed pursuant to Chapter 31, Title 26, Idaho Code.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 20, 2023

CHAPTER 66
(H.B. No. 260)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING REPORTS REGARDING BUSINESS AND TECHNOLOGY MODERNIZATION; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration					
Fund	\$6,069,700	\$2,988,700		\$1,355,600	\$10,414,000
Peace Officer and Detention Officer Temporary Disability					
Fund	8,800	3,800		156,100	168,700
Miscellaneous Revenue					
Fund	<u>0</u>	<u>45,000</u>		<u>0</u>	<u>45,000</u>
TOTAL	\$6,078,500	\$3,037,500		\$1,511,700	\$10,627,700
II. REHABILITATION:					
FROM:					
Industrial Administration					
Fund	\$4,110,900	\$689,900	\$54,400		\$4,855,200
III. CRIME VICTIMS COMPENSATION:					
FROM:					
General					
Fund				\$294,000	\$294,000
Crime Victims Compensation					
Fund	\$1,004,500	\$368,400		2,000,000	3,372,900
Federal Grant					
Fund	<u>0</u>	<u>0</u>		<u>1,639,000</u>	<u>1,639,000</u>
TOTAL	\$1,004,500	\$368,400		\$3,933,000	\$5,305,900
GRAND TOTAL	\$11,193,900	\$4,095,800	\$54,400	\$5,444,700	\$20,788,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty and twenty-five hundredths (130.25) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. BUSINESS AND TECHNOLOGY MODERNIZATION. In accordance with Section 1, Article VIII of the Constitution of the State of Idaho, of the amount appropriated in Section 1 of this act, \$201,300 from the Industrial Administration Fund and \$28,700 from the Crime Victims Compensation Fund comprise the fourth of four onetime appropriations for the Industrial Commission's business and technology modernization, subject to the availability of funds and satisfactory project implementation. On or before September 1 of each year, the commission shall report to the Legislature regarding the specific efforts made to upgrade its business applications, the outcomes of those efforts, and an estimate of the appropriation amount needed to continue those efforts.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 20, 2023

CHAPTER 67
(S.B. No. 1039, As Amended)

AN ACT

RELATING TO PROPERTY; AMENDING CHAPTER 3, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-314, IDAHO CODE, TO PROVIDE THAT FEES IMPOSED ON RESIDENTIAL TENANTS SHALL BE REASONABLE, TO PROHIBIT FEES, FINES, ASSESSMENTS, INTERESTS, OR OTHER COSTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE APPLICABILITY, AND TO CLARIFY STATUTORY CONSTRUCTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-314, Idaho Code, and to read as follows:

55-314. LIMITATION ON FEES FOR TENANTS OF A RENTAL PROPERTY. (1) Any fees imposed on a residential tenant, including fees for the late payment of rent, shall be reasonable.

(2) An owner may not charge to the tenant of a rental property a fee, fine, assessment, interest, or other cost:

(a) In an amount greater than that agreed upon in the rental agreement; or

(b) That is not included in the rental agreement, unless:

(i) The rental agreement is an oral agreement; or

(ii) The rental agreement is written, and the owner provides the tenant a written thirty (30) day notice of the change in the fee, fine, assessment, interest, or other cost.

(3) The provisions of this section shall apply to rental agreements entered into or renewed on or after July 1, 2023.

(4) Nothing in this section shall be construed to limit the amount that can be charged for rent.

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

Approved March 20, 2023

CHAPTER 68
(S.B. No. 1064)

AN ACT

RELATING TO VEHICLE TITLES; AMENDING SECTION 49-504, IDAHO CODE, TO PROVIDE FOR A CERTAIN TEMPORARY PERMIT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-1613, IDAHO CODE, TO PROVIDE FOR A LIMIT ON THE ISSUANCE OF TEMPORARY PERMITS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-504, Idaho Code, be, and the same is hereby amended to read as follows:

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE -- IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain the owner's Idaho driver's license number, Idaho identification card number or social security number or individual taxpayer identification number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner's true and full legal name. In the event that the owner does not possess a social security number, Idaho driver's license number, Idaho identification card number or individual taxpayer identification number, the owner shall present written documentation sufficient to the department to determine that no social security number has been issued. In the event that a business, trust, or other statutorily created entity is not required to have and does not possess an employer tax identification number, the applicant shall provide a written statement certifying that the entity does not possess an employer tax identification number. The form must contain the owner's physical domicile address or, in the case of a business, trust or other statutorily created entity, such entity's physical address and any mailing address if different from the physical address. If the owner has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the owner may state, in the application required pursuant to this section, the applicant's alternative Idaho mailing address in place of his

or her physical domicile address. Such application must be signed by the owner and contain a full description of the vehicle, including the make, identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The application shall be filed with the department and, if a certificate of title has previously been issued for that vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter. The department may promulgate rules to provide for exceptions to the odometer requirement. Social security numbers collected shall not appear on certificates of title, and all applications on file shall be exempt from disclosure, except as provided in sections 49-202, 49-203 and 49-203A, Idaho Code.

(2) If the current certificate of title was not issued for the vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a certificate of title, bill of sale or other evidence of ownership required by the law of any other jurisdiction from which the vehicle was brought into this state and a vehicle identification number inspection completed by any city, county or state peace officer or other special agent authorized by the department.

(3) In the case of a new vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is endorsed by a franchised new vehicle dealer licensed to sell a new vehicle. Each application shall be accompanied by a statement completed by the franchised new car dealer that it is authorized to transfer the vehicle to the purchaser. The dealer shall retain in its records a manufacturer's certificate of origin or manufacturer's statement of origin executed by the manufacturer and delivered to his agent or his franchised vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the vehicle, the manufacturer's vehicle identification number, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new vehicle, the manufacturer or his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate or statement, together with any lien or encumbrance to which the vehicle is subject. The certificate or statement will be retained by the dealer for five (5) years so that it is available for inspection by the department.

(4) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an identification numbers index of registered vehicles except that said index is not required to include operators who have been issued a certificate of number or nonresident user certificate pursuant to sections 67-7122 and 67-7124, Idaho Code, and, upon receiving an application for a certificate of title shall first check the identification number shown in the application against the index. The department, when satisfied that the applicant is the owner of the vehicle and that the application is in proper form, shall issue in the name of the owner of the vehicle a certificate of title bearing a title number, the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(5) In all cases of transfer of vehicles, the application for certificates of title shall be filed within thirty (30) calendar days after the delivery of the vehicles. Licensed dealers need not apply for certificate of title for vehicles in stock or when they are acquired for stock purposes.

(6) In the case of the sale of a vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to the department by the dealer or the lienholder upon application signed by the purchaser. A copy of this application shall be given to the purchaser to be used as a seventy-two (72) hour temporary permit, unless the application is submitted by an electronic means approved by the department, in which case a forty-five (45) calendar day temporary permit may be issued. In all other cases, the certificates shall be obtained by the purchaser and the certificate of title properly assigned and dated by the seller, or the seller's bill of sale shall serve as a seventy-two (72) hour permit. The seventy-two (72) hour time period for temporary permits shall be calculated excluding weekend days and legal holidays observed by the state of Idaho. ~~This temporary permit allows~~ These temporary permits allow operation of any noncommercial vehicle or unladen commercial vehicle or vehicle combination without license plates for the period of time specified in the permit. A laden commercial vehicle or vehicle combination may also operate without license plates for the period of time specified in the temporary permit, provided that the owner or operator has also obtained a permit issued under the provisions of section 49-432, Idaho Code.

(7) If the vehicle has no identification number, then the department shall designate an identification number for that vehicle at the time of issuance of the certificate of title. The identification number shall be permanently affixed to or indented upon the frame of the vehicle and legibly maintained by the owner at all times while a certificate of title to the vehicle shall be issued and outstanding.

(8) An EVC provider authorized pursuant to section 49-401C, Idaho Code, may act on behalf of the department in receiving, processing, and transmitting applications for title and any related fees to the department. The security, oversight, and processing requirements in chapter 4, title 49, Idaho Code, shall also apply to titling transactions conducted by an EVC provider.

(9) The department may allow a person to submit a required document by using electronic media deemed feasible by the department instead of requiring an original document. If a signature on a document is required by law and the document is submitted electronically, the signature requirement will be satisfied by an authenticated electronically submitted signature. An electronically submitted document, once accepted by the department, shall be deemed the same as an original document and shall be admissible in all administrative, quasi-judicial, and judicial proceedings.

SECTION 2. That Section 49-1613, Idaho Code, be, and the same is hereby amended to read as follows:

49-1613. UNLAWFUL ACTS BY LICENSEE. (1) It shall be unlawful for the holder of any license issued under the provisions of this chapter to:

- (a) Intentionally publish or circulate any advertising which that is misleading or inaccurate in any material particular or which that misrepresents any of the products sold or furnished by a licensed dealer;
- (b) Violate any of the provisions of this chapter or any of the applicable rules;
- (c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen vehicle;
- (d) Violate any law respecting commerce in vehicles or any lawful rule respecting commerce in vehicles promulgated by any licensing or regulating authority now existing or hereafter created by the laws of the state;
- (e) Engage in the business for which the dealer is licensed without at all times maintaining a principal place of business;

(f) Engage in a type of business respecting the selling or exchanging of vehicles for which he is not licensed;

(g) Knowingly purchase a vehicle which that has an altered or removed vehicle identification number plate or alter or remove a vehicle identification number plate;

(h) Violate any provision of this title or any rules promulgated;

(i) Violate any provision of the federal motor vehicle safety standards, federal odometer laws or regulations; ~~or~~

(j) Display for sale, exchange, or sell any vehicle for which the vehicle dealer does not hold title or consignment agreement or other documentary evidence of his right to the possession of every vehicle in his possession; ~~or~~

(k) Issue more than one (1) temporary permit per vehicle sale pursuant to the provisions set forth in section 49-504(6), Idaho Code.

(2) It shall be unlawful for any manufacturer or distributor licensed under this chapter to require, attempt to require, coerce, or attempt to coerce, any new vehicle dealer in this state to:

(a) Order or accept delivery of any new vehicle, part or accessory, equipment or any other commodity not required by law which that shall not have been voluntarily ordered by the new vehicle dealer. This paragraph is not intended to modify or supersede any terms or provisions of a franchise requiring dealers to market a representative line of vehicles which that the manufacturer or distributor is publicly advertising.

(b) Order or accept delivery of any new vehicle with special features, accessories or equipment not included in the list price of such vehicles as publicly advertised by the manufacturer or distributor.

(c) Participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, training materials, showroom or other display decorations or materials at the expense of the dealer.

(d) Enter into any agreement with the manufacturer or distributor or to do any other act prejudicial to the dealer by threatening to terminate or cancel a franchise or any contractual agreement existing between the dealer and the manufacturer or distributor. This paragraph is not intended to preclude the manufacturer or distributor from insisting on compliance with reasonable terms or provisions of the franchise or other contractual agreement, and notice in good faith to any dealer of the dealer's violation of those terms or provisions shall not constitute a violation of the provisions of this chapter.

(e) Change the capital structure of the dealer or the means by or through which the dealer finances the operation of the dealership, provided that the dealer at all times meets any reasonable capital standards determined by the manufacturer or distributor in accordance with uniformly applied criteria. No change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor. Consent shall not be unreasonably withheld.

(f) Refrain from participation in the management of, investment in, or the acquisition of any other line of new vehicle or related products. This paragraph does not apply unless the dealer maintains a reasonable line of credit for each make or line of new vehicle, and the dealer remains in compliance with any reasonable facilities requirements of the manufacturer or distributor, and no change is made in the principal management of the dealership.

(g) Prospectively assent to a release, assignment, novation, waiver or estoppel which that would relieve any person from liability to be imposed by this chapter or to require any controversy between a dealer and a manufacturer, distributor, or representatives, to be referred to any person other than the duly constituted courts of the state or the United

States, or to the director, if that referral would be binding upon the dealer.

(h) Either establish or maintain exclusive facilities, personnel, or display space.

(i) Expand facilities without a written guarantee of a sufficient supply of new vehicles so as to justify an expansion, in light of the market and economic conditions.

(j) Make significant modifications to an existing dealership or to construct a new vehicle dealership facility without providing a written guarantee of a sufficient supply of new vehicles so as to justify modification or construction, in light of the market and economic conditions.

(3) It shall be unlawful for any manufacturer or distributor licensed under this chapter to:

(a) Delay, refuse, or fail to deliver new vehicles or new vehicle parts or accessories in a reasonable time, and in reasonable quantity, relative to the dealer's facilities and sales potential in the dealer's relevant market area, after acceptance of an order from a dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer or distributor, any new vehicle, parts or accessories to new vehicles as are covered by the franchise, if the vehicle, parts, or accessories are publicly advertised as being available for delivery or actually being delivered. These provisions are not violated, however, if failure is caused by acts or causes beyond the control of the manufacturer or distributor.

(b) Refuse to disclose to any dealer handling the same line, the manner and mode of distribution of that line within the relevant market area.

(c) Obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to the dealer.

(d) Increase prices of new vehicles ~~which~~ that the dealer had ordered for consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a consumer shall constitute evidence of each such order, provided that the vehicle is in fact delivered to that customer. In the event of manufacturer or distributor price reductions or cash rebates paid to the dealer, the amount of any reduction or rebate received by a dealer shall be passed on to the private retail consumer by the dealer. Price reductions shall apply to all vehicles in the dealer's inventory ~~which~~ that were subject to the price reduction. Price differences applicable to new model or series shall not be considered a price increase or price decrease. Price changes caused by the addition to a vehicle of required or optional equipment, or revaluation of the United States dollar, in the case of foreign-make vehicles or components, or an increase in transportation charges due to increased rates imposed by a carrier, shall not be subject to the provisions of this subsection.

(e) Release to any outside party, except under subpoena or as otherwise required by law or in an administrative, judicial or arbitration proceeding involving the manufacturer or distributor or dealer, any business, financial, or personal information which may be provided from time to time by the dealer to the manufacturer or distributor without the express written consent of the dealer.

(f) Deny any dealer the right of free association with any other dealer for any lawful purpose.

(g) Unfairly compete with a dealer in the same line make, operating under an agreement or franchise from the aforementioned manufacturer or distributor, in the relevant market area. A manufacturer or distributor shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, in any case not to exceed one (1) year, or in a retail operation which that is for sale to any qualified independent person at a fair and reasonable price, or in a relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of that dealership on reasonable terms and conditions. Upon a showing of good cause by the manufacturer or distributor to the department, the period of temporary ownership may be extended up to one (1) additional year, resulting in a maximum temporary ownership period of two (2) years.

(h) Unfairly discriminate among its dealers with respect to warranty reimbursement.

(i) Unreasonably withhold consent to the sale, transfer, or exchange of the franchise to a qualified buyer capable of being licensed as a dealer in this state or to condition the sale, transfer, or exchange of a franchise agreement upon site control or an agreement to renovate or make improvements to a facility, unless required by the technology of a motor vehicle being sold at the facility. Provided however, that a voluntary acceptance of such conditions by the dealer in writing including, but not limited to, a written agreement for which the dealer has accepted separate and valuable consideration, shall not constitute a violation.

(j) Fail to respond in writing to a request for consent as specified in paragraph (i) of this section subsection within sixty (60) days of receipt of a written request on the forms, if any, generally utilized by the manufacturer or distributor for those purposes and containing the required information. Failure to respond shall be deemed to be consent to the request.

(k) Prevent or attempt to prevent, by contract or otherwise, any dealer from changing the executive management control of the dealership unless the manufacturer or distributor, having the burden of proof, can show that the change of executive management will result in executive management or control by a person or persons who are not of good moral character or who do not meet reasonable, preexisting and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards. Where the manufacturer or distributor rejects a proposed change in executive management control, the manufacturer or distributor shall give written notice of his reasons to the dealer within sixty (60) days of notice to the manufacturer or distributor by the dealer of the proposed change; otherwise, the change in the executive management of the dealership shall be presumptively considered approved.

(l) Terminate, cancel or fail to renew any franchise solely because of the death or incapacity of an owner who is not listed in the franchise as one on whose expertise and abilities the manufacturer or distributor relied in the granting of the franchise.

(m) Prevent or attempt to prevent the dealer, by written instrument or otherwise, from either receiving the fair market value of the dealership in a sale transaction, or from transferring the dealership to a spouse or legal heir, as specified in this chapter.

(n) Engage in any predatory practice or discrimination against any dealer.

(o) Resort to or to use any false or misleading advertisement in the conducting of his business as a manufacturer or distributor in this state.

(p) Make any false or misleading statement, either directly or through any agent or employee, in order to induce any dealer to enter into any agreement or franchise, or to take any action which that is prejudicial to that dealer or his business.

(q) Require or coerce dealers to participate in local or national advertising campaigns or contests or to require or coerce dealers to purchase promotional or display materials.

(r) Charge back, deny motor vehicle allocation, withhold payments, or take other actions against a dealer, or to condition a franchise agreement, or renewal of a franchise agreement, or to condition sales, service, parts, or finance incentives upon site control or an agreement to renovate or make improvements to a facility unless required by the technology of a motor vehicle being sold at the facility. Provided however, that a voluntary acceptance of such conditions by the dealer in writing including, but not limited to, a written agreement for which the dealer has accepted separate and valuable consideration, shall not constitute a violation.

(s) Charge back, deny motor vehicle allocation, withhold payments, or take other actions against a motor vehicle dealer if a motor vehicle sold by the motor vehicle dealer is exported from Idaho or the dealer's assigned area of responsibility unless the manufacturer, distributor, or manufacturer representative proves that the motor vehicle dealer knew or reasonably should have known a motor vehicle was intended to be exported, which shall operate as a rebuttable presumption that the motor vehicle dealer did not have such knowledge. This paragraph does not apply if exporting of motor vehicles outside of the state of Idaho is provided for by the manufacturer or distributor.

(4) It is unlawful for any manufacturer or distributor or any officer, agent or representative to coerce, or attempt to coerce, any dealer in this state to offer to sell or sell any extended service contract or extended maintenance plan that is offered, sold, backed by or sponsored by the manufacturer or distributor or to sell, assign or transfer any retail installment sales contract, obtained by the dealer in connection with the sale by him in this state of new vehicles, manufactured or sold by the manufacturer or distributor, to a specified finance company or class of such companies, or to any other specified person, by any of the acts or means set forth, namely by:

(a) Any statement, suggestion, promise or threat that the manufacturer or distributor will, in any manner, benefit or injure the dealer, whether the statement, suggestion, threat or promise is express or implied or made directly or indirectly;

(b) Any act that will benefit or injure the dealer;

(c) Any contract, or any express or implied offer of contract, made directly or indirectly to a dealer for handling new vehicles, on the condition that the dealer shall offer to sell or sell any extended service contract or extended maintenance plan that is offered, sold, backed by, or sponsored by the manufacturer or distributor or sell, assign or transfer his retail installment sales contract in this state to a specified finance company or class of such companies, or to any other specified person; or

(d) Any express or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to offer to sell or sell any extended service contract or extended maintenance plan that is offered, sold, backed by, or sponsored by the manufacturer or distributor or to sell, assign or transfer any of his retail sales contracts, in this state, on new vehicles manufactured or sold by that manufacturer or distributor to a finance company or class of companies, or other specified person, because of any relationship or affiliation

between the manufacturer or distributor and a finance company or companies, or a specified person or persons.

(e) Nothing contained in this subsection shall prohibit a manufacturer or distributor from offering or providing incentive benefits or bonus programs to a retail motor vehicle dealer or prospective retail motor vehicle dealer in this state who makes the voluntary decision to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by or sponsored by the manufacturer or distributor to sell, assign or transfer any retail installment sale or lease by him in this state of motor vehicles manufactured or sold by the manufacturer or distributor to a specified finance company or leasing company controlled by or affiliated with the manufacturer or distributor.

Any statement, threats, promises, acts, contracts or offers of contracts, when the effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition, against the policy of this state, and are unlawful.

(5) It is unlawful for any manufacturer or distributor or agent or employee of a manufacturer or distributor to use a written instrument, agreement, or waiver to attempt to nullify any of the provisions of this section, and such agreement, written instrument or waiver shall be null and void.

(6) It shall be unlawful, directly or indirectly, to impose unreasonable restrictions on the dealer relative to the sale, transfer, right to renew, termination discipline, noncompetition covenants, site control (whether by sublease, collateral pledge of lease, or otherwise), right of first refusal to purchase, option to purchase, compliance with subjective standards and assertion of legal or equitable rights.

(7) The provisions of this chapter shall apply to all written franchise agreements between a manufacturer or distributor and a dealer, including the franchise offering, the franchise agreement, sales of goods, services or advertising, leases or mortgages of real or personal property, promises to pay, security interests, pledges, insurance contract, advertising contract, construction or installation contract, servicing contracts and all other agreements where the manufacturer or distributor has any direct or indirect interest.

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

Approved March 20, 2023

CHAPTER 69
(H.B. No. 261)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$2,824,100	\$374,200	\$259,000	\$650,000	\$4,107,300
Indirect Cost Recovery					
Fund	442,300	58,100			500,400
Miscellaneous Revenue					
Fund		765,900			765,900
Administration and Accounting Services					
Fund	<u>2,953,400</u>	<u>1,006,700</u>	<u>385,800</u>	<u>0</u>	<u>4,345,900</u>
TOTAL	\$6,219,800	\$2,204,900	\$644,800	\$650,000	\$9,719,500
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$1,208,300	\$1,027,100			\$2,235,400
Miscellaneous Revenue					
Fund	1,896,300	435,200			2,331,500
Federal Grant					
Fund	<u>32,307,800</u>	<u>20,415,900</u>			<u>52,723,700</u>
TOTAL	\$35,412,400	\$21,878,200			\$57,290,600
III. OFFICE OF EMERGENCY MANAGEMENT:					
FROM:					
General					
Fund	\$2,200,200	\$704,200			\$2,904,400
Federal Grant					
Fund	<u>3,187,700</u>	<u>5,134,500</u>	<u>\$2,500,000</u>	<u>\$11,225,600</u>	<u>22,047,800</u>
TOTAL	\$5,387,900	\$5,838,700	\$2,500,000	\$11,225,600	\$24,952,200
GRAND TOTAL	\$47,020,100	\$29,921,800	\$3,144,800	\$11,875,600	\$91,962,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than four hundred thirty-five and eight-tenths (435.80) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Military Division is hereby granted continuous appropriation authority for the Idaho Office of Emergency Management's Miscellaneous Revenue Fund for the period July 1, 2023, through June 30, 2024, for the purpose of covering incurred costs arising out of hazardous substance incidents.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 20, 2023

CHAPTER 70
(H.B. No. 254)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$311,000	\$59,000		\$370,000
Miscellaneous Revenue				
Fund		24,500		24,500
Federal Grant				
Fund	<u>311,000</u>	<u>973,100</u>	<u>\$3,209,800</u>	<u>4,493,900</u>
TOTAL	\$622,000	\$1,056,600	\$3,209,800	\$4,888,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than six (6.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 121, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of Drug Policy \$1,607,600 from the Federal Grant Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of strategic prevention grants.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of Drug Policy any unexpended and unencumbered balance appropriated to the Office of Drug Policy from the American Rescue Plan Fund for fiscal year 2023, in the amount not to exceed \$1,381,900 from the American Rescue Plan Fund, to be used for nonrecurring expenditures related to drug use prevention services for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect after passage and approval, and Sections 1, 2, 4, and 5 of this act shall be in full force and effect on and after July 1, 2023.

Approved March 20, 2023

CHAPTER 71
(H.B. No. 250)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2023; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 164, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Indirect Cost Recovery				
Fund	\$23,800	\$10,000	\$3,000	\$36,800
Miscellaneous Revenue				
Fund	<u>21,400</u>	<u>10,000</u>	<u>3,000</u>	<u>34,400</u>
TOTAL	\$45,200	\$20,000	\$6,000	\$71,200

SECTION 2. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 164, Laws of 2022, the full-time equivalent position authorization provided to the Division of Financial Management is hereby increased by two (2.00) for the period of July 1, 2022, through June 30, 2023.

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

Approved March 20, 2023

CHAPTER 72
(S.B. No. 1005)

AN ACT

RELATING TO IMMUNIZATIONS; AMENDING SECTION 39-1118, IDAHO CODE, TO PROVIDE FOR CERTAIN DISCLOSURES BY LICENSED DAYCARE FACILITIES TO PARENTS OR GUARDIANS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-1118, Idaho Code, be, and the same is hereby amended to read as follows:

39-1118. IMMUNIZATION REQUIRED.

(1) (a) Within fourteen (14) days of a child's initial attendance at any licensed daycare facility, the parent or guardian shall provide an immunization record to the operator of the daycare facility regarding the child's immunity to certain childhood diseases. This record, signed by a physician or his representative or another licensed health care professional, shall verify that the child has received or is in the process of receiving immunizations as specified by the board; or can effectively demonstrate, through verification in a form approved by the department, immunity gained through prior contraction of the disease.

(b) Immunizations required and the manner and frequency of their administration shall be as prescribed by the board and shall conform to recognized standard medical practices in the state. The board shall promulgate appropriate rules for the enforcement of the required immunization program and specify reporting requirements of daycare facilities, pursuant to the provisions of chapter 52, title 67, Idaho Code.

(2) Any minor child whose parent or guardian has submitted to officials of a licensed daycare facility a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this section. Any minor child whose parent or guardian has submitted a signed statement to officials of the daycare facility stating their objections on religious or other grounds shall be exempt from the provisions of this section.

(3) Licensed daycare facilities shall describe the exemptions provided in subsection (2) of this section and shall provide a citation to this code section in any communication to parents or guardians regarding immunization.

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

Approved March 20, 2023

CHAPTER 73
(S.B. No. 1013)

AN ACT

RELATING TO AN INSTITUTIONAL CONTROLS PROGRAM FOR THE BUNKER HILL MINING AND METALLURGICAL COMPLEX SUPERFUND FACILITY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 68, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO ESTABLISH PROVISIONS REGARDING THE INSTITUTIONAL CONTROLS PROGRAM, TO DEFINE TERMS, TO PROVIDE FOR SCOPE AND APPLICABILITY, TO PROVIDE STANDARDS FOR CONTAINMENT MANAGEMENT, TO PROVIDE FOR INSTITUTIONAL CONTROLS PROGRAM PERMIT APPLICATION AND ADMINISTRATION, AND TO PROVIDE THAT THE CHAPTER CONTROLS IN THE EVENT OF INCONSISTENT LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 68, Title 39, Idaho Code, and to read as follows:

CHAPTER 68

INSTITUTIONAL CONTROLS PROGRAM FOR THE BUNKER HILL MINING AND METALLURGICAL COMPLEX SUPERFUND FACILITY

39-6801. SHORT TITLE. This chapter shall be known and may be cited as the "Institutional Controls Program for the Bunker Hill Mining and Metallurgical Complex Superfund Facility Act."

39-6802. ESTABLISHMENT OF INSTITUTIONAL CONTROLS PROGRAM. In accordance with the comprehensive environmental response, compensation, and liability act of 1980 (CERCLA), 42 U.S.C. 9605, as amended by the superfund amendments and reauthorization act of 1986 (SARA), P.L. 99-499, and, to the extent practicable, the national oil and hazardous substances pollution contingency plan, 40 CFR 300, the remedial actions for the Bunker Hill superfund site are selected and documented in decision documents referred to as a record of decision (ROD) and the body of documents referred to as the administrative record. The institutional controls program (ICP) was established under the residential soils/populated areas August 30, 1991, ROD as a component of the human health remedy to maintain protective barriers to underlying contamination. As the Bunker Hill superfund site expanded, this area was referred to as operable unit (OU)-1. The ICP was incorporated into the non-populated areas for OU-2 in the September 22, 1992, ROD to focus on areas of future development, and OU-3 in the September 12, 2002, interim ROD for residential and community areas outside of OU-1 and OU-2. Institutional controls administrative area maps showing the geographic boundaries for the ICP are available to the public on the internet or through the department upon request.

39-6803. DEFINITIONS. As used in this chapter, unless a different meaning clearly appears from the context:

(1) "Access restrictions" means physical barriers such as fences, barricades, curbs, barrier rocks, trenches, and temporary barriers that restrict access by vehicles, pedestrians, and animals to contaminated areas.

(2) "Agricultural land" means land used for pasturing animals or for cultivation and production of agricultural crops, including conservation reserve activities.

(3) "Applicant" means any person, contractor, public utility, government, or other entity that is required to apply for an institutional controls program (ICP) permit.

(4) "Barrier" means any physical structure, material, or mechanism that acts to break the pathway between contaminants and human receptors, including but not limited to soil, crushed aggregate/gravel, asphalt and Portland cement concrete, fences, walls, floors, ceilings, access restrictions, or other structure or covering that separates contaminants from contact with people or keeps contaminants in place.

(5) "Board" means the Idaho board of environmental quality.

(6) "Building construction" means construction activity to be performed for any new structure involving disturbance of soil in excess of one (1) cubic yard.

(7) "Building renovation" means construction activity to be performed on any existing structure involving ceiling or insulation removal, work in dirt crawl spaces or basements, or disturbance of soil in basements or crawl spaces in excess of one (1) cubic yard.

(8) "Commercial property" means retail, wholesale, and commercial businesses; public and common use areas; public buildings; and undeveloped properties accessed by a maintained road or street and zoned for commercial development.

(9) "Contaminants" means soil or other material containing, or likely to contain, concentrations of lead, arsenic, or cadmium as identified in the standards for contaminant management pursuant to this chapter.

(10) "Department" means the Idaho department of environmental quality.

(11) "Designee" means the entity responsible for implementing the requirements of this chapter as identified by the department through a formal agreement.

(12) "Developed recreation areas" means commercial and public recreation areas containing constructed features such as boat ramps, picnic areas, and campgrounds outside the city limits of incorporated communities in the Coeur d'Alene river corridor as defined under ICP administrative area for OU-3. The developed recreation areas of the trail of the Coeur d'Alenes includes all constructed trail surfaces, stop and views, oases, rest stops, and trailheads, exclusive of all undeveloped areas within the trail right-of-way.

(13) "Director" means the director of the Idaho department of environmental quality.

(14) "Disposal" means the placement of contaminants into an authorized repository.

(15) "Eligible properties" means residential properties and commercial properties within the institutional controls administrative areas for OU-1 and OU-2 that were maintained properties when the ROD for the OU was established, or maintained properties in OU-3 and existing as of March 27, 2007, and requiring remediation, but not yet remediated.

(16) "Excavation" means any digging, breaching, or disruption of soil or other protective barrier, not including cultivation of agricultural lands and gardens or mining activities regulated under other state and federal programs, that may release or expose contaminants to the environment.

(17) "ICP permit" means a permit for the contaminant management authorization for projects subject to this chapter.

(18) "Infrastructure" means facilities such as trails, roads, streets, highways, and bridges; stormwater, drinking water, and wastewater systems; flood prevention systems, including dikes and levees; and utilities, including electrical power and natural gas systems.

(19) "Large project" means a project where one (1) cubic yard or more of soil containing contaminants is disturbed or removed and also includes but is not limited to infrastructure construction and maintenance; building construction, renovation, and demolition; demolition of existing buildings and construction of subdivisions and planned unit developments (PUD); construction within and maintenance of right-of-ways; and land development or any change in the use of land that may result in the release or migration of contaminants.

(20) "Mining activities" means the recovery of a mineral from mineral-bearing deposits, which includes reclamation, extraction, excavation, overburden placement, disposal of tailings resulting from processing, and disposal of mineral extraction wastes, including tailings that are the result of extraction, waste rock, and other extraction wastes uniquely associated with mining.

(21) "OU-1" means the operable unit 1 for the institutional controls administrative area designated to include the twenty-one (21) square-mile area surrounding the former smelter complex, also referred to as the "Bunker Hill box." OU-1 includes the populated areas of the Bunker Hill box.

(22) "OU-2" means the operable unit 2 for the institutional controls administrative area designated to include the twenty-one (21) square-mile area surrounding the former smelter complex, also referred to as the "Bunker Hill box." OU-2 includes the non-populated areas of the Bunker Hill box.

(23) "OU-3" means the operable unit 3 for the institutional controls administrative area designated to include areas of mining-, milling-, and smelting-related contamination in the south fork of the Coeur d'Alene river corridor from its headwaters to the confluence with the north fork of the Coeur d'Alene river and from the confluence of the north and south fork to the mouth of the river and its confluence with Coeur d'Alene lake, including adjacent floodplains, tributaries, and fill areas. The area also includes the trail of the Coeur d'Alenes inside and outside the administrative boundary, except that portion within the exterior boundaries of the Coeur d'Alene Indian reservation. The area also includes areas in the Coeur d'Alene river corridor, as defined in this subsection, outside the administrative boundary where testing has verified that contaminants related to mining, milling, and smelting have come to lie and remediation is required. This area is also referred to as the "Coeur d'Alene basin." The area does not include any area within OU-1 or OU-2 or any other area excluded under this chapter.

(24) "Owner" means any person, partnership, or corporation having ownership, title, or dominion over property for which an ICP permit is required.

(25) "Record of compliance" means the record maintained pursuant to this chapter for small projects.

(26) "Record of decision" or "ROD" means the decision document identifying the selected remedy under CERCLA.

(27) "Release" means any excavation, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, dumping, or disposing of contaminants into the environment.

(28) "Repository" means an authorized disposal location for contaminants that has been established by the department and the United States environmental protection agency.

(29) "Residential property" means property used by private individuals or families as a residence and undeveloped properties accessed by a maintained road or street and zoned for residential development.

(30) "Sensitive populations" means pregnant women and children up to twelve (12) years old.

(31) "Site" means the geographic area that includes the institutional controls administrative areas for OU-1, OU-2, and OU-3 within the Bunker Hill superfund site.

(32) "Small project" means a project where less than one (1) cubic yard of soil containing contaminants is disturbed or means interior work that is not building renovation.

(33) "Trail of the Coeur d'Alenes" means all developed recreation areas and undeveloped areas within the former Union Pacific railroad Mullan and Wallace branch right-of-way.

39-6804. SCOPE AND APPLICABILITY. (1) The purpose of this chapter is to ensure that ICP activities associated with excavation and grading, such as infrastructure development and maintenance; building construction and renovation; and land development, redevelopment, or modification within the institutional controls administrative areas, provide for the construction and maintenance of contaminant barriers and implementation of other contaminant management requirements to preclude the release and migration of contaminants as necessary to protect public health and the environment. It is imperative that current and future development and construction activities proceed in a manner that minimizes the release of contaminants into the environment to minimize exposure to area residents, communities, workers involved in area project work, and environmental receptors and to complement existing land use regulations and permitting processes and provide a screening process to determine whether proposed activities are subject to this chapter.

(2) It is the intent of the department to work with local governments, Idaho public health district No. 1, the United States environmental protection agency, federal land management agencies, the Coeur d'Alene Tribe, and private parties in managing contaminants within the regulated area by way of the ICP. This chapter establishes standards for barrier installation and maintenance and other contaminant management practices by:

- (a) Requiring ICP permits and requiring barriers for certain construction and excavation activities;
- (b) Licensing contractors, utilities, and government entities that may disrupt or construct barriers or otherwise disturb contaminants;
- (c) Adopting performance standards;
- (d) Inspecting for project compliance as required;
- (e) Regulating the movement and disposal of contaminants;
- (f) Making it unlawful to knowingly disrupt a barrier in a fashion likely to expose persons to contaminants;
- (g) Maintaining records of ICP activities, including a database tracking system to assist the public, lenders, and potential purchasers of property within the site;
- (h) Providing technical assistance and testing;
- (i) Providing health screening and intervention;
- (j) Ensuring a readily available repository for contaminants;
- (k) Providing materials to maintain and restore barriers for small projects;
- (l) Providing disposal containers to assist in removing contaminated soil for small projects and for transport and disposal of such soil;
- (m) Providing health and safety information and training to licensees and the public;
- (n) Providing plastic, gravel, and use of vacuums for interior projects; and
- (o) Maintaining guidelines for managing contaminants.

(3) The department may delegate its authority to implement the ICP, as defined by this chapter, to a designee with local multi-jurisdictional authority through a formal agreement.

(4) (a) This chapter does not apply to:

(i) Operations undertaken at the direction of, under the supervision of, and subject to inspection by the United States environmental protection agency, including directing, supervising, and inspecting project work or on lands owned or otherwise under the jurisdiction, custody, and control of the Coeur d'Alene Tribe or the federal land management agencies such as the United States department of agriculture forest service and the bureau of land management; or

(ii) The Union Pacific railroad or its contractors when conducting activities within the trail of the Coeur d'Alenes pursuant to the requirements of the consent decree entered August 25, 2000, by the United States district court for the district of Idaho (Case Nos. 91-0342 and 99-606).

(b) This chapter does not address financial liability for contaminant management resulting from a failure of a CERCLA remedy due to a natural disaster.

(5) Contaminant management on eligible properties will not require construction of final barriers in accordance with this chapter by the owner but may require dust, erosion, and health and safety and temporary cap controls to prevent further migration onto lands of others. Applicant performed soil testing will be conducted consistent with sampling and analytic procedures developed by the department.

39-6805. STANDARDS FOR CONTAMINANT MANAGEMENT. (1) Except as otherwise provided in this chapter, contaminant management is required on all properties within the institutional controls administrative areas of OU-1, OU-2, and OU-3, including properties that have been remediated; properties tested and scheduled for remediation; properties not yet tested; properties with testing of deep soils (below eighteen (18) inches) by the applicant where a project may result in deep excavations; and properties with replacement and repair of remediation barriers in accordance with the remedial design report or other management activities designated for that geographic location or specific property.

(2) As necessary to protect public health and the environment, the department may impose contaminant management requirements, other than barrier installations, on projects where:

(a) For OU-1 and OU-2, soils exhibit lead concentrations in excess of three hundred fifty (350) parts per million (ppm) lead, particularly where a property has been remediated with either six (6) or twelve (12) inches of clean fill but contaminants in the three hundred fifty (350) to one thousand (1,000) ppm lead range remain below the six (6) or twelve (12) inch depth and those contaminants may be disturbed by a large or small project;

(b) For OU-1 and OU-2, any large or small project or building renovation involves the breaching or disturbance of a barrier or the disturbance or migration of contaminants exceeds one thousand (1,000) ppm lead; and

(c) For OU-3, properties testing below action levels in the top eighteen (18) inches where large or small projects may disturb contaminants below eighteen (18) inches are in excess of one thousand (1,000) ppm lead or one hundred (100) ppm arsenic.

(3) Developed recreation areas with surface soil containing lead concentrations greater than seven hundred (700) ppm lead and one hundred (100) ppm arsenic shall be capped pursuant to the applicable remedial design report or other management activities designated for that geographic location.

(4) Agricultural and undeveloped land within the institutional controls administrative area are exempt, unless excavation and grading activities such as soil transport off-site or development by the owner or his agents on these lands is likely to result in the release or migration of contaminants from these lands to adjacent nonagricultural or undeveloped areas.

(5) All barriers existing or constructed after the effective date of this chapter shall be maintained and protected to construction specifications as directed by the department. Materials used for barriers will be sampled for contaminants to ensure:

(a) For OU-1 and OU-2, that they have no earthen materials containing, on average, more than one hundred (100) ppm of lead or arsenic, nor more than five (5) ppm of cadmium, with no individual sample containing more than one hundred fifty (150) ppm of lead; and

(b) For OU-3, that soil and crushed aggregate/gravel imported for barrier material shall contain less than one hundred (100) ppm lead, thirty-five (35) ppm arsenic, and five (5) ppm cadmium based on average of backfill sampling results. No single sample of replacement materials may exceed one hundred fifty (150) ppm lead or forty-five (45) ppm arsenic.

(6) No new PUD or subdivision will be developed without contaminant management on any portion of the property that exceeds the following contaminant concentrations:

(a) For OU-1 and OU-2, average of three hundred fifty (350) ppm lead or a single lot exceeds one thousand (1,000) ppm lead; and

(b) For OU-3, one thousand (1,000) ppm lead or one hundred (100) ppm arsenic.

(7) No person may conduct, except in accordance with this chapter, any activity within the institutional controls administrative area that breaches a barrier, may breach a barrier, or disturbs the same or otherwise results in a threat to public health or the environment from the migration of contaminants through tracking on tires or vehicles, visible airborne dust, excavation, transport, disposal, renovation, demolition, or run-on or run-off from stormwater or in any other manner on properties tested and requiring remediation and on properties not yet tested within the institutional controls administrative area.

(8) Barriers are required as necessary to attain the standards described in this chapter. Construction and maintenance criteria for barriers are specified in the remedial design report designated for each applicable geographic location and are available through the department upon request.

39-6806. INSTITUTIONAL CONTROLS PROGRAM PERMIT APPLICATION AND ADMINISTRATION. (1) An ICP permit is required for large projects and building renovations.

(2) An ICP permit is required for a project that changes the use of a property containing contaminants. A new barrier or additional or more substantial barrier may be required unless waived by the department.

(3) A single annual ICP permit covering a specific list of projects may be obtained from the department by public utilities and government entities eligible under this chapter at the beginning of each year's construction season.

(4) To apply for an ICP permit, all applicants need to complete a form provided by the department.

(5) The department may waive certain application requirements or information, or request additional or alternative actions or information, depending on the type and extent of the project and conditions encountered. In no instance may a waiver violate the intent of this chapter or the applicable ROD for the relevant OU.

(6) Work requiring an ICP permit may not commence until an inspection has been made or waived by the department and an ICP permit has been issued.

(7) If the ICP permit involves work within any public right-of-way, the appropriate agencies shall be notified of the work by the entity receiving the ICP permit.

(8) All work governed by this chapter is subject to inspection by the department.

(a) All ICP permits granted pursuant to this chapter remain subject to other inspections and requirements prescribed by state or local governments.

(b) The applicant will notify the department within forty-eight (48) hours of completing the work, excluding weekends and holidays, and call for inspection in accordance with the terms of the ICP permit. The inspector will note approval of the work in writing and enter same in the database tracking system or note reasons for disapproval and steps that shall be taken to complete the work. Upon completion of the work to the department's satisfaction, the final approval will be noted in the database tracking system. Such entry constitutes the record of compliance for the project. The department may waive the inspection requirement.

(9) Any ICP permit may be revoked or a stop work order may be issued, without notice by the department, for noncompliance with or violation of any of the provisions of this chapter or any requirement or limitation of the ICP permit. If an ICP permit is revoked, the department shall take such steps as are necessary to eliminate any danger from contamination, including completion of work by the department. The applicant, contractor, or owner may be required to pay all costs and expenses for abatement of any danger and completion of the project, including legal fees incurred by the department to obtain compliance. The department will endeavor to provide written notice but reserves the right to act summarily to protect public health and the environment.

(10) A record of compliance for small projects that documents compliance with the performance standards established by this chapter will be entered into the database tracking system based on an inspection requested of the department by the property owner or tenant. The record of compliance signifies the property owner or tenant was informed of and provided with applicable performance standards and guidelines and materially complied with the same.

(11) Licensing for contractors, public utilities, and government entities.

(a) Any contractor working on a project requiring an ICP permit shall be licensed by the department. There will be no charge for a contractor's license. A contractor's license will not be needed for an owner working on his own property.

(b) Any public utility or government entity, including a city, county, special purpose district, or the state of Idaho, upon a demonstration that supervisory employees have participated in training approved by the department, may receive an annual license that will allow its employees to perform excavation and grading operations without obtaining individual ICP permits. This license may be granted by the department and will require that the utility or entity comply with the standards of contaminant management and all other requirements contained in this chapter. Entities licensed under this section shall maintain a log of all excavations and grading operations on a form approved by the department. All forms shall be forwarded to the department on a schedule determined by the department. All licensees shall telephone the Shoshone county or Kootenai county one-call locating service, as appropriate, prior to any excavation or grading operation. Licenses will be renewed

annually upon a showing that the utility or government entity has operated in compliance with this chapter.

(c) To obtain a license from the department, the contractor, public utility, or government entity shall participate in training approved by the department and pass an annual examination administered by the department, focusing on the reasons for and methods of controlling contaminants. Supervisors involved in activities dealing with contaminants shall participate in the training and pass information on to employees as is necessary to protect their health and safety and assure compliance with this chapter.

(d) Any contractor whose license has been revoked by the department within the past three (3) years shall, as a condition of reinstatement and maintaining the status of a licensed contractor, be bonded in the minimum amount of two thousand dollars (\$2,000). Said bond shall be at least five percent (5%) of the cost of any contract the contractor is engaged in, whichever is greater; shall be in a form approved by the department; and shall be suitable to insure payment for completion of barrier work not completed by the contractor. A cash deposit or other security acceptable to the department may be utilized in lieu of a bond. The department may establish a bonding program for all contractors, if deemed necessary to carry out the provisions of this chapter.

(e) Suspension or revocation of license.

(i) Upon a showing that a contractor, public utility, or government entity licensee has violated any provision of this chapter or has violated any other health or building code within the boundaries of the site or institutional controls administrative area, suspension or revocation of license may be imposed. Suspension may be made by the department. Revocation may be made by the director upon recommendation of the department. Notification of suspension or revocation shall be in writing. No suspension may be made for more than thirty (30) days without approval of the director. Revocation of license may be made by the director upon a showing of good cause.

(ii) Any person aggrieved by suspension or revocation of license may petition for review pursuant to section 39-107(5), Idaho Code. Filing a petition for review stays the suspension or revocation, unless the board of environmental quality makes a finding that such stay is likely to present a health risk to a person or persons.

(iii) If a license is revoked, the contractor may, upon payment of any cleanup or remediation costs related to past work, reapply for reinstatement of license after one (1) year; however, a contractor whose license has been revoked may not obtain a new license under a different corporate or partnership status until the provisions of this paragraph are satisfied.

(12) Performance of work.

(a) All work done pursuant to an ICP permit shall be completed in a neat and workmanlike manner and so scheduled as to cause the minimum interference with traffic or public use, if applicable, and a minimum dispersal of contaminants.

(b) If the work is unduly delayed by the applicant, and if the public interest reasonably so demands, the department has the authority, upon twenty-four (24) hours' written notice to the applicant, to complete the work to the extent that the barrier is restored and any hazardous material is covered or removed. The actual cost of work by the department, including legal fees plus fifteen percent (15%) as an overhead charge, shall be charged to and paid by the applicant or the owner.

(13) Approval of alternative standards. Any person seeking approval of alternative standards as described in this chapter may submit a written request for approval to the department. The request shall be accompanied by an engineering report indicating why the requesting party should be relieved of the requirement for compliance or why the requested alternate standard is appropriate. At the applicant's expense, the department may consult with its own engineer to confirm the applicability of this chapter to the proposed project. The department may approve an alternate standard where such approval does not jeopardize the public welfare or existing barriers. The decision of the department will be in writing, stating the reasons for its decision. Any person aggrieved by the department's action or inaction may petition for review pursuant to section 39-107(5), Idaho Code.

(14) Owner and applicant responsibility for claims and liabilities. Both the owner and the applicant are responsible for ensuring that all requirements of this section are complied with. The applicant is responsible for all claims and liabilities arising out of work performed by the applicant under the ICP permit or arising out of the applicant's failure to perform obligations with respect to these regulations. The owner is responsible for all claims and liabilities for work done by the owner with or without an ICP permit and for work done at the direction of the owner without an ICP permit. The owner remains responsible to complete the project or to restore the premises to a safe condition to the satisfaction of the department should the applicant fail to complete or restore it.

(15) Responsibility of permit applicant. It is the responsibility of any person applying for, or required to apply for, a permit by this chapter to show affirmatively, by all reasonable means, that his undertaking complies with this chapter or with any related rules, statutes, or ordinances.

(16) Permit revocation. Any permit or permission, actual or implied, granted by the department may be revoked, for cause, by written notice sent to the permit holder or his agent. Any person, association, or corporation who continues to act under such permit or permission, actual or implied, more than ten (10) days after the sending or delivery of notice of revocation is presumed to be in violation of this chapter and subject to the penalties provided in this section.

(17) Variances. A variance may be granted only upon an affirmative showing by an applicant that a unique and undue hardship is caused by a physical characteristic of a project site under an ICP permit that is not of the applicant's making and that approval of the variance would not be contrary to the public interest or to the purposes of this chapter.

(18) Enforcement. Failure to comply with the provisions of this chapter shall be subject to enforcement pursuant to the enforcement provisions of the Idaho environmental protection and health act in section 39-108, Idaho Code.

39-6807. INCONSISTENT LAWS -- THIS CHAPTER CONTROLS. If any provision of this chapter is inconsistent with the provisions of any other law, general, specific, or local, the provisions of this chapter control.

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

Approved March 20, 2023

CHAPTER 74
(S.B. No. 1017)

AN ACT

RELATING TO BOATING; AMENDING SECTION 67-7008, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF NUMBER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7008A, IDAHO CODE, TO PROVIDE FOR CERTAIN FEES, TO REVISE PROVISIONS REGARDING INVASIVE SPECIES STICKERS, TO PROVIDE FOR THE ASSESSMENT OF CERTAIN PENALTIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7008, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise provided in this section, the owner of each vessel requiring numbering by the state of Idaho shall file an application for a certificate of number with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee designated in this section. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same ~~upon~~ on the records of its office and issue to the applicant two (2) validation stickers and a certificate of number, the receipt of any fee paid, and the name and address of the owner, ~~and the assessor or authorized vendor shall forward to the department a duplicate copy.~~ The owner shall also receive a vessel number that shall be permanently assigned to the boat. The owner shall paint on or permanently attach to each side of the bow of the vessel the vessel number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of number.

(2) The owner of any vessel for which a current certificate of number has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for an Idaho certificate of number in the manner prescribed in this section.

~~(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of number, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.~~

~~(4) (3) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.~~

~~(5) (4) Every certificate of number issued shall continue in full force and effect through December 31 of the year of issue displayed on the validation sticker unless sooner terminated or discontinued in accordance with law. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of them.~~

~~(6)~~ (5) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or if it is sold or transferred either wholly or in part to another person or persons, or if the owner's address no longer conforms to the address appearing on the certificate of number. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

~~(7)~~ (6) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of number issued for the vessel, giving his name, address, and the vessel number and shall, at the same time, pay to the department a transfer fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of number.

~~(8)~~ (7) No numbers other than the validation stickers and vessel number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

~~(9)~~ (8) If any certificate of number becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of number should be returned to the department along with a three-dollar (\$3.00) fee and an application for a duplicate certificate of number and validation stickers.

~~(10)~~ (9) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law may obtain, pursuant to regulations duly promulgated by the department, certificates of number for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$13.00) for each certificate. Certificates of number so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

~~(11)~~ (10) The fees for each calendar year shall be:

<u>(a)</u> Vessels 0-12 feet in length	\$20.00
<u>(b)</u> Vessels over 12 feet in length	20.00
plus \$2.00 per foot for each additional foot in excess of 12 feet.	

~~(12)~~ (11) The provisions of subsection ~~(11)~~ (10) of this section with respect to the amount of payment of fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently numbered by the state of Idaho and having paid the fees imposed by subsection ~~(11)~~ (10) of this section shall not be assessed and taxed as personal property in the state of Idaho.

~~(13)~~ (12) The fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$2.00) per year.

~~(14)~~ (13) Each vessel number required by this section shall: be in plain vertical block characters of not less than three (3) inches in height; contrast with the color of the background; have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings; be read from left to right; be maintained in legible condition; and be as high above the waterline as practicable without decreasing the visibility of the number.

~~(15)~~ (14) Manufacturers and dealers. When a vessel is used by a manufacturer or dealer for testing or demonstrating, the vessel number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

~~(16)~~ (15) Special circumstances. On vessels so configured that a vessel number on the hull or superstructure would not be easily visible, the vessel number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the vessel number is visible from each side of the vessel.

~~(17)~~ (16) Each vessel number issued according to this section shall consist of the prefix "ID," which denotes Idaho as the state of issuing authority, followed by not more than four (4) numerals followed by not more than two (2) capital letters; or by not more than three (3) numerals followed by not more than three (3) capital letters. A vessel number suffix may not include the letters "I," "O," or "Q," which may be mistaken for numerals.

~~(18)~~ (17) Validation stickers issued according to this section shall: be displayed within six (6) inches of and directly in line with the vessel number displayed on the vessel; be approximately three (3) inches square; and indicate the year in which each validation sticker expires by the colors green, red, blue, and international orange, in rotation beginning with green for stickers that expire in 1987.

~~(19)~~ (18) Validation stickers issued according to this section that have become invalid shall be removed from the vessel.

~~(20)~~ (19) Except as allowed in this chapter, each application for a certificate of number and each certificate of number referred to in this section shall contain: the number issued to the vessel; expiration date of the certificate; state of principal use; name of the owner; address of the owner, including ZIP code; whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other use; manufacturer's hull identification number, if any; make of the vessel; year the vessel was manufactured; overall length of the vessel; whether the vessel is an open boat, cabin cruiser, houseboat, or other type; hull material; whether the propulsion is inboard, outboard, inboard out-drive, or sail; whether the fuel is gasoline, diesel, or other; the number previously issued by an issuing authority for the vessel, if any; whether the application is for a new certificate of number, renewal of a certificate of number, or transfer of ownership; and the signature of the owner.

~~(21)~~ (20) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit the requirements of this chapter if the word "manufacturer" or "dealer" is plainly marked on the certificate.

~~(22)~~ (21) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit the requirements of this chapter if the words "livery vessel" are plainly marked on the certificate.

~~(23)~~ (22) Each applicant for a certificate of number as prescribed in this section shall submit to the department or authorized vendor the bill of sale from the dealer or a bill of sale from the previous owner of the vessel and, if the vessel is homebuilt, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction, and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of

the construction plans, if any; if the vessel has been rebuilt, it must contain a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding, and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner. If none of the documents listed in this subsection are available, the applicant must submit an affidavit of ownership to the department.

~~(24)~~ (23) Only those counties in the state with a boating improvement program recognized by the department shall be eligible to receive moneys from the state vessel account. A "boating improvement program" means that one (1) or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program.

~~(25)~~ (24) A boating improvement program is recognized if it contains one (1) or more boating facilities that are being maintained within the county's jurisdiction or boating facilities that are being developed within the county's jurisdiction. A boating facility is an improved public boating access site that includes at least an improved concrete or asphalt boat ramp and any type of parking area for vehicles and their attached boat trailers. "Being developed" means that substantiating evidence can and shall be presented in proof of the development and/or that the county has or is actively developing a boating law enforcement program. A boating law enforcement program is a program whereby an agent of the county sheriff's department is currently patrolling, or has in the recent past patrolled, the county's waterways and has enforced the provisions of this chapter. "Actively developing" means that substantiating evidence can and shall be presented in proof of the development.

SECTION 2. That Section 67-7008A, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1) In addition to any other moneys or fees collected pursuant to the provisions of section 67-7008, Idaho Code, or any other provision of chapter 70, title 67, Idaho Code, all vessels shall pay an additional waterway access fee each calendar year as follows:

(a) Motorized vessels and sailboats:

(i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho prior to launch into the public waters of the state. For those vessels numbered pursuant to section 67-7008, Idaho Code, the validation sticker will also serve as a protection against invasive species sticker; and

(ii) Thirty dollars (\$30.00) per vessel documented through the United States coast guard or registered or numbered outside the state of Idaho prior to launch into the public waters of the state.

(b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to launch into the public waters of the state.

(c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code, with nonmotorized fleets exceeding five (5) vessels shall be afforded a prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or more vessels, up to a maximum of one hundred (100) vessels. The fee for any additional vessels shall be one dollar (\$1.00) per vessel. The licensed outfitter group rates shall also be available for groups exempt from licensing pursuant to section 36-2103, Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall be issued a protection against invasive species sticker that, which shall be displayed on the vessel in a manner as prescribed by the rules of the department. Stickers shall be considered in full force and effect through December 31 of the year of issue. prior to launch into the public waters of Idaho pursuant to this subsection.

(a) For motorized vessels not registered in Idaho, except as provided in subsection (1) (a) (i) of this section, the protection against invasive species sticker should be affixed next to the current year validation sticker on the port (left) side of the vessel.

(b) For nonmotorized vessels, except as provided in subsection (1) (a) (i) of this section, the protection against invasive species sticker should be affixed in the following manner:

(i) For canoes, kayaks, and other small rigid vessels, the protection against invasive species sticker should be affixed near the bow above the waterline on the port (left) side of the vessel or on top of the vessel if there is little or no waterline distinction; and

(ii) For inflatable (nonrigid) vessels, the protection against invasive species sticker can be modified to allow attachment of a zip tie, plastic attachment, or other similar mechanism or can be laminated into a hangtag.

(c) Outfitters or guides who are duly licensed in accordance with chapter 21, title 36, Idaho Code, must be accompanied by an affidavit that must be signed by the outfitter or guide. The signed affidavit must verify the number of vessels within the covered fleet and that the appropriate number of protection against invasive species stickers has been purchased. The protection against invasive species stickers and affidavit must be kept on file at the outfitter's or guide's physical address and must be made available for inspection upon request of the department or upon request by law enforcement. Nonmotorized commercial outfitters and guides are not required to place a protection against invasive species sticker on their vessels. Identification of commercial outfitted and guided boats must be in compliance with rules promulgated by the outfitters and guides licensing board.

(3) Stickers shall be considered in full force and effect through December 31 of the year displayed on the validation sticker.

(4) Stickers issued in accordance with this section that have become invalid must be removed from the vessel.

~~(3)~~ (5) Fees shall be collected by the department or authorized vendor.

(a) Vendors may retain one dollar and fifty cents (\$1.50) of fees collected pursuant to this section, except those collected pursuant to subsection (1) (a) (i) of this section.

(b) The department shall retain up to twenty percent (20%) of the fees for the actual costs of administering the sticker program.

(c) All remaining fees collected pursuant to this section shall be deposited annually in the invasive species fund established in section 22-1911, Idaho Code.

(d) For the purpose of this section, "vessel" is as defined in section 67-7003, Idaho Code. All vessels are subject to the provisions of this section, with the exception of small rafts and other inflatable vessels less than ten (10) feet in length.

~~(4)~~ (6) If the protection against invasive species sticker is lost, stolen or destroyed, any sticker remnants shall be returned to the department along with a three-dollar (\$3.00) fee for a duplicate sticker.

~~(5)~~ (7) A person engaged in the manufacture or sale of vessels may obtain a sticker to be used only in the testing or demonstration only of vessels by temporary placement of the protection against invasive species sticker on the vessel tested or demonstrated.

(8) All operators of vessels as defined in this chapter must ensure their vessels are in compliance with the provisions of this chapter when launched upon the public waters of the state of Idaho. Noncompliance with the provisions of this chapter will result in possible assessment of penalties as described in section 67-7033, Idaho Code.

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

Approved March 20, 2023

CHAPTER 75
(S.B. No. 1019)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE FOR VOLUNTARY LEAVING OF EMPLOYMENT DUE TO DOMESTIC VIOLENCE OR RELOCATION AS A MILITARY SPOUSE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported to a job service office or other agency in a manner prescribed by the director.

(3) The claimant shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims benefits or credit to his waiting period, the claimant was:

(i) Able to work, available for suitable work, and seeking work; provided, however, that no claimant shall be considered ineligible for failure to comply with the provisions of this subsection if:

1. Such failure is due to a claimant's illness or disability of not more than four (4) weeks that arises after filing a claim, provided that during such illness or disability, the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; or

2. Such failure is due to compelling personal circumstances, provided that such failure does not exceed a minor portion of the claimant's workweek and during which time the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; and

(ii) Living in a state, territory, or country that is included in the interstate benefit payment plan or that is a party to an agreement with the United States or the director with respect to unemployment insurance.

(b) If a claimant who is enrolled in an approved job training course pursuant to subsection (8) of this section fails to attend or otherwise participate in the job training course during any week with respect to which he claims benefits or credit to his waiting period, the claimant shall be ineligible for that week if he was not able to work nor available for suitable work, to be determined as follows: The claimant shall be ineligible unless he is making satisfactory progress in the training and his failure to attend or otherwise participate was due to:

(i) The claimant's illness or disability that occurred after he had filed a claim and the claimant missed fewer than one-half (1/2) of the classes available to him that week; or

(ii) Compelling personal circumstances, provided that the claimant missed fewer than one-half (1/2) of the classes available to him that week.

(c) A claimant shall not be denied regular unemployment benefits under any provision of this chapter relating to availability for work, active search for work or refusal to accept work, solely because the claimant is seeking only part-time work, if the department determines that a majority of the weeks of work in the claimant's base period were for less than full-time work. For the purpose of this subsection, "seeking only part-time work" is defined as seeking work that has comparable hours to the claimant's part-time work experience in the base period, except that a claimant must be available for at least twenty (20) hours of work per week.

(5) ~~The claimant's unemployment is not due to the fact that he left his employment voluntarily without good cause connected with his employment, or that he was discharged for misconduct in connection with his employment.~~ claimant voluntarily leaving employment without good cause connected with the claimant's employment or because of the claimant's discharge for misconduct in connection with the claimant's employment. The requirement that good cause for a voluntary leaving of employment be in connection with employment does not apply and good cause is shown where a claimant demonstrates that:

(a) (i) The leaving was necessary to protect the claimant or any minor child of the claimant from domestic violence or the leaving was due to domestic violence that caused the claimant to reasonably believe that the claimant's continued employment would jeopardize the safety of the claimant or any minor child of the claimant; and

(ii) The claimant made all reasonable efforts to preserve the employment; or

(b) The claimant is a military spouse who voluntarily left the claimant's most recent employment to relocate with the claimant's spouse who, because of a permanent change of station orders, was required to move to a location from which the commute to the claimant's most recent employment was impractical, but only if, before leaving, the claimant took reasonable actions to maintain the employment relationship through accommodation discussions with the claimant's employer.

(c) The following definitions apply to this subsection:

(i) "Domestic violence" is as defined in section 39-6303, Idaho Code, and also includes the crime of stalking in the second degree pursuant to section 18-7906, Idaho Code;

(ii) "Military spouse" means the spouse of a member of the armed forces of the United States or a reserve component of the armed forces of the United States stationed in this state in accordance with military orders or stationed in this state before a reassignment to duties outside this state; and

(iii) "Permanent change of station orders" means the assignment, reassignment, or transfer of a member of the armed forces of the United States or a reserve component of the armed forces of the United States from the member's present duty station or location without return to the previous duty station or location.

(6) The claimant's unemployment is not due to his failure without good cause to apply for available suitable work or to accept suitable work when offered to him. The longer a claimant has been unemployed, the more willing he must be to seek other types of work and accept work at a lower rate of pay.

(7) In determining whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(a) If the vacancy of the position offered is due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are below those prevailing for similar work in the locality of the work offered;

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) No claimant who is otherwise eligible shall be denied benefits for any week due to an inability to comply with the requirements contained in subsections (4) (a) (i) and (6) of this section if:

(a) The claimant is a participant in a program sponsored by title I of the workforce innovation and opportunity act (29 U.S.C. 3101 et seq., as amended) and attends a job training course under that program; or

(b) The claimant attends a job training course authorized pursuant to the provisions of section 236 (a) (1) of the trade act of 1974 or the North American free trade agreement implementation act.

(c) The claimant lacks skills to compete in the labor market and attends a job training course with the approval of the director. The director may approve job training courses that meet the following criteria:

(i) The purpose of the job training is to teach the claimant skills that will enhance the claimant's opportunities for employment; and

(ii) The job training can be completed within two (2) years, except that this requirement may be waived pursuant to rules that the director may prescribe.

(9) No claimant who is otherwise eligible shall be denied benefits under subsection (5) of this section for leaving employment to attend job training pursuant to subsection (8) of this section, provided that the claimant obtained the employment after enrollment in or during scheduled breaks in the job training course, or that the employment was not suitable. For purposes of this subsection, the term "suitable employment" means work of a substantially equal or higher skill level than the individual's past employment, and wages for such work are not less than eighty percent (80%) of the average weekly wage in the individual's past employment.

(10) A claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that:

(a) The claimant is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and

(b) The claimant does not belong to a grade or class of workers with members who are employed at the premises at which the labor dispute occurs, and who are participating in or directly interested in the dispute.

(11) A claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking benefits under an unemployment insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment insurance law of the United States.

(12) A claimant shall not be entitled to benefits for a period of fifty-two (52) weeks if it is determined that he has willfully made a false statement or willfully failed to report a material fact in order to obtain benefits. The period of disqualification shall commence the week the determination is issued. The claimant shall also be ineligible for waiting week credit and shall repay any sums received for any week for which the claimant received waiting week credit or benefits as a result of having willfully made a false statement or willfully failed to report a material fact. The claimant shall also be ineligible for waiting week credit or benefits for any week in which he owes the department an overpayment, civil penalty, or interest resulting from a determination that he willfully made a false statement or willfully failed to report a material fact.

(13) A claimant shall not be entitled to benefits if his principal occupation is self-employment.

(14) A claimant who has been found ineligible for benefits under the provisions of subsection (5), (6), (7) or (9) of this section shall reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least fourteen (14) times his weekly benefit amount.

(15) Benefits based on service in employment defined in sections 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this act.

(a) If the services performed during one-half (1/2) or more of any contract period by an individual for an educational institution as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal administrative capacity, all the services shall be deemed to be in such capacity.

(b) If the services performed during less than one-half (1/2) of any contract period by an individual for an educational institution are in an instructional, research, or principal administrative capacity, none of the services shall be deemed to be in such capacity.

(c) As used in this section, "contract period" means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(16) No claimant is eligible to receive benefits in two (2) successive benefit years unless, after the beginning of the first benefit year during which he received benefits, he performed service and earned an amount equal to not less than six (6) times the weekly benefit amount established during the first benefit year.

(17) (a) Benefits based on wages earned for services performed in an instructional, research, or principal administrative capacity for an educational institution shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual who performs such services in the first academic year (or term) and has a contract to perform services in any such capacity for any educational institution in the second academic year or term, or has been given reasonable assurance that such a contract will be offered.

(b) Benefits based on wages earned for services performed in any other capacity for an educational institution shall not be paid to any individual for any week that commences during a period between two (2) successive school years or terms if the individual performs such services in the first school year or term, and there is a contract or reasonable assurance that the individual will perform such services in the second school year or term. If benefits are denied to any individual under this paragraph and the individual was not offered an opportunity to perform such services for the educational institution for the second academic year or term, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

(c) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be paid nor "waiting week" credit given to an individual for wages earned for services for any week that commences during an established and customary vacation period or holiday recess if the individual performed the services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance the individual will perform such services in the period immediately following such vacation period or holiday recess.

(d) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be payable on the basis of services in any capacities specified in paragraphs (a), (b) and (c) of this subsection to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph, the term "educational service agency" means a governmental entity that is established and operated exclusively for the purpose of providing such services to one (1) or more educational institutions.

(18) Benefits shall not be payable on the basis of services that substantially consist of participating in sports or athletic events or training or preparing to participate for any week ~~which~~ that commences during the period between two (2) successive sport seasons (or similar periods) if the individual performed services in the first season (or similar period) and there is a reasonable assurance that the individual will perform such services in the later of such season (or similar period).

(19) (a) Benefits shall not be payable on the basis of services performed by an alien unless the alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time the services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of sections 207 and 208 or section 212(d)(5) of the immigration and nationality act).

(b) Any data or information required of individuals applying for benefits to determine eligibility under this subsection shall be uniformly required from all applicants for benefits.

(c) A decision to deny benefits under this subsection must be based on a preponderance of the evidence.

(20) An individual who has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the director must participate in those reemployment services, unless:

(a) The individual has completed such services; or

(b) There is justifiable cause, as determined by the director, for the claimant's failure to participate in such services.

(21) (a) A claimant:

(i) Who has been assigned to work for one (1) or more customers of a staffing service; and

(ii) Who, at the time of hire by the staffing service, signed a written notice informing him that completion or termination of an assignment for a customer would not, of itself, terminate the employment relationship with the staffing service;

will not be considered unemployed upon completion or termination of an assignment until such time as he contacts the staffing service to determine if further suitable work is available. If the claimant:

1. Contacts the staffing service and refuses a suitable work assignment that is offered to him at that time, he will be considered to have voluntarily quit that employment; or

2. Contacts the staffing service and the service does not have a suitable work assignment for him, he will be considered unemployed due to a lack of work; or

3. Accepts new employment without first contacting the staffing service for additional work, he will be considered to have voluntarily quit employment with the staffing service.

(b) For the purposes of this subsection, the term "staffing service" means any person who assigns individuals to work for its customers and includes, but is not limited to, professional employers as defined in chapter 24, title 44, Idaho Code, and the employers of temporary employees as defined in section 44-2403(7), Idaho Code.

(22) (a) A claimant who is otherwise eligible for regular benefits as defined in section 72-1367A(1)(e), Idaho Code, shall be eligible for training extension benefits if the department determines that all of the following criteria are met:

(i) The claimant is unemployed;

(ii) The claimant has exhausted all rights to regular unemployment benefits as defined in section 72-1367A(1)(e), Idaho Code, and all rights to extended benefits as defined in section 72-1367A(1)(f), Idaho Code, and all rights to benefits under section 2002 ("increase in unemployment compensation benefits") of division B, title II, the assistance for unemployed workers and struggling families act, of the American recovery and reinvestment act of 2009, ~~public law~~ P.L. 111-5, as enacted on February 17, 2009;

(iii) The claimant is enrolled in a training program approved by the department or in a job training program authorized under the workforce innovation and opportunity act; except that the training program must prepare the claimant for entry into a high-demand occupation if the department determines that the claimant separated from a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of employment.

For the purposes of this subsection, a "declining occupation" is one where there is a lack of sufficient current demand in the claimant's labor market area for the occupational skills for which the claimant is qualified by training and experience or current physical or mental capacity and the lack of employment opportunities is expected to continue for an extended period of time, or the claimant's occupation is one for which there is a seasonal variation in demand in the labor market and the claimant has no other skills for which there is current demand. For the purposes of this subsection, a "high-demand occupation" is an occupation in a labor market area where work opportunities are available and qualified applicants are lacking as determined by the use of available labor market information;

(iv) The claimant is making satisfactory progress to complete the training as determined by the department; and

(v) The claimant is not receiving similar stipends or other training allowances for nontraining costs. For the purposes of this subsection, "similar stipend" means an amount provided under a program with similar aims, such as providing training to increase employability, and in approximately the same amounts.

(b) The weekly training extension benefit amount shall equal the claimant's weekly benefit amount for the most recent benefit year less any deductible income as determined by the provisions of this chapter. The total amount of training extension benefits payable to a claimant shall be equal to twenty-six (26) times the claimant's average weekly benefit amount for the most recent benefit year. A claimant who is receiving training extension benefits shall not be denied training extension benefits due to the application of subsections (4) (a) (i) and (6) of this section, and an employer's account shall not be charged for training extension benefits paid to the claimant.

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

Approved March 20, 2023

CHAPTER 76
(S.B. No. 1020)

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5761, IDAHO CODE, TO PROVIDE FOR REPRESENTATION FROM AN IDAHO SCHOOL DISTRICT ON THE GROUP INSURANCE ADVISORY COMMITTEE, TO REVISE PROVISIONS REGARDING ELIGIBILITY DETERMINATIONS FOR PARTICIPATION IN GROUP PLANS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5761, Idaho Code, be, and the same is hereby amended to read as follows:

67-5761. POWERS AND DUTIES -- GROUP INSURANCE. (1) The director of the department of administration shall:

(a) Establish an advisory committee to be comprised of program participants from the executive, legislative and judicial branches of state government. The advisory committee shall include one (1) active and employee representative, one (1) retired employee representative, and one (1) representative from an Idaho school district that is participating in the group insurance plan. The director shall consult with the advisory committee in the performance of those duties as enumerated in subsection (2) of this section.

(b) ~~Promulgate rules for determining~~ Determine the eligibility of active personnel, retired personnel and dependents of such active and retired personnel for participation in any group plans.

(c) Determine the nature and extent of needs for group life insurance, group annuities, group disability insurance, and group health care service coverages with respect to personnel, including elected or appointed officers and employees, of all offices, departments, divisions, boards, commissions, institutions, agencies and operations of the government of the state of Idaho and retired personnel, the premiums or prepayments for which are payable in whole or in part from funds of the state. "Disability" insurance includes all personal accident, health, hospital, surgical, and medical coverages, and "health care service" includes all services rendered for maintenance of good health and diagnosis, relief, or treatment of any injury, ailment, or bodily condition.

(d) Determine the types, terms, conditions, and amounts of group insurance, group annuities, or group coverage by health care service organizations, as the case may be, required by such needs.

(e) Negotiate and, contract for, and have placed or continued in effect all such insurance and coverages as may reasonably be obtainable from insurers and health care service organizations, as the case may be, duly authorized to transact such business in this state. The director may negotiate deductibles to any group plan or coverage. Alternatively, the director may self-insure any insurance or coverage and may contract with any insurance company or third-party administrator duly authorized to transact business in this state or administer such plan.

(f) Prepare or otherwise obtain and make available to all personnel affected thereby, printed information concerning all such group plans currently in effect, together with the rules governing eligibility, payment of premium or prepayment where applicable, claims procedures, and other matters designed to facilitate utilization and administration of such plans.

(g) Administer all such group plans on behalf of the insured, including but not limited to:

(i) Enrollment and reporting to the insurer or health care service organization of individuals eligible for coverage and covered under particular policies or contracts, and termination of such enrollment upon termination of eligibility;

(ii) Collection or payment of premiums or prepayments for such coverage, policies, and contracts and accounting for the same;

(iii) Establishment of reasonable procedures for handling claims arising under such coverage, policies, and contracts, and rendering assistance to claimants, as may be required in the presentation and consideration of claims;

(iv) Effectuation of changes in such coverage, policies, and contracts and renewal or termination thereof; and

(v) Making and settlement of claims.

(2) The director shall formulate and negotiate a plan or plans of health care service coverage which that includes eligible active personnel and their dependents in consultation with the advisory committee.

(3) The director shall formulate and negotiate a plan or plans of health care service coverage which that includes eligible retired personnel and dependents. Such plan or plans will be pooled for rating purposes with the plan or plans provided for in subsection (2) of this section.

(a) Beginning July 1, 2009, the state shall pay one hundred fifty-five dollars (\$155) per eligible retired personnel per month toward such health care service coverage, subject to the conditions of ~~subsection (3) paragraph~~ (b) of this subsection. Retired personnel shall be responsible for paying the balance of the monthly premium for any plan of health care service coverage provided pursuant to this section.

(b) Beginning January 1, 2010, retired personnel health care service coverage shall not be available to any retired personnel or dependent who is or becomes eligible for medicare. Dependent spouses of such medicare-eligible retired personnel who are not themselves medicare-eligible may remain on health care service coverage until they become eligible for medicare.

(c) Any person who is eligible for health care service coverage as a retired person prior to June 30, 2009, remains eligible for coverage subject to the conditions of ~~subsections (3) paragraphs~~ (a) and (b) of this subsection.

(d) ~~No~~ Personnel, including elected or appointed officers and employees, of all offices, departments, divisions, boards, commissions, agencies and operations of the government of the state of Idaho, who begin service or employment after June 30, 2009, shall not be provided or be eligible for any retired personnel health care service coverage, unless such personnel have credited state service of at least twenty thousand eight hundred (20,800) hours before June 30, 2009, and, subsequent to reemployment, election, or reappointment on or after July 1, 2009, accumulate an additional six thousand two hundred forty (6,240) continuous hours of credited state service, and who are otherwise eligible for coverage.

(e) Nothing in this subsection prohibits an active employee who retires from state service on or after July 1, 2009, from being eligible for health care service coverage, provided that he or she is drawing a state retirement benefit and meets eligibility requirements of the health care service coverage.

(f) The Idaho department of administration shall assist medicare-eligible retirees in transitioning to a medicare supplement plan in accordance with procedures established by the advisory committee.

(4) Nothing contained herein and no coverage, policy, or contract which that provides coverage or benefits for active personnel, dependents of personnel, or retired personnel shall create any vested right or benefit for any such individual in group insurance coverage.

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

Approved March 20, 2023

CHAPTER 77
(S.B. No. 1027)

AN ACT

RELATING TO WITNESSES; AMENDING SECTION 9-205, IDAHO CODE, TO REVISE A PROVISION REGARDING SERVING INTERPRETERS WITH A SUBPOENA; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 9-205, Idaho Code, be, and the same is hereby amended to read as follows:

9-205. INTERPRETERS. In any civil or criminal action in which any witness or a party does not understand or speak the English language, or who has a physical disability which prevents him from fully hearing or speaking the English language, then the court shall appoint a qualified interpreter to interpret the proceedings to and the testimony of such witness or party. Upon appointment of such interpreter, the court shall ~~cause to~~ may have the interpreter served with a subpoena as other witnesses, and such interpreter shall be sworn to accurately and fully interpret the testimony given at the hearing or trial to the best of his ability before assuming his duties as an interpreter. The court shall determine a reasonable fee for all such interpreter services which shall be paid out of the district court fund.

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

Approved March 20, 2023

CHAPTER 78
(S.B. No. 1034)

AN ACT

RELATING TO COURT FEES; AMENDING SECTION 1-2003, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES, TO REMOVE OBSOLETE LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2303, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 1-2311, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 10-1305, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES; AMENDING SECTION 31-3201B, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES; AMENDING SECTION 31-3201H, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3204, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES; AMENDING SECTION 32-1410, IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-2003, Idaho Code, be, and the same is hereby amended to read as follows:

1-2003. ADDITIONAL FEES IN CIVIL ACTIONS AND APPEALS. ~~(a)~~ (1) In addition to the fees and charges to be collected by the clerks of the district courts of the state and by other persons authorized by rule or administrative order of the supreme court as now or hereafter provided by law, such clerks and authorized persons are directed to charge and collect the additional sum of twenty-six dollars (\$26.00) for filing a civil case or proceeding of any type in the district court or magistrate's division of the district court, including cases involving the administration of decedents' estates, whether testate or intestate, conservatorships of the person or of the estate or both, and guardianships of the person or of the estate or both, except that no fee shall be charged or collected for filing a proceeding under the summary administration procedure for small estates, part 12, chapter 3, title 15, Idaho Code. The additional sum of twenty-six dollars (\$26.00) shall also be collected from any party, except the plaintiff, making an appearance in any civil action in the district court, but such twenty-six dollars dollar (\$26.00) fee shall not be collected from the person making an appearance in civil actions filed in the small claims departments of the district court.

~~(b)~~ (2) The sum of twenty-six dollars (\$26.00) shall also be collected:

~~(1)~~ (a) From an intervenor in an action;

~~(2)~~ (b) From a party who files a third-party claim;

~~(3)~~ (c) From a party who files a cross claim;

~~(4)~~ (d) From a party appealing from the magistrate's division of the district court to the district court;

~~(5)~~ (e) From a party appealing the decision of any commission, board or body to the district court.

~~(e)~~ (3) The clerk of the supreme court is authorized and directed to charge and collect, in addition to the fees now prescribed by law and as a part of the cost of filing the transcript on appeal in any civil case or proceeding, other than criminal, appealed to the supreme court, the additional sum of twenty-six dollars (\$26.00); for filing a petition for rehearing, the additional sum of eighteen dollars (\$18.00); for filing an application for any writ for which a fee is now prescribed, the additional sum of eighteen dollars (\$18.00); for filing appeals from the industrial commission, the additional sum of thirteen dollars (\$13.00).

~~(d)~~ (4) The clerks of the district courts, persons authorized by rule or administrative order of the supreme court and the clerk of the supreme court are directed and required to remit all additional charges and fees authorized by this section and collected during a calendar month, to the state treasurer within ~~five~~ ~~(5)~~ fifteen (15) days after the end of the month in which such fees were collected. ~~Prior to the effective date of section 1-2004A, Idaho Code, the state treasurer shall place all such sums in the judges' retirement fund. On and after the effective date of section 1-2004A,~~ Idaho Code, the The state treasurer shall place all such sums in the state general fund.

SECTION 2. That Section 1-2303, Idaho Code, be, and the same is hereby amended to read as follows:

1-2303. FILING OF CLAIM -- DEFAULT. (1) Upon filing a claim, the clerk shall furnish to the plaintiff a form of answer and instructions to the defendant, which among other matters shall advise the defendant that if the defendant desires to have a hearing on the matter, the defendant must sign, complete and file the answer with the clerk. The instructions also shall notify the defendant that if the defendant does not sign and file the answer within twenty-one (21) days from the date of service on the defendant, judgment will be entered as requested in the claim.

(2) If no answer is filed within twenty-one (21) days, judgment may be entered by the court as provided in Rule rule 55, I.R.C.P. If an answer is filed by the defendant, the court shall set the matter for trial or mediation by notice mailed to each party.

(3) The court shall collect in advance upon each claim the sum of thirty-three dollars (\$33.00), which shall be in addition to the costs necessary to effect service of the claim upon the defendant. This fee shall be distributed as follows: seven dollars (\$7.00) shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) shall be paid to the county treasurer who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fee to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) shall be paid to the county treasurer who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

SECTION 3. That Section 1-2311, Idaho Code, be, and the same is hereby amended to read as follows:

1-2311. APPEAL TO LAWYER MAGISTRATE. If either party is dissatisfied, he may, within thirty (30) days from the entry of said judgment against him, appeal to a lawyer magistrate other than the magistrate who entered said judgment; and if the final judgment is rendered against him by such lawyer magistrate, then he shall pay, in addition to any judgment rendered in the magistrate's division, an attorney's fee to the prevailing party in the sum of twenty-five dollars (\$25.00), provided, however, that appeals from such small claims department shall ~~only~~ only in such cases as appeals would be allowed if the action were instituted in the magistrate's division as is now provided, and further provided that the appeal shall be heard in the county wherein the original small claim was filed. A fee of twenty dollars (\$20.00) shall be paid by the party taking the appeal, which shall be paid to the county treasurer who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

SECTION 4. That Section 10-1305, Idaho Code, be, and the same is hereby amended to read as follows:

10-1305. FEES. Any person filing a foreign judgment shall pay to the clerk of the court twenty-seven dollars (\$27.00). Seven dollars (\$7.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the district court of this state.

SECTION 5. That Section 31-3201B, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201B. PEACE OFFICERS STANDARDS AND TRAINING -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for peace officers standards and training purposes to be paid by each person found guilty of any felony or misdemeanor, or found to have committed an infraction or any minor traffic, conservation or ordinance violation, except for cars unlawfully left or parked or when the court orders such fee waived because the person is indigent and unable to pay such fee; provided, however, that the judge or magistrate may in his discretion consolidate separate nonmoving traffic

offenses into one (1) offense for purposes of assessing such fee. Such fees shall be in addition to all other fines and fees levied. Such fees shall be paid to the county treasurer who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the peace officers standards and training fund.

SECTION 6. That Section 31-3201H, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to be paid by each defendant for each criminal offense or infraction committed on or after April 15, 2010, for which the defendant is found or pleads guilty. Such fee shall be in addition to all other fines and fees levied.

(2) The amount of the surcharge fee shall be as follows:

(a) For each felony, the fee shall be one hundred dollars (\$100);

(b) For each misdemeanor, and for each infraction under section 18-8001 or 49-301, Idaho Code, or each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars (\$50.00); and

(c) For each infraction, except each infraction under section 18-8001 or 49-301, Idaho Code, or each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

(3) The fee shall be collected by the clerk of the district court and shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer, who shall deposit eighty percent (80%) of such fees in the state general fund and twenty percent (20%) of such fees in the court technology fund created by section 1-1623, Idaho Code.

SECTION 7. That Section 31-3204, Idaho Code, be, and the same is hereby amended to read as follows:

31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for victim notification purposes to be paid by each person found guilty of each felony, misdemeanor or infraction under section 18-8001 or 49-301, Idaho Code, or first-time infraction under section 23-604 or 23-949, Idaho Code, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Such fee shall be in addition to all other fines and fees levied. Such fee shall be paid to the county treasurer who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the state victim notification fund established in section 67-2912, Idaho Code.

SECTION 8. That Section 32-1410, Idaho Code, be, and the same is hereby amended to read as follows:

32-1410. DOMESTIC VIOLENCE COURT FEES. (1) Each person who is found guilty of or pleads guilty to any of the following alcohol-, substance abuse- or domestic violence-related offenses shall pay a thirty dollar (\$30.00) fee to be deposited in the statewide drug court, mental health court and family court services fund, as provided in section 1-1625, Idaho Code, to assist in funding the domestic violence courts:

(a) Section 18-918, Idaho Code (domestic violence);

(b) Section 18-920, Idaho Code (violation of no contact order);

(c) Section 18-923, Idaho Code (attempted strangulation);

(d) Section 18-1502, Idaho Code (beer, wine or other alcohol age violations);

- (e) Section 18-2510(3), Idaho Code (introduce, convey, possess, receive, obtain or remove major contraband, except major contraband as defined in section 18-2510(5) (c) (ii), (iv) and (v), Idaho Code);
- (f) Section 18-4006 ~~3-(3)~~(b), Idaho Code (vehicular manslaughter in the commission of a violation of section 18-8004 or 18-8006, Idaho Code);
- (g) Section 18-5414, Idaho Code (intentionally making false statements);
- (h) Section 18-8004, Idaho Code (persons under the influence of alcohol, drugs or any other intoxicating substances);
- (i) Section 18-8006, Idaho Code (aggravated driving while under the influence of alcohol, drugs or any other intoxicating substances);
- (j) Section 23-312, Idaho Code (persons under twenty-one and intoxicated persons -- inhibited sales);
- (k) Section 23-505, Idaho Code (transportation of alcoholic beverages);
- (l) Section 23-602, Idaho Code (unlawful manufacture, traffic in, transportation and possession of alcohol beverage);
- (m) Section 23-603, Idaho Code (dispensing to minor);
- (n) Section 23-604, Idaho Code (minors -- purchase, consumption or possession prohibited);
- (o) Section 23-605, Idaho Code (dispensing to drunk);
- (p) Section 23-612, Idaho Code (beer, wine or other alcoholic beverages on public school grounds);
- (q) Section 23-615, Idaho Code (restrictions on sale);
- (r) Section 23-949, Idaho Code (persons not allowed to purchase, possess, serve, dispense or consume beer, wine or other alcoholic liquor);
- (s) Section 23-1013, Idaho Code (restrictions concerning age);
- (t) Section 23-1024, Idaho Code (false representation as being twenty-one or more years of age a misdemeanor);
- (u) Section 23-1333, Idaho Code (open or unsealed containers of wine in motor vehicles on highways prohibited);
- (v) Section 23-1334, Idaho Code (minors -- authorization to deliver);
- (w) Criminal violation of any of the provisions of chapter 27, title 37, Idaho Code;
- (x) Section 39-6312, Idaho Code (violation of order -- penalties);
- (y) Section 67-7034, Idaho Code (persons under the influence of alcohol, drugs or any other intoxicating substances); and
- (z) Section 67-7114, Idaho Code (operation under the influence of alcohol, drugs or any other intoxicating substance).

(2) The clerk of the district court shall collect the fees set forth in subsection (1) of this section. The fees shall be paid over to the county treasurer who shall, within ~~five~~(5) fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the drug court, mental health court and family court services fund.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 20, 2023

CHAPTER 79
(S.B. No. 1035)

AN ACT

RELATING TO COURT FEES; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE A PROVISION REGARDING COURT FEES FOR A CHANGE IN VENUE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. The clerk of the district court, in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and by section 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

(1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for filing a civil case of any type in the district court, except for those cases to be assigned to the magistrate division of the district court for which the fee shall be one hundred twenty dollars (\$120), with the following exceptions:

- (a) The fee for small claims shall be as provided in section 1-2303, Idaho Code;
- (b) No filing fee shall be charged in the following types of cases:
 - (i) Cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;
 - (ii) Cases brought under the juvenile corrections act;
 - (iii) Cases brought under the child protective act;
 - (iv) Demands for bond before a personal representative is appointed in probate;
 - (v) Petitions for sterilization;
 - (vi) Petitions for judicial consent to abortion;
 - (vii) Registration of trusts and renunciations;
 - (viii) Petitions for leave to compromise the disputed claim of a minor;
 - (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to chapter 63, title 39, Idaho Code;
 - (x) Objections to the appointment of a guardian filed by a minor or an incapacitated person;
 - (xi) Proceedings to suspend a license for nonpayment of child support pursuant to section 7-1405, Idaho Code;
 - (xii) Proceedings under the uniform post-conviction procedure act as provided in chapter 49, title 19, Idaho Code;
 - (xiii) Filings of a custody decree from another state; and
 - (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: twenty-three dollars (\$23.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such twenty-three dollars (\$23.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall to provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such

filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such filing fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall to provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; and five dollars and fifty cents (\$5.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation, and a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found to have committed an infraction under section 18-8001 or 49-301, Idaho Code, or a first-time infraction under section 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of this section; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall to provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(4) Initial appearance other than plaintiff. A fee of one hundred dollars (\$100) shall be paid for any filing constituting the initial appearance by a party, except the plaintiff, in any civil action in the district court or in the magistrate division of the district court, except small claims. If two (2) or more parties are making their initial appearance in the same filing, then only one (1) filing fee shall be collected. Of such fee, four dollars (\$4.00) shall be paid to the county treasurer for deposit in the district court fund of the county; eighty dollars (\$80.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the

court technology fund; ten dollars (\$10.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the person or persons required to make an account pursuant to title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(6) Distribution of estate. A fee of twenty-five dollars (\$25.00) shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, ~~six~~. Six dollars (\$6.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; thirteen dollars (\$13.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid by a party filing a third-party claim as defined in the Idaho rules of civil procedure. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county ~~to which venue is changed~~ initiating the change. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(10) Reopening a case.

(a) A fee of eighty-five dollars (\$85.00) shall be paid by any party appearing after judgment or applying to reopen a case. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(b) A fee of one hundred eight dollars (\$108) shall be paid by a party applying to reopen a divorce action or modify a divorce decree, with seventeen dollars (\$17.00) of the fee to be paid to the county treasurer for deposit in the district court fund of the county; fifteen dollars (\$15.00) of such fee to be paid to the county treasurer, who shall pay

such fees to the state treasurer for deposit in accordance with subsection (15) of this section; six dollars (\$6.00) of such fee to be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(c) When the application to reopen a case consists only of a motion or other pleading to revive or renew a judgment, a fee of twenty-nine dollars (\$29.00) shall be paid by the party filing the motion or pleading. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(11) Appeal to district court. A fee of thirty-five dollars (\$35.00) shall be paid by a party taking an appeal from the magistrate division of the district court to the district court; nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund. No additional fee shall be required if a new trial is granted.

(12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00) shall be paid by the party taking an appeal from the district court to the supreme court for comparing and certifying the transcript on appeal, if such certificate is required. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(13) Fees not covered by this section, including fees to defray the costs of electronic access to court records other than the register of actions, shall be set by rule or administrative order of the supreme court.

(14) All fees required to be paid by this section or by rule or administrative order of the supreme court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the supreme court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(15) That portion of the filing fees required to be remitted to the state treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and (10) of this section shall be apportioned eighty-six percent (86%) to the state general fund and fourteen percent (14%) to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, within fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be

remitted to a city treasurer for deposit in the city's general fund shall be remitted within fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer.

(16) Of the fees derived from the filing of any divorce action required to be transmitted to the state treasurer, the county treasurer shall retain five dollars (\$5.00), which shall be separately identified and deposited in the district court fund of the county. Such moneys shall be used exclusively for the purpose of establishing a uniform system of qualifying and approving persons, agencies or organizations to conduct evaluations of persons convicted of domestic assault or battery as provided in section 18-918, Idaho Code, and the administration of section 18-918(7), Idaho Code, relating to the evaluation and counseling or other treatment of such persons, including the payment of the costs of evaluating and counseling or other treatment of an indigent defendant. No provision of chapter 52, title 39, Idaho Code, shall apply to the moneys provided for in this subsection.

(17) In consideration of the fees in this section, the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided that he shall not prepare and furnish any certified copy of any file or record in an action, except printed transcript on appeal, without additional compensation as provided by law.

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

Approved March 20, 2023

CHAPTER 80
(S.B. No. 1049)

AN ACT

RELATING TO ENDOWMENT LAND; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-156, IDAHO CODE, TO PROVIDE FOR NOTICE REGARDING ANY RESTRICTION, REGULATION, OR PROHIBITION OF SPECIFIED ACTIVITIES ON STATE ENDOWMENT LANDS AND TO PROVIDE FOR VIOLATIONS AND PENALTIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 1, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-156, Idaho Code, and to read as follows:

58-156. ENDOWMENT LAND -- CLOSURE, RESTRICTION, REGULATION, OR PROHIBITION. (1) Whenever the state board of land commissioners has promulgated rules pursuant to chapter 52, title 67, Idaho Code, for the closure of endowment lands or for restricting, regulating, or prohibiting specified activities on state endowment lands, the board shall provide notice of such closure, restriction, regulation, or prohibition to the public as follows:

- (a) Notices shall be posted on the Idaho department of lands website and made available at the department's supervisory area offices; and
- (b) Notices shall also be posted at gates or road or trail entry points onto the endowment land to which they apply and shall state:
 - (i) "Use restrictions apply" or similar wording; and
 - (ii) A website address and phone number for contacting the department.

(2) Violation of any properly posted closure, restriction, regulation, or prohibition of endowment lands promulgated by the state board of land commissioners pursuant to subsection (1) of this section shall be punishable as follows:

(a) A warning ticket and advisory of the applicable closure, restriction, regulation, or prohibition shall be issued to the violator if it is the violator's first offense under this section within five (5) years.

(b) If the violation is the violator's second violation of this section within five (5) years of any prior conviction or warning under this section, the violation shall be an infraction punishable by a fine of two hundred fifty dollars (\$250).

(c) If the violation is the violator's third violation of this section within five (5) years of any prior conviction or warning under this section, the violation shall be a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for no more than six (6) months or both.

(d) For any offense that is accompanied by any actual physical harm, injury, or damage to personal property or natural resources, the violation shall be treated as criminal trespass pursuant to section 18-7008, Idaho Code, and subject to the penalties for criminal trespass with damage set forth in section 18-7008(3)(b).

(3) For any conviction under subsection (2)(b) or (c) of this section, the court shall additionally impose an order of restitution directing that the violator pay restitution to the Idaho department of lands in an amount sufficient to repair, replace, or correct any actual physical harm, injury, or damage to personal property or natural resources resulting from the violation.

(4) For any conviction under subsection (2)(b) or (c) of this section, the court may, in its discretion, additionally impose an order requiring the violator to undergo boating, off-road, and/or snowmobile operator education classes offered by the Idaho department of parks and recreation.

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

Approved March 20, 2023

CHAPTER 81
(S.B. No. 1113)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL NORTH FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL NORTH FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL WEST FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL WEST FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL SOUTH FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL SOUTH FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 127, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Psychiatric Hospitalization for State Hospital North \$1,700,000 from the Cooperative Welfare (General) Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Psychiatric Hospitalization for State Hospital North in Section 1, Chapter 127, Laws of 2022, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$1,700,000 for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 127, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Psychiatric Hospitalization for State Hospital West \$1,800,000 from the Cooperative Welfare (General) Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Psychiatric Hospitalization for State Hospital West in Section 1, Chapter 127, Laws of 2022, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$1,800,000 for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 127, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Division of Psychiatric Hospitalization for State Hospital South the following amounts to be expended for personnel costs from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Cooperative Welfare (General) Fund	\$1,300,000
Cooperative Welfare (Dedicated) Fund	<u>300,000</u>
TOTAL	\$1,600,000

SECTION 6. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Psychiatric Hospitalization for State Hospital South in Section 1, Chapter 127, Laws of 2022, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$1,600,000 for personnel costs for the period July 1, 2022, through June 30, 2023.

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

Approved March 20, 2023

CHAPTER 82
(S.B. No. 1116)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 100, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Historical Society \$41,000 from the Records Management Service Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023, for the purpose of rent increase at the State Records Center storage warehouse.

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

Approved March 20, 2023

CHAPTER 83
(S.B. No. 1123)

AN ACT

RELATING TO APPROPRIATIONS; REDUCING THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LANDS; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS; REDUCING THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY; REDUCING THE APPROPRIATION TO THE MILITARY DIVISION; APPROPRIATING MONEYS TO THE MILITARY DIVISION; REDUCING THE APPROPRIATION TO THE STEM ACTION CENTER; APPROPRIATING MONEYS TO THE STEM ACTION CENTER; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Office of the State Board of Education in Section 1, Chapter 295, Laws of 2022, from the American Rescue Plan Fund is hereby reduced by \$19,700 for capital outlay for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 295, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Office of the State Board of Education \$19,700 from the ARPA State Fiscal Recovery Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Lands for the Business Services Program in Section 1, Chapter 251, Laws of 2022, from the American Rescue Plan Fund is hereby reduced by \$80,900 for capital outlay for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Department of Lands for the Business Services Program \$80,900 from the ARPA State Fiscal Recovery Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023.

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Idaho State Historical Society in Section 1, Chapter 100, Laws of 2022, there is hereby reduced from the American Rescue Plan Fund the following amounts for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$12,700
Capital Outlay	<u>26,400</u>
TOTAL	\$39,100

SECTION 6. In addition to the appropriation made in Section 1, Chapter 100, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated from the ARPA State Fiscal Recovery Fund to the Idaho State Historical Society, the following amounts to be expended for the designated expense classes, for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$12,700
Capital Outlay	<u>26,400</u>
TOTAL	\$39,100

SECTION 7. Notwithstanding any other provision of law to the contrary, the appropriation made to the Military Division in Section 1, Chapter 149, Laws of 2022, there is hereby reduced from the American Rescue Plan Fund the following amounts for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$197,400
Capital Outlay	<u>56,200</u>
TOTAL	\$253,600

SECTION 8. In addition to the appropriation made in Section 1, Chapter 149, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated from the ARPA State Fiscal Recovery Fund to the Military Division, the following amounts to be expended for the designated expense classes, for the period July 1, 2022, through June 30, 2023:

FOR:

Operating Expenditures	\$197,400
Capital Outlay	<u>56,200</u>
TOTAL	\$253,600

SECTION 9. Notwithstanding any other provision of law to the contrary, the appropriation made to the STEM Action Center in Section 1, Chapter 140, Laws of 2022, from the American Rescue Plan Fund is hereby reduced by \$8,500 for capital outlay from the period July 1, 2022, through June 30, 2023.

SECTION 10. In addition to the appropriation made in Section 1, Chapter 140, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the STEM Action Center \$8,500 from the ARPA State Fiscal Recovery Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 237, Laws of 2022, and any other appropriation provided for by law, there is hereby appropriated to the Division of Veterans Services \$1,000,000 from the ARPA State Fiscal Recovery Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 20, 2023

CHAPTER 84
(S.B. No. 1129)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 304, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Commerce the following amounts to be expended according to the designated expense classes from the ARPA Capital Projects Fund for the period July 1, 2022, through June 30, 2023, for the purpose of broadband infrastructure:

FOR:

Operating Expenditures	\$4,095,000
Trustee and Benefit Payments	<u>120,005,000</u>
TOTAL	\$124,100,000

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

Approved March 20, 2023

CHAPTER 85
(S.B. No. 1132)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING CONTINUOUS APPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho (PERSI) the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative				
Fund	\$6,478,600	\$5,652,900	\$200,500	\$12,332,000
Judges' Retirement				
Fund	<u>75,900</u>	<u>1,000</u>	<u>0</u>	<u>76,900</u>
TOTAL	\$6,554,500	\$5,653,900	\$200,500	\$12,408,900
 II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special				
Fund	\$976,600	\$224,600	\$18,900	\$1,220,100
GRAND TOTAL	\$7,531,100	\$5,878,500	\$219,400	\$13,629,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than eighty-one (81.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Notwithstanding the provisions of Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee Retirement System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

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

Approved March 20, 2023

CHAPTER 86
(S.B. No. 1133)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$837,600	\$893,000		\$1,730,600
Miscellaneous Revenue				
Fund		15,000		15,000
Federal Grant				
Fund	<u>744,900</u>	<u>203,100</u>	<u>\$17,140,000</u>	<u>18,088,000</u>
TOTAL	\$1,582,500	\$1,111,100	\$17,140,000	\$19,833,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than fifteen (15.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 20, 2023

CHAPTER 87
(S.B. No. 1134)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON AGING; APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$648,300	\$295,700		\$4,417,600	\$5,361,600
American Rescue Plan					
Fund	200,000	200,000		4,888,600	5,288,600
Federal COVID-19 Relief					
Fund				150,000	150,000
Federal Grant					
Fund	<u>855,700</u>	<u>455,900</u>	<u>\$68,400</u>	<u>9,021,900</u>	<u>10,401,900</u>
TOTAL	\$1,704,000	\$951,600	\$68,400	\$18,478,100	\$21,202,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than fourteen (14.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

SECTION 4. In addition to the appropriation made in Section 1, Chapter 103, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Commission on Aging \$345,100 from the Federal COVID-19 Relief Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of adult protective services.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 103, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Commission on Aging \$750,000 from the Federal Grant Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of adult protective services.

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

Approved March 20, 2023

CHAPTER 88
(S.B. No. 1135)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INSURANCE REGULATION:				
FROM:				
Insurance Administrative				
Fund	\$5,341,700	\$3,109,800	\$23,100	\$8,474,600
Federal Grant				
Fund	<u>331,900</u>	<u>378,100</u>	<u>20,000</u>	<u>730,000</u>
TOTAL	\$5,673,600	\$3,487,900	\$43,100	\$9,204,600
II. STATE FIRE MARSHAL:				
FROM:				
Arson, Fire and Fraud Prevention				
Fund	\$1,000,700	\$330,200	\$68,600	\$1,399,500
GRAND TOTAL	\$6,674,300	\$3,818,100	\$111,700	\$10,604,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy and five-tenths (70.50) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 20, 2023

CHAPTER 89
(S.B. No. 1136)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$846,300	\$2,345,300	\$101,300	\$3,292,900
STEM Education				
Fund	<u>0</u>	<u>2,929,900</u>	<u>0</u>	<u>2,929,900</u>
TOTAL	\$846,300	\$5,275,200	\$101,300	\$6,222,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center is authorized no more than eight(8.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 20, 2023

CHAPTER 90
(H.B. No. 184)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-104, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby amended to read as follows:

40-104. DEFINITIONS -- C. (1) "City system" means all public highways within the corporate limits of a city, with a functioning street department, except those highways which that are under federal control, a part of the state highway system, part of a highway district system or an extension of a rural major collector route as specified in section 40-607, Idaho Code.

(2) "Commercial activities." (See "Unzoned commercial or industrial areas," section 40-122, Idaho Code)

(3) "Commercial areas, unzoned." (See "Unzoned commercial or industrial areas," section 40-122, Idaho Code)

(4) "Commissioners" means the board of county commissioners of a county of this state.

(5) "Congestion mitigation" means transportation road projects for the primary benefit of motor vehicles designed and constructed to reduce traffic congestion, travel delays, engine idle time, and unproductive fuel consumption. Congestion mitigation includes and is limited to improving vehicle traffic flow and travel times through expanding vehicle travel lanes, improving intersection efficiency, adding turning lanes, improving transportation management systems and signal operations, implementing intelligent transportation system strategies, or a combination of such methods.

~~(5)~~ (6) "Construction manager/general contractor firm" means a business entity with which the department has contracted to provide services prior to the final design phase and to provide for the construction of the project during the construction phase.

~~(6)~~ (7) "Construction manager/general contractor project" means a project where the department retains a consultant or has on staff an Idaho licensed professional engineer to develop the design and also hires a construction manager/general contractor firm to provide services prior to the final design. If a guaranteed maximum price is negotiated successfully, the construction manager/general contractor firm also provides for construction of the project.

~~(7)~~ (8) "Consultant" means an individual or business entity possessing the qualifications to provide licensed architectural, licensed engineering, or licensed land surveying services or possessing specialized credentials and qualifications.

~~(8)~~ (9) "Controlled-access facility" means a highway especially designed for through traffic to which owners or occupants of abutting land have no right or easement or only a controlled right or easement of access by reason of the fact that their property abuts upon the controlled-access facility. These highways may be freeways open to use by all customary forms of highway traffic, or they may be parkways from which trucks, buses and other commercial vehicles shall be excluded.

~~(9)~~ (10) "County highway system" or "county secondary highways" means all public highways in a county except those included within the state highway system, those under another state agency, those included within city highway systems of incorporated cities, those included within a highway district highway system, and those under federal control.

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

Approved March 20, 2023

CHAPTER 91
(S.B. No. 1054)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE FOR THE REEMPLOYMENT OF CERTAIN RETIRED MEMBERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1356, Idaho Code, be, and the same is hereby amended to read as follows:

59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired member, except as provided in subsection (6) of this section, is reemployed with an employer participating in the public employee retirement system of Idaho within ninety (90) days from retiring, or the early retired member is guaranteed reemployment with an employer participating in the public employee retirement system of Idaho, the member shall be considered to have continued in the status of an employee and not to have separated from service. Any retirement allowance payments received by the retired member shall be repaid to the system and the retirement shall be negated. The month of last contribution prior to the negated retirement and the month of initial contribution upon return to reemployment shall be considered consecutive months of contributions in the determination of an appropriate salary base period upon subsequent retirement. A retired member is not considered to have separated from service if he continues performing services for an employer participating in the public employee retirement system of Idaho in any capacity, including but not limited to independent contractor, leased employee, or temporary services.

(2) Except as provided in subsections (3), (4), and (5), and (6) of this section, when a retired member meets the definition of an employee as defined in section 59-1302(14) (A) (a), Idaho Code, any benefit payable on behalf of such member shall be suspended and any contributions payable by such member under sections 59-1331 through 59-1334, Idaho Code, shall again commence. The suspended benefit, as adjusted pursuant to section 59-1355, Idaho Code, shall resume upon subsequent retirement, along with a separate allowance computed with respect only to that salary and service credited during the period of reemployment. Any death benefit that becomes payable under the suspended benefit shall be payable under section 59-1361(2), Idaho Code. Any death benefit that becomes payable with respect to salary and service accrued during the period of reemployment shall be payable under section 59-1361(3), Idaho Code, if the member dies during the period of reemployment.

(3) If a retired member who is receiving a benefit that is not reduced under section 59-1346, Idaho Code, and who has been retired for more than six (6) months again becomes employed as defined in this section and section 59-1302(14) (A) (b), Idaho Code, as a result of being elected to a public office other than an office held prior to retirement, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member or employer during such reemployment and any benefit payable on behalf of such member shall continue.

(4) If a retired school employee, as defined in section 59-1302(31A), Idaho Code, who retired on or after age sixty (60) years or a retired public safety officer returns to work as a school employee as defined in section 59-1302(31A), Idaho Code, and is receiving a benefit that is not reduced under section 59-1346, Idaho Code, again becomes an employee as defined in this section and section 59-1302(14), Idaho Code, as a result of returning to employment with a school district as provided in section 33-1004H, Idaho Code, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member during such reemployment and any benefit payable on behalf of such member shall continue.

(5) If a retired member as defined in section 59-1302(27), Idaho Code, who retired prior to January 1, 2022, and retired on or after age fifty-five (55) years, ~~or retired on or after age fifty (50) years for police officer or firefighter members,~~ again becomes an employee as defined in this section and in section 59-1302(14), Idaho Code, as a result of returning to employment with an employer as defined in section 59-1302(15), Idaho Code, the retired member may elect to continue receiving benefits and not to accrue additional service. In such a situation, no contributions shall be made by the member during the reemployment and any benefit payable on behalf of such member shall continue. This subsection shall no longer be in force and effect after June 30, 2026, however, the other provisions of this section shall remain in full force and effect and shall remain applicable to all employment.

(6) A retired member as defined in section 59-1302(27), Idaho Code, with police officer status as defined in section 59-1303, Idaho Code, or with firefighter member status as defined in section 59-1302(16), Idaho Code, who retires on or after age fifty (50) years and who, within thirty (30) days after retiring, again becomes an employee as defined in section 59-1302(14), Idaho Code, with an employer participating in PERSI, or who is guaranteed reemployment with an employer participating in PERSI, shall be considered to have continued in the status of an employee and not to have separated from service. As a result of returning to employment with an employer as defined in section 59-1302(15), Idaho Code, the retired member may elect to continue receiving benefits and not to accrue additional service. In such a situation, contributions shall be made by the member and employer during the reemployment at the rate established by PERSI for police officer

or firefighter members, as applicable, and any benefit payable on behalf of such member shall continue. The provisions of this subsection shall be null, void, and of no force and effect after June 30, 2027. However, the other provisions of this section shall remain in full force and effect and shall remain applicable to all employment.

~~(6)~~ (7) It is the responsibility of each employer to immediately report to the retirement board the employment of any retired member so that benefit payments can be suspended as provided in this section. If an employer fails to properly report the employment of a retired member and it results in the retirement board making benefit payments that should have been suspended, the employer shall, in addition to paying delinquent employee and employer contributions from the date of eligibility, also be responsible for repaying to the retirement board the benefit payments made to the retired member that should have been suspended, plus interest. The employer may then recoup such payments from the retired member.

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

Approved March 20, 2023

CHAPTER 92
(S.B. No. 1115)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 126, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the State Appellate Public Defender for the Capital and Conflict Representation Program \$1,309,400 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of additional support for capital conflict and evidentiary hearing costs.

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

Approved March 20, 2023

CHAPTER 93
(H.B. No. 89)

AN ACT

RELATING TO CITY COUNCILS; AMENDING SECTION 50-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILLING OF A VACANCY ON A COUNCIL AND TO PROVIDE FOR THE FILLING OF A VACANCY IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-704, Idaho Code, be, and the same is hereby amended to read as follows:

50-704. VACANCIES -- APPOINTMENT. (1) A vacancy on the council shall be filled by appointment nomination made by the mayor with the consent of the council, which. If the position of mayor is vacant, the nomination shall be made by the council president. Lacking both a mayor and a council president, the nomination shall be made by the most senior member of the council. For any nomination made pursuant to this subsection, the nominee must be confirmed by the council.

(2) If the number of members of the council is insufficient to establish a quorum, the ranking elected official, in order of the mayor, council president, and senior member of the council, shall nominate a name or names to the governor for appointment sufficient to establish a quorum.

(3) For any appointment made pursuant to this section, the appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term.

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

Approved March 20, 2023

CHAPTER 94
(S.B. No. 1010)

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-639, IDAHO CODE, TO REQUIRE A SAFE AND REASONABLE PLACE TO PULL OVER AND TO CLARIFY THAT NO VIOLATION OCCURS IF A DRIVER HAS NOT REACHED A TURNOUT OR SAFE AND REASONABLE PLACE TO PULL OVER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-639, Idaho Code, be, and the same is hereby amended to read as follows:

49-639. TURNING OUT OF SLOW MOVING VEHICLES. On a two-lane highway outside an urban area where passing is unsafe due to oncoming traffic or other conditions, the driver of a vehicle traveling slower than the normal speed of traffic and behind which three (3) or more vehicles are formed in line, shall turn off the roadway at the nearest place designated as a turnout or ~~wherever sufficient area for a safe turnout exists,~~ at the next available location where it is safe and reasonable for the vehicle to be pulled over in order to permit the following vehicles to pass. Such driver shall not be deemed to violate this section if he has not, during the time when three (3) or more vehicles are formed in line behind his vehicle, passed a designated turnout or location where it would be safe and reasonable for the vehicle to be pulled over.

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

Approved March 21, 2023

CHAPTER 95
(S.B. No. 1021)

AN ACT

RELATING TO PRIEST LAKE; AMENDING SECTION 70-507, IDAHO CODE, TO PROHIBIT CERTAIN OUTLET CONTROL STRUCTURES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 70-507, Idaho Code, be, and the same is hereby amended to read as follows:

70-507. IDAHO WATER RESOURCE BOARD TO HAVE SUPERVISION AND CONTROL -- ADDITIONAL RELEASE STRUCTURES PROHIBITED. The Priest Lake outlet control structure shall, when constructed, be under the sole and exclusive supervision and control of the Idaho water resource board, which may enter into contracts for a period of one (1) year or more with persons or corporations deemed qualified by the board to operate and maintain said outlet control structure or any other control structure erected as a replacement thereof; provided however, that under no circumstances shall the water surface level of Priest Lake be maintained or regulated by said board above 3.5 feet on the present United States Geological Survey Priest Lake outlet gage with gage datum of 2,434.64 feet above mean sea level, datum of 1929, supplementary adjustment of 1947, or released below 0.1 feet on said gage; provided further, that the water surface level of Priest Lake shall be maintained at 3.0 feet during the recreation season when the water supply to Priest Lake is plentiful, meaning normal to wet years, and between 3.0 feet and 3.5 feet during the recreation season when the water supply to Priest Lake is lacking, meaning dry and marginally dry years, on the United States Geological Survey Priest Lake outlet gage, from and after the time each year following the runoff of accumulated winter snows, when the surface level of the waters of Priest Lake has receded to such elevation, until the time after the close of the main recreational season, as determined by said board, that said lake waters may be released and the surface level permitted to recede below said elevation of 3.0 feet. The outlet control structure authorized under this section shall be the only structure authorized to release water from the lake. No siphon, gravity bypass, or other bypass device may be constructed to divert or otherwise direct water from Priest Lake to Priest River without prior approval by the Idaho state legislature and the governor.

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

Approved March 21, 2023

CHAPTER 96
(S.B. No. 1032)

AN ACT

RELATING TO THE WATER MANAGEMENT ACCOUNT; AMENDING SECTION 42-1760, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXPENDITURES, TO PROVIDE FOR THE SELECTION OF PROJECTS, TO REVISE PROVISIONS REGARDING LOANS AND GRANTS, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-1760, Idaho Code, be, and the same is hereby amended to read as follows:

42-1760. WATER MANAGEMENT ACCOUNT. (1) There is hereby created and established in the trust and agency fund the water management account. All moneys in the account are appropriated continuously to the water resource board to be used and administered by it for the purposes specified in subsection (2) of this section and shall not be subject to the provisions of the standard appropriations act of 1945 or section 67-3516, Idaho Code. The state treasurer shall invest the idle moneys of the account, and the interest earned on such investments shall be retained by the account.

(2) The board may expend, loan, or grant moneys from the water management account for water projects, including studies, that conserve or increase water supply, improve drought resiliency, address water sustainability, or support flood management. The board shall have the authority to determine which water projects are undertaken receive funds subject to the reporting requirements of subsection (3) of this section.

(a) Expenditures from the water management account shall be subject to the following provisions:

(i) Expenditures may be made from the account to provide public moneys for participation in any project constructed with funds from the water resource board revolving development account provided by section 42-1756, Idaho Code.

~~(b) Grants and loans may be made by the board from the account for any project in the public interest for the projects authorized by this section; no single annual grant shall exceed fifty thousand dollars (\$50,000) unless legislative approval has been obtained. This provision shall not apply to projects selected by the board under paragraph (c) of this subsection or for flood management grants as may be authorized by the board.~~

~~(c) Expenditures may include but are not limited to the state's participation in the costs of the following projects:~~

~~(i) The construction of a raise of Anderson ranch dam, located on the south fork of the Boise river;~~

~~(ii) The Mountain Home air force base water delivery and treatment systems; and~~

~~(iii) The identification, study, and construction of managed aquifer recharge sites above Milner dam to benefit existing water rights, including to meet the state's commitments under settlement agreements.~~

~~(d) Any project selected pursuant to paragraph (c) of this subsection must protect all existing water rights and consider the effects of such projects on other water uses, such as water quality, fish and wildlife, recreation, and hydropower, that provide economic value, stability, water sustainability, drought resiliency, and other benefits to the citizens of the state.~~

(ii) Expenditures may include but are not limited to the state's participation in the costs of the following projects:

1. The construction of a raise of Anderson ranch dam, located on the south fork of the Boise river;
2. The Mountain Home air force base water delivery and treatment systems; and
3. The identification, study, construction, or enlargement of managed aquifer recharge sites, ground water to surface water conversion projects, and water measurement infrastructure above Milner dam that, based on scientific data and technical analysis, address the restoration of the eastern Snake plain aquifer and advance the state's commitments under senate concurrent resolution 136 and senate concurrent resolution 138, adopted by the second regular session of the sixty-third Idaho legislature.

(iii) When selecting a project pursuant to subparagraph (ii) of this paragraph, the board shall consider:

1. The effects of such project on existing water rights, water quality, fish and wildlife, recreation, hydropower, and other water uses that provide economic value, stability, water sustainability, drought resiliency, and other benefits to the citizens of the state; and
2. Public input on the projects.

(b) The board may issue loans from the water management account based on terms and conditions approved by the board.

(c) The board may issue grants from the water management account. The board shall develop criteria, considering the public's input, for grants issued by the board, which shall be competitive, matching grants that prioritize projects based on the public benefits they provide.

Considerations of public benefits should include:

- (i) The protection of existing water rights;
- (ii) Water quality, fish and wildlife, recreation, hydropower, and other water uses that provide economic value, stability, water sustainability, drought resiliency, and other benefits to the citizens of the state;
- (iii) Anticipated future water needs; and
- (iv) Addressing aging water storage and delivery infrastructure, including projects that provide irrigation, environmental, safety, or recreational benefits.

~~(e)~~ (d) Preference for the distribution of funds shall be given with at least fifty percent (50%) matching funds provided by parties other than the state. In the event of in-kind contributions, the board shall determine the value of the in-kind contribution.

(3) On or before the first day of each regular legislative session, the board shall submit to the legislature a report relating to the prior and current fiscal year that includes the following information:

(a) A list of all projects considered by the board to receive funds from the water management account;

(b) A statement of all projects receiving moneys from the water management account, including:

- (i) A description of how the project meets the purposes of the water management account, as identified in subsection (2) of this section;
- (ii) A statement of all moneys expended or obligated from the water management account for the project; and
- (iii) A status report on the project, including identification of work begun or completed and any anticipated further work within the next calendar year; and

(c) Any anticipated future projects for which funding may be requested from the water management account.

This information shall also be included as part of the board's budget report to the joint finance-appropriations committee during each legislative session.

(4) The director of the department of water resources shall assist the board in any way the board deems necessary to fulfill the policy and purpose of the water management account, including technical evaluation of proposed projects and coordination in state and federal agencies.

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

Approved March 21, 2023

CHAPTER 97
(S.B. No. 1033)

AN ACT

RELATING TO IRRIGATION; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-204A, IDAHO CODE, TO PROVIDE FOR THE APPROPRIATION OF GROUND WATER FOR SUPPLEMENTAL IRRIGATION USE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-204A, Idaho Code, and to read as follows:

42-204A. APPROPRIATION OF GROUND WATER FOR SUPPLEMENTAL IRRIGATION USE. (1) The intent of this section is to conserve ground water resources and secure the maximum use and benefit from surface water resources in Idaho by requiring that permits to appropriate ground water to irrigate land with surface water rights for irrigation be conditioned to require use of available surface water as the primary irrigation supply and use of ground water as a supplemental water supply when surface water is not available. Surface water rights include decreed, licensed, claimed, or permitted water rights diverted from surface sources, such as springs, streams, rivers, drains, or lakes.

(2) When the department of water resources receives an application to appropriate ground water, as defined in section 42-230(a), Idaho Code, for irrigation purposes, it shall determine whether the proposed place of use:

- (a) Has appurtenant surface water rights for irrigation purposes; or
- (b) Is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other water delivery entity for irrigation purposes and whether the entity's distribution system is capable of delivering the water to the land.

(3) When the department finds the proposed place of use meets the criteria of subsection (2) of this section and the requirements of section 42-203A(5), Idaho Code, have been met, the department shall condition the permit for irrigation from ground water to:

(a) Require use of all surface water rights identified in subsection (2) of this section when irrigating the proposed place of use and limit the use of ground water to those times when the surface water supply is not reasonably sufficient to irrigate the place of use or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedules for surface water deliveries; and

(b) Prohibit the diversion and use of ground water for irrigation purposes if use of surface water is intentionally discontinued or reduced or is not deliverable due to nonpayment of annual assessments levied by the water delivery entity.

(4) The department may elect to not condition a permit pursuant to subsection (3) of this section if the department finds that:

(a) The appurtenant surface water rights for irrigation are not distributed by a water delivery entity identified by subsection (2) (b) of this section and the applicant demonstrates that the use of surface water for irrigation is not necessary to protect the local public interest or to conserve water resources in the state of Idaho; or

(b) The application is submitted in connection with a proposed or approved mitigation plan or ground water management plan that allows the diversion of ground water to irrigate land with appurtenant surface water rights.

(5) This section, and any determinations by the department concerning the appropriation of ground water as provided in this section, shall be binding upon the applicant and the applicant's successors and assigns in any proceedings before all other state and local governmental entities.

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

Approved March 21, 2023

CHAPTER 98
(S.B. No. 1131)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 128, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of the Attorney General for the State Legal Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund		\$25,000	\$25,000
Idaho Millennium Income			
Fund	<u>\$35,000</u>		<u>35,000</u>
TOTAL	\$35,000	\$25,000	\$60,000

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

Approved March 21, 2023

CHAPTER 99
(S.B. No. 1138)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Commission for the Blind and Visually Impaired the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$973,200	\$120,300	\$400	\$599,200	\$1,693,100
Randolph Sheppard					
Fund		27,600		100,100	127,700
Rehabilitation Revenue and Refunds					
Fund		34,300		13,000	47,300
Miscellaneous Revenue					
Fund		28,100		56,300	84,400
Adaptive Aids and Appliances					
Fund	25,400	62,900			88,300
Federal Grant					
Fund	<u>2,716,700</u>	<u>601,800</u>	<u>0</u>	<u>470,300</u>	<u>3,788,800</u>
TOTAL	\$3,715,300	\$875,000	\$400	\$1,238,900	\$5,829,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-three and twelve-hundredths (43.12) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 21, 2023

CHAPTER 100
(S.B. No. 1046)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-903, IDAHO CODE, TO REVISE A PROVISION REGARDING ISSUANCE OF A LIQUOR LICENSE TO A GOLF COURSE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(2) Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery or ski resort, or to the lessee of any premises situate thereon, whether located within or without the limits of any city. For the purpose of this section, a golf course shall comprise an actual bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Provided, a building that is located on a lake of not less than one hundred sixty (160) acres with not less than two hundred (200) feet of lake frontage, owned or leased and operated exclusively by an actual bona fide golf course licensed for the sale of liquor by the drink, as otherwise defined in this subsection, located not more than five tenths (.5) of a mile from the golf course exterior boundaries, and accessible by that golf course by private or public roadway or right-of-way shall be deemed part of and contiguous to the licensed golf course premises for purposes of the sale of liquor by the drink upon such premises.

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

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

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

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

(7) Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator or lessee of an actual bona fide convention center that is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room that will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (3) of section 23-904, Idaho Code. The holder of a convention center license shall not be

eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term "holder" shall include an owner, operator or lessee and shall include a stockholder, director or officer of a corporation or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

(8) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

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

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

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

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

(13) Nothing contained in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a conference and event center that is within the city limits of a resort city as defined in section 50-1044, Idaho Code, that has enacted local option nonproperty taxes in accordance with section 50-1046, Idaho Code, including, at the time of issuance, a resort city tax on sales of liquor by the drink, wine and beer sold at retail for consumption on the licensed premises. There shall be only one (1) conference and event center license to sell liquor by the drink issued per resort city pursuant to this subsection. For the purposes of this section, a con-

ference and event center means facilities situated on premises consisting of a building or buildings and the contiguous property owned or leased and under common ownership or control by the licensee. Such facilities must provide not less than four thousand (4,000) square feet of enclosed space for conference and event purposes, exclusive of space dedicated by the licensee to the commercial kitchen. The commercial kitchen must include a type 1 commercial hood and cooking equipment, exclusive of microwave ovens and grills. The fee for any license issued to a qualifying licensee shall be as prescribed in section 23-904(1), (2) or (3), Idaho Code, depending on the population of the resort city in which the conference and event center is located and as prescribed in section 23-916, Idaho Code. A license issued pursuant to this section may be renewed without regard to the population or status of the city for which the license was issued and without regard for the continuation of local option nonproperty taxes by the city, provided the applicant for renewal is not otherwise disqualified from licensure pursuant to section 23-910, Idaho Code. Not more than one (1) license shall be issued to a conference and event center. A conference and event center license shall not be transferable and may not be sold. For the purpose of issuance and maintenance of a license under this subsection, such facilities may serve liquor only while such facilities are hosting a conference or event. Nothing in this subsection shall excuse a conference and event center from complying with actual use standards in title 23, Idaho Code, or administrative rules promulgated pursuant to statutory authority granted under this title.

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

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

Approved March 21, 2023

CHAPTER 101
(H.B. No. 153)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1867, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LIMITED LICENSES FOR CERTAIN MEDICAL SCHOOL GRADUATES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 18, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1867, Idaho Code, and to read as follows:

54-1867. LIMITED LICENSE FOR BRIDGE YEAR PHYSICIANS. (1) As used in this section:

- (a) "Board" means the state board of medicine.
- (b) "Bridge year physician" means a person who:
 - (i) Is within the first year of graduation from a medical school accredited or provisionally accredited by an entity recognized by the board;
 - (ii) Is a United States citizen or attended medical school in the United States; and
 - (iii) Applied to, but was not accepted into, an accredited medical residency training program.

(2) The board shall establish a one (1) year, nonrenewable limited license under which bridge year physicians may practice medicine under terms, conditions, and a scope of practice determined by the board. If there is a limit to the number of limited licenses that may be issued, priority shall be granted to bridge year physicians who live in Idaho or who have longstanding ties to the state of Idaho, as determined by the board.

(3) Persons practicing under a limited license established pursuant to this section shall:

- (a) Practice only within the scope of practice determined by the board;
- (b) Practice under the supervision of a licensed physician or pursuant to a collaborative practice agreement. The person practicing under a limited license shall qualify as one (1) of a supervising physician's permitted advanced practice professionals. The board shall prescribe supervision requirements for limited licensees, provided that such requirements shall be no less stringent than supervision requirements for physician assistants;
- (c) Have prescriptive authority as determined by the board; and
- (d) Be subject to the same professional discipline, civil liability, and criminal liability as a fully licensed physician.

(4) The services provided by a person practicing under a limited license shall be compensable in accordance with customary medical billing practices.

(5) The board is authorized to:

- (a) Take such actions as are necessary to implement the provisions of this section, including the promulgation of any necessary rules;
- (b) Charge a fee of up to three hundred dollars (\$300) for a limited license; and
- (c) Cooperate with the department of health and welfare and other relevant entities, including hospitals and health care clinics, whether public or private, in establishing a limited license.

(6) No later than January 31, 2033, the board shall provide a report to the senate and house of representatives health and welfare committees on:

- (a) Requirements for a limited license;
- (b) The number of limited licenses issued and the number of limited license holders who were later accepted into a residency program; and
- (c) Whether and how limited licenses have increased the supply of health care providers in health professional shortage areas.

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

CHAPTER 102
(H.B. No. 162)

AN ACT

RELATING TO VIRTUAL HEALTH CARE; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE THAT A VALID PRESCRIBER-PATIENT RELATIONSHIP MAY BE ESTABLISHED THROUGH VIRTUAL CARE TECHNOLOGIES, TO PROVIDE THAT TREATMENT BASED SOLELY ON A STATIC ONLINE QUESTIONNAIRE DOES NOT CONSTITUTE A LEGITIMATE MEDICAL PURPOSE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 57, TITLE 54, IDAHO CODE; AMENDING SECTION 54-5701, IDAHO CODE, TO REVISE TERMINOLOGY; REPEALING SECTION 54-5702, IDAHO CODE, RELATING TO LEGISLATIVE FINDINGS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5702, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS; REPEALING SECTION 54-5703, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5703, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-5704, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCOPE OF PRACTICE; REPEALING SECTION 54-5705, IDAHO CODE, RELATING TO THE PROVIDER-PATIENT RELATIONSHIP; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5705, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PROVIDER-PATIENT RELATIONSHIP; AMENDING SECTION 54-5706, IDAHO CODE, TO REVISE PROVISIONS REGARDING EVALUATION AND TREATMENT; AMENDING SECTION 54-5707, IDAHO CODE, TO REVISE PROVISIONS REGARDING PRESCRIPTIONS; AMENDING SECTION 54-5708, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-5709, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTINUITY OF CARE; AMENDING SECTION 54-5710, IDAHO CODE, TO REVISE PROVISIONS REGARDING REFERRAL TO OTHER SERVICES; AMENDING SECTION 54-5711, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEDICAL RECORDS; AMENDING SECTION 54-5712, IDAHO CODE, TO REVISE PROVISIONS REGARDING ENFORCEMENT AND DISCIPLINE AND TO PROVIDE FOR VENUE; REPEALING SECTION 54-5713, IDAHO CODE, RELATING TO RULEMAKING; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5713, IDAHO CODE, TO PROVIDE VIRTUAL CARE LICENSURE EXEMPTIONS AND TO PROVIDE FOR CONSENT TO CERTAIN JURISDICTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1733, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription drug order for a legend drug is valid only if it is issued by a prescriber for a legitimate medical purpose arising from a prescriber-patient relationship which that includes a documented patient evaluation adequate to establish diagnoses, if applicable, and identify underlying conditions and/or contraindications to the treatment. A valid prescriber-patient relationship may be established through virtual care technologies, provided that the applicable Idaho community standard of care must be satisfied.

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

- (a) Writing initial admission orders for a newly hospitalized patient;
- (b) Writing a prescription drug order for a patient of another prescriber for whom the prescriber is taking call;

(c) Writing a prescription drug order for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship;

(d) Writing a prescription drug order for a medication on a short-term basis for a new patient prior to the patient's first appointment;

(e) Writing a prescription for an opioid antagonist pursuant to section 54-1733B, Idaho Code;

(f) In emergency situations where the life or health of the patient is in imminent danger;

(g) In emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;

(h) Epinephrine auto-injectors in the name of a school pursuant to section 33-520A, Idaho Code; and

(i) If a prescriber makes a diagnosis of an infectious disease in a patient, prescribe or dispense antimicrobials to an individual who has been exposed to the infectious person in accordance with clinical guidelines.

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

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

(5) The following acts shall be unlawful:

(a) To knowingly issue an invalid prescription drug order for a legend drug;

(b) To knowingly dispense a legend drug pursuant to an invalid prescription drug order; or

(c) To prescribe drugs to individuals without a prescriber-patient relationship, unless excepted in this section.

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

SECTION 2. That the Heading for Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 57
IDAHO ~~TELEHEALTH~~ VIRTUAL CARE ACCESS ACT

SECTION 3. That Section 54-5701, Idaho Code, be, and the same is hereby amended to read as follows:

54-5701. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho ~~Telehealth~~ Virtual Care Access Act."

SECTION 4. That Section 54-5702, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-5702, Idaho Code, and to read as follows:

54-5702. LEGISLATIVE FINDINGS. The legislature finds that virtual care provides an additional setting for the delivery of health care that maximizes the capacity and geographic reach of health care providers and limited health care resources. When practiced safely, virtual care enhances access to health care services and allows for a more cost-effective delivery system for the people of Idaho. Citizens with limited access to traditional health care settings may be diagnosed and treated sooner through virtual care than through in-person care, resulting in improved health outcomes due to early detection and prevention.

SECTION 6. That Section 54-5703, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-5703, Idaho Code, and to read as follows:

54-5703. DEFINITIONS. As used in this chapter:

(1) "Health care services" means:

- (a) The assessment, diagnosis, consultation, treatment, and remote monitoring of a patient;
- (b) Transfer of medical data;
- (c) Patient and professional health-related education;
- (d) Public health services; and
- (e) Health administration.

(2) "Provider" means any health care provider who is licensed or required to be licensed under this title or, if located outside of Idaho, would be required to be licensed under this title for the purposes of diagnosing or treating physical or behavioral health conditions.

(3) "Provider group" means any group of licensed providers who have access to shared patient medical records and are organized to provide team-based or multidisciplinary care to patients.

(4) "Static online questionnaire" means a questionnaire provided to a patient to which the patient responds with a static set of answers.

(5) "Virtual care" means technology-enabled health care services in which the patient and provider are not in the same location. Virtual care is an umbrella term that encompasses terms associated with a wide variety of synchronous and asynchronous care delivery modalities enabled by technology, such as telemedicine, telehealth, m-health, e-consults, e-visits, video visits, remote patient monitoring, and similar technologies. Virtual care is considered to be rendered at the physical location of the patient.

SECTION 8. That Section 54-5704, Idaho Code, be, and the same is hereby amended to read as follows:

54-5704. SCOPE OF PRACTICE. A provider ~~offering telehealth services~~ delivering health care services via virtual care must at all times act within the scope of the provider's license and according to all applicable laws and rules, including, but not limited to, this chapter and the Idaho community standard of care.

SECTION 9. That Section 54-5705, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-5705, Idaho Code, and to read as follows:

54-5705. PROVIDER-PATIENT RELATIONSHIP. A provider may provide virtual care to a patient if such provider has first established a provider-patient relationship with the patient, the patient has a provider-patient relationship with another provider in the provider group, the provider is covering calls for a provider with an established relationship with the patient, or the provider is performing any activities set forth in section 54-1733(2), Idaho Code. A provider-patient relationship may be established by use of virtual care technologies, provided that the applicable Idaho community standard of care is satisfied.

SECTION 11. That Section 54-5706, Idaho Code, be, and the same is hereby amended to read as follows:

54-5706. EVALUATION AND TREATMENT. Prior to providing treatment When delivering health care services via virtual care, including a prescription drug order or prescription medical device order, a provider shall obtain and document a patient's relevant clinical history and current symptoms to establish the diagnosis and identify underlying conditions and contraindications to the treatment recommended. ~~Treatment recommendations provided through telehealth services~~ A provider delivering health care services via virtual care has a duty to practice in a manner consistent with the provider's scope of practice and shall be held to the applicable Idaho community standard of care that applies in an in-person setting. Treatment based solely on an a static online questionnaire does not constitute an acceptable standard of care.

SECTION 12. That Section 54-5707, Idaho Code, be, and the same is hereby amended to read as follows:

54-5707. PRESCRIPTIONS. (1) A provider with an established provider-patient relationship, including a relationship established pursuant to section 54-5705, Idaho Code, may issue prescription drug orders using telehealth services and prescription medical device orders via virtual care within the scope of the provider's license and according to any applicable state and federal laws, rules, and regulations, including the Idaho community standard of care, ~~provided however, that.~~ However, the prescription drug shall not be a controlled substance unless prescribed in compliance with title 21 U.S.C. A prescription drug order and prescription medical device order must be issued for a legitimate medical purpose by a provider acting in a manner consistent with the provider's scope of practice.

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

SECTION 13. That Section 54-5708, Idaho Code, be, and the same is hereby amended to read as follows:

54-5708. INFORMED CONSENT. A patient's informed consent for the use of ~~telehealth services~~ virtual care shall be obtained as required by any applicable law.

SECTION 14. That Section 54-5709, Idaho Code, be, and the same is hereby amended to read as follows:

54-5709. CONTINUITY OF CARE. A provider of telehealth services delivering health care services via virtual care or a provider who is a member of the same provider group as the provider delivering health care services via virtual care shall be available for follow-up care or to provide information to patients who make use of such services. Patients receiving care virtually shall be provided a method to contact the provider of record.

SECTION 15. That Section 54-5710, Idaho Code, be, and the same is hereby amended to read as follows:

54-5710. REFERRAL TO OTHER SERVICES. A provider shall ~~be familiar with and have access to available medical resources, including emergency resources near the patient's location, in order to make appropriate patient referrals, including to emergency resources,~~ when medically indicated.

SECTION 16. That Section 54-5711, Idaho Code, be, and the same is hereby amended to read as follows:

54-5711. MEDICAL RECORDS. A provider ~~offering telehealth services shall generate and maintain medical records for each patient using telehealth services~~ delivering health care services via virtual care must document in the patient's medical record the health care services rendered via virtual care according to the same standard used for equivalent in-person services. All virtual care medical records must be maintained in compliance with any applicable state and federal laws, rules, and regulations, including the health insurance portability and accountability act (HIPAA), P.L. 104-191 (1996), and the health information technology for economic and clinical health act (HITECH), P.L. 111-115 (2009). Such records shall be accessible to other providers, if the patient has given permission, and to the patient in accordance with applicable laws, rules, and regulations.

SECTION 17. That Section 54-5712, Idaho Code, be, and the same is hereby amended to read as follows:

54-5712. ENFORCEMENT AND DISCIPLINE. (1) A provider is prohibited from ~~offering telehealth services in his or her~~ delivering health care services via virtual care in the provider's practice if the provider is not in full compliance with applicable state and federal laws, rules, and regulations, including this act chapter and the Idaho community standard of care. State licensing boards shall be authorized to enforce the provisions of this chapter relating to the practice of individuals they license. A provider who fails to comply with applicable state and federal laws, rules, and regulations is subject to discipline by his or her such provider's licensing board.

(2) For purposes of this section, any act that constitutes the delivery of health care services is deemed to occur at the place where the patient is located at the time the act is performed. Venue for a civil or administrative action initiated by the appropriate regulatory licensing authority or by a patient who receives virtual care services from an out-of-state provider may be located in the patient's county of residence, an applicable county in Idaho, or another venue as deemed proper by a court of competent jurisdiction.

SECTION 18. That Section 54-5713, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-5713, Idaho Code, and to read as follows:

54-5713. VIRTUAL CARE LICENSURE EXEMPTIONS AND JURISDICTION CONSENT. (1) Prior to delivering health care services via virtual care, a provider must obtain a license from the applicable licensing board, except a license is not required for virtual care when a provider licensed and in good standing in another state or jurisdiction of the United States:

(a) Has established a patient-provider relationship with a person who is in Idaho temporarily for business, work, education, vacation, or other reasons and such person requires health care services from that provider;

(b) Has established a patient-provider relationship with a person and provides temporary or short-term follow-up health care services to such person to ensure continuity of care;

(c) Is employed by or contracted with an Idaho facility or hospital to provide care services for which the provider has been privileged and credentialed;

(d) Renders health care services in a time of disaster and provides follow-up health care services to ensure continuity of care;

(e) Provides health care services in preparation for a scheduled in-person care visit; or

(f) Consults with or refers a patient to an Idaho licensed provider.

(2) By engaging in virtual care with a patient located in Idaho, a provider exempted from Idaho licensure under subsection (1) of this section consents to the applicable Idaho laws, rules, and regulations governing the provider's profession, including this chapter and the Idaho community standard of care, the jurisdiction of Idaho courts, the jurisdiction of the division of occupational and professional licenses, and the jurisdiction of the applicable licensing board regulating the provider's profession, including the division's and licensing board's complaint, investigation, and hearing process and ability to seek injunctions and impose civil penalties and fines.

SECTION 20. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 21, 2023

CHAPTER 103

(H.B. No. 66, As Amended in the Senate)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING CHAPTER 54, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5415, IDAHO CODE, TO PROVIDE THAT REPORTING CHILD ABUSE, ABANDONMENT, OR NEGLECT FALSELY IS A MISDEMEANOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 54, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-5415, Idaho Code, and to read as follows:

18-5415. FALSE REPORT OF CHILD ABUSE, ABANDONMENT, OR NEGLECT. Any person who intentionally and willfully makes a report of child abuse, abandonment, or neglect to a law enforcement agency or the department of health and welfare knowing such report to be false shall be guilty of a misdemeanor.

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

Approved March 21, 2023

CHAPTER 104
(S.B. No. 1092)

AN ACT

RELATING TO THE UNIFORM ELECTRONIC WILLS ACT; AMENDING CHAPTER 2, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW PART 11, CHAPTER 2, TITLE 15, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR APPLICABLE LAW AND PRINCIPLES OF EQUITY, TO PROVIDE FOR CHOICE OF LAW REGARDING EXECUTION, TO PROVIDE FOR THE EXECUTION OF AN ELECTRONIC WILL, TO PROVIDE FOR REVOCATION, TO PROVIDE THAT AN ELECTRONIC WILL SHALL BE ATTESTED AND MADE SELF-PROVED AT THE TIME OF EXECUTION, TO PROVIDE FOR CERTIFICATION OF A PAPER COPY AND TO PROVIDE THAT A WILL ELECTRONICALLY FILED WILL BE DEEMED ORIGINAL, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, AND TO PROVIDE A TRANSITIONAL PROVISION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 2, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 11, Chapter 2, Title 15, Idaho Code, and to read as follows:

PART 11
UNIFORM ELECTRONIC WILLS ACT

15-2-1101. SHORT TITLE. This chapter shall be known and may be cited as the "Uniform Electronic Wills Act."

15-2-1102. DEFINITIONS. As used in this chapter:

(1) "Communication technology" means an electronic device or process that:

(a) Allows two (2) or more individuals to communicate with each other simultaneously by sight and sound; or

(b) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

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

(3) "Electronic presence" means the relationship of two (2) or more individuals in different locations communicating in real time by means of communication technology.

(4) "Electronic will" means a will executed electronically in compliance with section 15-2-1105(1), Idaho Code.

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

(6) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To affix to or logically associate with the record an electronic symbol or process.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(8) "Tamper-evident" means a feature of an electronic record whereby evidence of any change to the electronic record is preserved. The term includes a digital certificate or similar technology that satisfies the requirements of section 51-120, Idaho Code.

(9) "Will" includes a codicil and any testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

15-2-1103. LAW APPLICABLE TO ELECTRONIC WILL -- PRINCIPLES OF EQUITY. An electronic will is a will for all purposes of the law of this state. The law of this state applicable to wills and principles of equity applies to an electronic will, except as modified by this chapter.

15-2-1104. CHOICE OF LAW REGARDING EXECUTION. A will executed electronically but not in compliance with section 15-2-1105(1), Idaho Code, is an electronic will under this chapter if executed in compliance with the law of the jurisdiction where the testator is:

- (1) Physically located when the will is signed; or
- (2) Domiciled or resides when the will is signed or when the testator dies.

15-2-1105. EXECUTION OF ELECTRONIC WILL. (1) An electronic will must be:

- (a) A tamper-evident electronic record that is readable as text at the time of signing under paragraph (b) of this subsection;
- (b) Signed by:
 - (i) The testator; or
 - (ii) Another individual in the testator's name, in the testator's physical presence, and by the testator's direction; and
- (c) Signed in the physical or electronic presence of the testator by at least two (2) individuals, each of whom is a resident of a state at the time of signing, within a reasonable time after witnessing:
 - (i) The signing of the will under paragraph (b) of this subsection; or
 - (ii) The testator's acknowledgment of the signing of the will under paragraph (b) of this subsection or acknowledgment of the will.

(2) Intent of a testator that a record under subsection (1) (a) of this section be the testator's electronic will, or that a record affixed to or logically associated with an electronic will forms a part thereof, may be established by extrinsic evidence.

(3) A signature affixed to an acknowledgment or affidavit under section 15-2-1108(1), Idaho Code, that is affixed to or logically associated with an electronic will, or a record that would constitute an electronic will but for lack of a signature or signatures described in this sentence, is deemed a signature of the electronic will under subsection (1) of this section.

15-2-1107. REVOCATION. (1) An electronic will may revoke all or part of a previous will.

- (2) All or part of an electronic will is revoked by:
 - (a) A subsequent will that revokes all or part of the electronic will expressly or by inconsistency; or
 - (b) A physical act, if it is established by a preponderance of the evidence that the testator, with the intent of revoking all or part of the will, performed the act or directed another individual who performed the act in the testator's physical presence.

15-2-1108. ELECTRONIC WILL ATTESTED AND MADE SELF-PROVED AT TIME OF EXECUTION. (1) An electronic will may be simultaneously executed, attested, and made self-proved by acknowledgment of the testator and affidavits of the witnesses, in the same manner as other wills, in accordance with section 15-2-504(1), Idaho Code.

(2) The provisions of section 15-2-504(2), Idaho Code, shall not apply with respect to an electronic will.

(3) The form of the affidavits of the witnesses under subsection (1) of this section, as set forth in section 15-2-504(1), Idaho Code, may be modified by replacing the phrase "presence and hearing" with "physical or electronic presence."

(4) An acknowledgment or affidavit under subsection (1) of this section must be a tamper-evident electronic record and must be affixed to or logically associated with the electronic will to which it refers at the time of or within a reasonable time after execution of the acknowledgment or affidavit.

15-2-1109. CERTIFICATION OF PAPER COPY -- ELECTRONICALLY FILED WILL DEEMED ORIGINAL. (1) An individual may create a certified paper copy of an electronic will by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will. The certified paper copy of the will must include all records affixed to or logically associated with the electronic will.

(2) For purposes of sections 15-3-303(a)(5) and 15-3-402, Idaho Code, and any related provisions under Idaho rules for electronic filing and service or other applicable rules, an electronic will transmitted to the registrar or court via electronic filing or other electronic means constitutes the original of the electronic will.

(3) An application or petition for probate of an electronic will filed with the court must state:

(a) That the electronic will filed with the court is a tamper-evident electronic record;

(b) That the petition or application includes all records affixed to or logically associated with the electronic will or an explanation of any omitted items; and

(c) If known, facts regarding the provenance of the electronic will and all records affixed to or logically associated with the electronic will.

15-2-1110. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15-2-1111. TRANSITIONAL PROVISION. The provisions of this chapter apply to the will of a decedent who dies on or after January 1, 2020.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2020.

Approved March 21, 2023

CHAPTER 105
(S.B. No. 1140)

AN ACT

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

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the Correctional Alternative Placement Program in Section 1, Chapter 300, Laws of 2022, from the General Fund is hereby reduced by \$1,299,000 for capital outlay for the period of July 1, 2022, through June 30, 2023.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 300, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction in the Correctional Alternative Placement Program \$1,299,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023.

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

Approved March 21, 2023

CHAPTER 106
(H.B. No. 116, As Amended in the Senate)

AN ACT

RELATING TO THE CONSUMER PROTECTION ACT; AMENDING SECTION 48-603G, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTOMATIC SUBSCRIPTION RENEWAL CANCELLATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 48-603G, Idaho Code, be, and the same is hereby amended to read as follows:

48-603G. CANCELLATION OF SUBSCRIPTIONS. (1) For purposes of this section, unless the context otherwise requires:

(a) "Automatic subscription renewal" means an agreement entered into via the internet to provide goods or services to an Idaho consumer for a specified time and price that is automatically renewed at the end of a definite term for a subsequent term unless the consumer cancels the agreement.

(b) "Extended automatic subscription renewal" means an automatic subscription renewal entered into via the internet with a specified subscription term in which the subscription automatically renews for a specified term of twelve (12) months or more unless the consumer cancels the subscription.

(c) "Seller" means a person who sells, leases, or offers to sell or lease automatic subscription renewals or extended automatic subscription renewals but does not include an entity providing only a host platform on a website.

(2) A seller may not make an automatic subscription renewal offer to a consumer in this state unless the seller clearly and conspicuously discloses:

- (a) The automatic subscription renewal terms; and
- (b) The methods that the consumer may use to cancel the subscription.

(3) The seller shall provide methods of automatic subscription renewal cancellation that include ~~free online cancellation of the subscription and cancellation in the same manner that the consumer used to subscribe a cost-effective, timely, and easy-to-use online mechanism that may include a termination email formatted and provided by the seller.~~ Such a method should not include an additional fee for the consumer to cancel. If a phone number is provided for the purposes of cancellation of the subscription, the number must be toll-free and must be prominently displayed in the disclosure.

(4) A seller shall not make an extended automatic subscription renewal offer to a consumer in this state unless the seller notifies the consumer of the automatic renewal. Notice must be provided to the consumer at least thirty (30) days and no more than sixty (60) days in advance of the date of the delivery or provision of goods or services. The seller must provide for the same methods of cancellation as provided for in subsection (3) of this section. The notice must clearly and conspicuously:

- (a) Describe the goods or services to be delivered;
- (b) State the price;
- (c) Inform the consumer that the goods or services will be provided unless the consumer informs the seller that the goods or services are not wanted; and
- (d) Provide the consumer with ~~at least two (2)~~ one (1) or more methods of cancellation, including at least one (1) that shall be provided at no cost to the consumer.

(5) A violation of this section shall constitute a violation of the Idaho consumer protection act. This section does not create a private right of action or serve as a basis for a private right of action under any other provision of law.

(6) No civil penalties shall be enforced against a seller that makes a good faith effort to comply with this section.

~~(6)~~ (7) This section applies only to an agreement entered into or renewed on and after January 1, 2023, under which a seller makes an automatic subscription renewal or extended automatic subscription renewal offer to a consumer in this state.

(8) The following are exempted from this section:

- (a) Any service provided by a business or its affiliate where either the business or its affiliate is doing business pursuant to a franchise issued by a political subdivision of the state or a license, franchise, certificate, or other authorization issued by the Idaho public utilities commission;
- (b) Any service provided by a business or its affiliate where either the business or its affiliate is regulated by the Idaho public utilities commission, the federal communications commission, or the federal energy regulatory commission; and
- (c) Any service defined in section 41-6203, Idaho Code, offered by an insurer or its affiliate, or any insurer or its affiliate regulated by the Idaho department of insurance.

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

Approved March 21, 2023

CHAPTER 107
(H.B. No. 163)

AN ACT

RELATING TO PARENTAL RIGHTS; AMENDING SECTION 33-6001, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION RELATED TO A STUDENT TO BE DISCLOSED TO PARENTS, TO ESTABLISH PROVISIONS REGARDING SCHOOL DISTRICT AND CHARTER SCHOOL POLICIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-6001, Idaho Code, be, and the same is hereby amended to read as follows:

33-6001. PARENTAL RIGHTS. (1) A student's parent or guardian has the right to reasonable academic accommodation from the child's public school. "Reasonable accommodation" means the school shall make its best effort to enable a parents or guardians to exercise their rights without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises for school activities and the efficient allocation of expenditures, while balancing the parental rights of parents and guardians, the educational needs of other students, the academic and behavioral impacts to a classroom, a teacher's workload and the assurance of the safe and efficient operations of the school.

(2) School districts and the boards of directors of public charter schools, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district or the charter school, including:

(a) A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline;

(b) A process by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials; and

(c) A process by which parents who object to any learning material or activity on the basis that it harms the child or impairs the parents' firmly held beliefs, values or principles may withdraw their child from the activity, class or program in which the material is used;

(d) The public school's responsibility for notifying a student's parent or legal guardian regarding known changes in the student's mental, emotional, or physical health or well-being;

(e) The reinforcement of the fundamental rights and responsibilities of parents as primary stakeholders to make decisions regarding the upbringing and control of the parent's child; and

(f) A process for staff to encourage students to discuss issues related to the student's well-being with the student's parent or legal guardian and, if necessary, to facilitate discussion of the issues with the parent or legal guardian.

(3) A policy shall not prohibit parents or legal guardians from accessing any of their children's education and health records created, maintained, or used by the public school unless such documentation relates to physical abuse, abandonment, or neglect by the parent or legal guardian. Unless a timeline is otherwise delineated in a specific applicable state or federal law, records shall be provided to the parent or legal guardian within five (5) school days after a request to access such records is made.

(4) A public school shall not adopt procedures, policies, or student support forms that prohibit public school personnel from notifying a parent or legal guardian about a student's mental, emotional, or physical health or well-being or a change in related services or monitoring or that encourage or have the effect of encouraging a student to withhold from a parent or legal guardian such information. This subsection does not prohibit a public school from adopting procedures that permit public school personnel to withhold information from a parent or legal guardian if ordered by a court of competent jurisdiction.

(5) At the start of the school year, each public school shall notify parents and legal guardians of health services offered or made available through the school or by private organizations, including preventative health and wellness services, screenings, medication administration, first aid and emergency care, and appropriate management of all health conditions with parental consent. Parental consent to any health or wellness service does not waive parents' or legal guardians' right to access their children's educational or associated health records or to be notified about their children's health status or monitoring as provided in this section.

(6) A public school shall notify a student's parent or legal guardian if a student has been or may be questioned by a school resource officer or other law enforcement official, unless the child is a victim or suspected victim of physical child abuse. School districts and public charter schools shall develop and adopt policies to ensure compliance with this subsection.

(7) Before any public school employee administers any noncurricular-related student survey, well-being questionnaire, or health screening to any student, the employee must first obtain consent from the school's superintendent or designee. If the content of any such survey, questionnaire, or screening regards an individual student's sexuality, sex, religion, personal political beliefs, mental or psychological problems, personal family information, or individual or family financial information, the public school shall provide the survey, questionnaire, or screening form to the student's parent or legal guardian in advance and obtain the permission of the parent or legal guardian.

(8) A parent or legal guardian of a child enrolled in an Idaho public school shall have reasonable access to observe all school activities during school hours in which the child is enrolled, except for those who are otherwise legally prohibited. Observations of individual classrooms during instructional time shall be permitted with the principal's and teacher's pre-approval. Visits shall not be permitted if their occurrence, duration, frequency, or conduct on campus interferes with the delivery of instruction or disrupts the normal school environment. Nothing in this section shall prevent a reasonable denial of entry due to emergency or safety drills, situations outlined in school safety plans, an emergency lockdown, periods of statewide testing, school officials' enforcement of the provisions of section 33-512, Idaho Code, or other specific situations enumerated by the school.

(9) A parent or legal guardian whose rights, as provided by this section, are violated by a public school may file a complaint with the school. Public schools shall implement policies and procedures to accept, evaluate, and remedy complaints.

(10) If a complaint is not satisfactorily remedied by the public school, a parent shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school.

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

Approved March 22, 2023

CHAPTER 108
(H.B. No. 149)

AN ACT

RELATING TO CRIMINAL HISTORY RECORDS; AMENDING SECTION 67-3004, IDAHO CODE, TO PROVIDE THAT CRIMINAL HISTORY RECORDS SHALL BE SHIELDED FROM DISCLOSURE UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS SHALL BE SHIELDED FROM DISCLOSURE AND TO MAKE A CODIFIER'S CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-3004, Idaho Code, be, and the same is hereby amended to read as follows:

67-3004. FINGERPRINTING AND IDENTIFICATION -- SHIELDING OF RECORDS FROM DISCLOSURE. (1) The bureau shall:

- (a) Obtain and file fingerprints, physical descriptions and any other available identifying data on persons who have been arrested or served a criminal summons in this state for a retainable offense;
 - (b) Accept fingerprints and other identifying data taken by a law enforcement agency for the purpose of identification or conducting a records review for criminal justice purposes; and
 - (c) Process latent fingerprints generated from crime scenes, evidence and law enforcement agencies through the automated fingerprint identification system for prospective identification.
- (2) The bureau shall establish policy regarding an arrest fingerprint card and procedures for the taking of fingerprints under this section.
- (3) When a person is arrested for a retainable offense, with or without a warrant, fingerprints of the person shall be taken by the law enforcement agency making the arrest. A law enforcement agency may contract or make arrangements with a jail or correctional facility or other criminal justice agency to take the required fingerprints from a person who is arrested by the law enforcement agency.
- (4) If a person was arrested and is in the custody of a law enforcement agency, jail or correctional facility and a felony summons or information is filed for an offense separate from the offense for which the person is in custody, the agency, jail or correctional facility shall take the fingerprints of the person in connection with the new offense.
- (5) At the initial court appearance or arraignment of a person for an offense pursuant to a felony summons or information, the court, upon notice from the prosecuting attorney, shall order a law enforcement agency to fingerprint the person if he has not been previously fingerprinted for the same offense.

(6) When a defendant is convicted or otherwise adjudicated for a felony offense for which the defendant has not been previously fingerprinted, the court shall order, upon notice from the prosecuting attorney, a law enforcement agency to fingerprint the defendant as a condition of sentence, probation or release.

(7) When a person is received by a state correctional facility, the department of correction shall ensure that legible fingerprints of the person are taken and submitted to the bureau.

(8) When the bureau receives fingerprints of a person in connection with an arrest or incarceration, the bureau shall make a reasonable effort to confirm within five (5) working days the identity of the person fingerprinted. In an emergency situation when an immediate positive identification is needed, a criminal justice agency may request the department to provide immediate identification service.

(9) If the arresting officer, the law enforcement agency that employs the officer, or the jail or correctional facility where fingerprints were taken is notified by the bureau that fingerprints taken under this section are not legible, the officer, agency or facility shall make a reasonable effort to obtain a legible set of fingerprints. If legible fingerprints cannot be obtained within a reasonable period of time, and if illegible fingerprints were taken under a court order, the officer or agency shall inform the court, which shall order the defendant to submit to fingerprinting again.

(10) Any person who was arrested or served a criminal summons and who subsequently was not charged by indictment or information within one (1) year of the arrest or summons and any person who was acquitted of all offenses arising from an arrest or criminal summons, or who has had all charges dismissed, may have the fingerprint and criminal history record taken in connection with the incident expunged pursuant to the person's written request directed to the department and may have the official court file thereof sealed. This provision shall not apply to any dismissal granted pursuant to section 19-2604(1), Idaho Code.

(11) (a) In addition to the remedies set forth in subsection (10) of this section, any person arrested for, prosecuted for, or convicted of a misdemeanor that is not an assaultive or violent misdemeanor listed in paragraph (b) of this subsection or arrested for, prosecuted for, or convicted of felony possession of a controlled substance under section 37-2732(a), (c), or (e), Idaho Code, in this state may petition the court to have the person's record be shielded from disclosure in accordance with rules adopted by the Idaho supreme court and within the capabilities of its record-keeping system. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the date of the hearing. Upon receipt of such notification from the court, the prosecuting attorney shall provide to any readily identifiable crime victim whatever notifications are required under section 22, article I of the constitution of the state of Idaho. The court, in its discretion, may hear testimony at the hearing from any person who has relevant information about the petitioner.

(b) Assaultive or violent misdemeanors shall include:

(i) Assault (18-901, Idaho Code);

(ii) Battery (18-903, Idaho Code);

(iii) Domestic battery (18-918, Idaho Code);

(iv) Stalking in the second degree (18-7906, Idaho Code);

(v) Violation of a protection order or no contact order (18-7907 and 18-920, Idaho Code);

(vi) Telephone harassment (18-6710, Idaho Code);

(vii) Vehicular manslaughter (18-4006(3)(c), Idaho Code);

(viii) Excessive driving under the influence (18-8004C, Idaho Code);

(ix) Domestic assault (18-918(3)(a), Idaho Code);

- (x) Battery upon law enforcement (18-915(1) (b), Idaho Code);
- (xi) Injury to children (18-1501, Idaho Code);
- (xii) Sexual battery (18-924, Idaho Code); and
- (xiii) Indecent exposure (18-4116, Idaho Code).

(c) To be eligible to have records shielded from disclosure under this subsection, a petitioner must file a petition to shield records of the conviction no earlier than five (5) years after completing the petitioner's sentence, including all ordered probation, parole, fines, and restitution; provided that during such five (5) year period and until the time of a hearing on the petition, the petitioner has not had any subsequent felony or misdemeanor convictions and is not on probation or parole for a subsequent conviction, has no misdemeanor or felony cases pending against him, and has no restraining orders against him in effect at the time of filing the petition to shield the records.

(d) If the court finds, after a hearing, that the petitioner is eligible to have his records shielded from disclosure pursuant to this subsection and further finds to its satisfaction that the petitioner has been held accountable and that shielding the petitioner's record from disclosure would not compromise public safety or the safety of any victims, the court shall order all records in the petitioner's case in the custody of the court to be shielded from disclosure and unavailable for public viewing. Upon such a shielding from disclosure of the petitioner's records, the court shall notify the Idaho state police of the shielding and, upon receipt of the notification, the Idaho state police shall make any law enforcement investigatory reports and fingerprint records unavailable for public viewing. A special index of the shielding proceedings and records shall be kept by the court ordering the shielding of records, which shall not be available to the public unless otherwise ordered by a court of competent jurisdiction. Except as provided in paragraphs (i) and (j) of this subsection and other than in a judicial proceeding or as part of the licensing process for peace officers, upon the entry of the order, the proceedings in the petitioner's case shall be deemed never to have occurred, and the petitioner may lawfully reply accordingly to any inquiry in the matter.

(e) A proceeding to shield records from disclosure under the provisions of this subsection shall occur in the underlying criminal case.

(f) A court ordering records to be shielded from disclosure pursuant to this subsection shall notify the supreme court of the shielding, and the supreme court shall, within the capabilities of its record-keeping system, maintain a record of all records shielded, searchable by the name of the person whose records are shielded. To the extent not prohibited by federal law, it shall be the policy of the state of Idaho that the records shielded from disclosure shall not be available to the public but may be accessed at any time by the subject of the petition, by law enforcement personnel, and by court officers to the extent permitted by operative court rules. The record shall otherwise remain shielded from disclosure to the public. Nothing in this paragraph shall be construed to limit a law enforcement agency or court officer from accessing any records or databases created or maintained by law enforcement or prosecutors.

(g) A person whose records are shielded from disclosure pursuant to this subsection:

- (i) Shall, upon a subsequent felony conviction and upon request by the prosecutor, have such shielding from disclosure revoked by the court as part of his sentencing; and
- (ii) May, upon a subsequent misdemeanor conviction and upon request by the prosecutor, have such shielding revoked by the court as part of his sentencing.

(h) A law enforcement agency, prosecuting attorney, or the court shall not incur any civil or criminal liability for the unintentional or negligent release, or the release by a third party, of a record shielded from disclosure pursuant to this subsection.

(i) The shielding from disclosure of records under this subsection shall have no effect on the operation of sections 18-310 and 18-3316, Idaho Code.

(j) To the extent permitted by operative court rules, a POST-certified peace officer or prosecuting attorney shall have complete access to and use of all records shielded from disclosure pursuant to this subsection for purposes including but not be limited to communicating with crime victims, all in-court purposes and hearings, investigations, and enhancements.

(k) A person may have only one (1) petition granted during such person's lifetime to have one (1) of the crimes eligible under this subsection, or more than one (1) eligible crime under this subsection if committed in a single incident or transaction, shielded from disclosure pursuant to this subsection.

(l) The procedures set forth in this subsection, including the specific processes established that affect access to court records, are subject to the rules of the Idaho supreme court.

SECTION 2. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense that would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged, and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained pursuant to chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the state board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner as defined in section 74-101(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this paragraph, "system" includes electrical, computer and telecommunication systems, electric power (including production, generating, transportation, transmission and distribution), heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety, or any combination of those matters.

(c) Records of the Idaho commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-1003, Idaho Code, and section 20-1005, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the former sexual offender classification board. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee, except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access information maintained in the license record system as set forth in section 18-3302K(16), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records, including but not limited to investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial pro-

ceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission, provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints as defined in section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims pursuant to chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

(17) Records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm, including a firearm as defined in 26 U.S.C. 5845(a).

(18) The following records of the state public defense commission:

(a) Records containing information protected or exempted from disclosure under the rules adopted by the Idaho supreme court, attorney work product, attorney-client privileged communication, records containing confidential information from an individual about his criminal case or performance of his attorney, or confidential information about an inquiry into an attorney's fitness to represent indigent defendants.

(b) Records related to the administration of the extraordinary litigation fund by the state public defense commission pursuant to section 19-850(2)(e), Idaho Code, to the extent that such records contain information protected or exempted from disclosure under rules adopted by the Idaho supreme court, attorney work product or attorney-client privileged communication. This exemption does not include the amount awarded based upon an application for extraordinary litigation funds.

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

(20) Records that contain any identifying information or any information that could lead to the identification of any persons or entities that participate in or assist with an execution of a death sentence as described in section 19-2716A, Idaho Code.

~~(20)~~ (21) Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

(22) Any index, report, or records of any person arrested for, prosecuted for, or convicted of a crime in this state who has successfully petitioned a court to have his records shielded from disclosure pursuant to section 67-3004(11), Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2024.

Approved March 22, 2023

CHAPTER 109
(S.B. No. 1051)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 6-1206, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LIABILITY OF OUTFITTERS AND GUIDES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 6-1206, Idaho Code, be, and the same is hereby amended to read as follows:

6-1206. LIABILITY OF OUTFITTERS AND GUIDES. (1) ~~No licensed outfitter or guide licensed under the provisions of chapter 21, title 36, Idaho Code, and acting in the course of his employment shall be liable to a participant for damages or injuries to such participant unless such damage or injury was directly or proximately caused by failure of the outfitter or guide to comply with the duties placed on him by chapter 21, title 36, Idaho Code, or by the rules of the Idaho outfitters and guides licensing board, or by the duties placed on such outfitter or guide by the provisions of this chapter the negligent, reckless, or intentional conduct of the outfitter or guide.~~

(2) ~~The limitations on liability created by this chapter shall apply only to outfitters or guides appropriately licensed under the provisions of chapter 21, title 36, Idaho Code, and only when the outfitter or guide is acting within the course of his employment. In the event that there is damage or injury to a participant by the action of an outfitter or guide, and there is no exemption for liability for such outfitter or guide under the provisions of this chapter, the rules of negligence and comparative negligence existing in the laws of the state of Idaho shall apply. An outfitter or guide has no duty to eliminate, alter, control, or lessen the risks inherent with recreational activities provided by outfitters and guides. A participant who takes part in a recreational activity provided by outfitters and guides assumes all risks inherent in that activity.~~

(3) ~~Any person may, by express written consent, prospectively waive negligence claims against licensed outfitters and guides. It is the policy of this state that such written liability waivers are enforceable to the same degree as similar waivers for other activities.~~

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

Approved March 20, 2023

CHAPTER 110
(S.B. No. 1147)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$1,171,000	\$1,171,000
II. EASTERN IDAHO MEDICAL RESIDENCIES:					
FROM:					
General					
Fund				\$2,765,000	\$2,765,000
III. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$2,567,000	\$321,600		\$4,400,000	\$7,288,600
IV. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$289,700			\$1,637,600	\$1,927,300
Unrestricted					
Fund	<u>238,300</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>269,600</u>
TOTAL	\$528,000	\$25,800	\$5,500	\$1,637,600	\$2,196,900

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
V. PSYCHIATRY EDUCATION:					
FROM:					
General					
Fund				\$837,800	\$837,800
VI. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$2,825,900	\$2,825,900
VII. WIMU VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$682,900	\$2,061,500			\$2,744,400
Restricted					
Fund	<u>0</u>	<u>0</u>		\$100,000	<u>100,000</u>
TOTAL	\$682,900	\$2,061,500	\$5,500	\$100,000	\$2,844,400
VIII. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$1,837,300	\$447,800		\$5,000,400	\$7,285,500
GRAND TOTAL	\$5,615,200	\$2,856,700	\$5,500	\$18,737,700	\$27,215,100

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

WIMU Veterinary Education	6.38
WWAMI Medical Education	13.72
Idaho Dental Education Program	3.25
Family Medicine Residencies	21.30
Boise Internal Medicine	0.00
Psychiatry Education	0.00
Eastern Idaho Medical Residencies	0.00
University of Utah Medical Education	0.00

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for dedicated fund moneys appropriated for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs from dedicated funds for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2024. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2024. Each of the programs' budget requests for fiscal year 2025 shall reflect all adjustments so approved by the Division of Financial Management.

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

Approved March 22, 2023

CHAPTER 111
(S.B. No. 1109)

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING SECTION 67-9408, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUNRISE AND SUNSET REVIEW; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-9408, Idaho Code, be, and the same is hereby amended to read as follows:

67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE. (1) In order to establish oversight of occupational and professional licensure and related issues in Idaho, there is hereby established an occupational and professional licensure review committee.

(2) The committee shall consist of eight (8) members, with four (4) members from the senate, one (1) of whom shall be cochair of the committee, and four (4) members from the house of representatives, one (1) of whom shall be cochair of the committee. Members from the senate shall be appointed by the president pro tempore of the senate, and members from the house of representatives shall be appointed by the speaker of the house of representatives. No more than three (3) members from the senate and no more than three (3) members from the house of representatives shall be from the same political

party. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) In addition to conducting sunrise and sunset reviews as set forth in this section, the committee is authorized to study and review occupational licensing and certification laws in general in order to determine, as applicable, how the legislature may be able to ease occupational licensing barriers while still protecting the public health and safety. The committee shall meet as often as may be necessary for the proper performance of its duties upon the call of the cochairs.

(4) Beginning January 1, 2021, the committee shall conduct a sunrise review upon request that a lawful profession or occupational group that is not licensed become licensed. For purposes of this section, a profession or occupation becoming "licensed" means adding a requirement that a person must hold a license, certificate, registration, permit, or other authorization issued by a licensing authority to engage in such profession or occupation. Sunrise review by the committee shall be required prior to the introduction of any proposed legislation that a lawful profession or occupational group that is not licensed become licensed; provided, however, that a germane committee of the legislature later considering such proposed legislation shall not be bound by the recommendation of the committee. The sunrise review process shall be as follows:

(a) The legislative services office shall prepare and publish an application form to be approved by the committee and used for the sunrise review process.

(b) A requestor shall, prior to the introduction of any proposed legislation, submit the application for sunrise review to the legislative services office. The application shall be submitted by May 1 for review and processing prior to the next regular legislative session.

(c) In addition to any other information requested by the committee or staff, the application shall include a copy of the applicant's proposed draft legislation and a description of:

(i) The requestor's identity and relationship to the profession or occupational group;

(ii) Why licensing or other regulation of the profession or occupation is necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed;

(iii) Why the proposed licensing or other regulation is the least restrictive regulation necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed;

(iv) Why the public cannot be effectively protected by other means;

(v) Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the direct and indirect costs to consumers, will be outweighed by the benefits of the proposed licensing or other regulation;

(vi) Whether the proposed licensing or other regulation will have an unreasonably negative effect on job creation, job retention, or wages in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to continue to practice or to find employment; and

(vii) Any other relevant information.

(d) With respect to an application timely received by the legislative services office by May 1:

(i) By August 1, the legislative services office shall submit a report with factual analysis to the committee and the applicant. Such report shall be made available to the public. Such report shall verify the contents of an application and submitted information and address any other related factual matters, but shall not contain a recommendation.

(ii) By October 1, the committee shall review such application and submitted information and the associated report prepared by the legislative services office, along with any other relevant information, and hold a meeting to consider such application.

(iii) By November 1, the committee shall prepare a written recommendation as to whether a requested occupation or profession should be licensed in the manner set forth in the application and shall deliver such recommendation to the president pro tempore of the senate and the speaker of the house of representatives for subsequent delivery to the appropriate germane committee chairpersons. Such written recommendation may include nonmandatory suggestions as to how the application, including the proposed legislation, may be improved. An applicant receiving such suggestions shall be encouraged to follow the recommended suggestions of the committee before offering the legislation for introduction during the next legislative session.

~~(e) The committee shall conduct sunrise reviews for two (2) years and shall make a report to the first regular session of the sixty-seventh Idaho legislature in 2023. The legislature may take subsequent action to extend the duration of the committee's sunrise review responsibilities or to make them permanent.~~

(5) ~~Beginning in 2022, the~~ The committee shall develop a process to conduct a sunset review of each licensing authority ~~licensing authorities~~ on a rotating basis. Review of a licensing authority shall include review of the existing laws and regulations related to a licensing authority.

(a) The sunset review process established by this subsection shall be conducted as follows:

(i) Licensing authorities shall be divided into ~~six (6)~~ groups to be determined by the committee;

(ii) After developing the sunset review process, the ~~The~~ committee shall endeavor to review at least one (1) group each year, depending on the priorities and workload of the committee;

(iii) Each licensing authority shall be reviewed at least every ~~five (5)~~ ten (10) years; and

(iv) A licensing authority may be reviewed out of order if the governor or a member of the legislature makes a written request to the committee and the cochairs of the committee approve such request; and

(v) Each licensing authority under review shall submit information to the committee to facilitate the committee's evaluation of the factors set forth in paragraph (d) of this subsection.

(b) After all groups have been reviewed ~~one (1) time once~~, the committee shall continue to review the groups as described in this subsection and according to the priorities and workload of the committee.

(c) The review process shall include an opportunity for stakeholder participation, in such manner as determined by the committee.

(d) Upon completion of the review process established in this section, the committee shall issue a report regarding its findings. The report shall include the committee's findings as to whether, with respect to each licensing authority under consideration:

(i) The existing licensing or other regulation is necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation;

(ii) The existing licensing or other regulation is the least restrictive regulation necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed;

(iii) The public can be effectively protected by other means;

(iv) The overall cost-effectiveness and economic impact of the existing licensing or other regulation of the profession or occupation, including the direct and indirect costs to consumers, is outweighed by the benefits of the licensing or other regulation;

(v) The existing licensing or other regulation has had an unreasonably negative effect on job creation, job retention, or wages in the state or has placed unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to continue to practice or to find employment; and

(vi) Other relevant information should be considered.

(e) Based on the committee's findings with respect to the factors provided in paragraph (d) of this subsection with respect to each licensing authority under review, the committee's report shall include a recommendation as to whether:

(i) The existing licensing or other regulation should be repealed;

(ii) The existing licensing or other regulation should be amended to reduce barriers to licensure;

(iii) Other legislative reforms are recommended; or

(iv) No legislative reforms are recommended.

(f) The committee is authorized to draft legislation regarding recommended legislative actions, if any, and may attach such draft legislation to its report.

(g) Upon completion of the review process established in this section, the committee shall deliver its report, along with any related draft legislation, to the president pro tempore of the senate and the speaker of the house of representatives for subsequent delivery to the appropriate germane committee chairs.

(h) A germane committee of the legislature shall not be bound by a recommendation of the committee.

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

Approved March 22, 2023

CHAPTER 112
(S.B. No. 1022, As Amended)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-944, IDAHO CODE, TO REMOVE PROVISIONS REGARDING VIOLATIONS AND COMPLIANCE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-944, Idaho Code, be, and the same is hereby amended to read as follows:

49-944. STANDARDS FOR WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES -- PROHIBITED ACTS -- PENALTY. (1) It is unlawful for any person to place, install, affix, or apply any window tinting film or sunscreening device to the windows of any motor vehicle, except as follows:

(a) Nonreflective window tinting film or suncreening devices shall not be applied to the windshield below the AS-1 line; if no AS-1 line is identifiable on the windshield, nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below a line extending six (6) inches below and parallel to the exposed windshield;

(b) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the front side vents, front side windows to the immediate right and left of the driver, and the rear window;

(c) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than twenty percent (20%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the side windows to the rear of the driver;

(d) Window tinting films or sunscreening devices are materials or devices which that are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of the sun;

(e) Light transmission is the ratio of the amount of total light, expressed in percentages, which that is allowed to pass through the product or material to the amount of total light falling on the product or material;

(f) Luminous reflectance is the ratio of the amount of total light, expressed in percentages, which that is reflected outward by the product or material to the amount of total light falling on the product or material.

(2) No person shall operate on the public highways, sell, or offer to sell any motor vehicle with a windshield or windows which that are not in compliance with the provisions of this section.

(3) ~~Persons who own a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall not be charged with a violation of the provisions of this section until January 1, 1993. Persons owning a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall have until January 1, 1993, to obtain a certificate from the Idaho state police indicating that the person owned the motor vehicle containing a windshield~~

~~or windows not in compliance with the provisions of this section on or before June 30, 1992. The certificate shall be carried in the vehicle. A person operating a motor vehicle with a valid certificate as provided in this subsection shall not be deemed to be violating the provisions of this section on or after January 1, 1993. The Idaho state police may promulgate rules in order to implement the provisions of this section.~~

(4) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than seventy percent (70%) plus or minus three percent (3%) for the front windshield and not less than twenty percent (20%) plus or minus three percent (3%) for the windows, with a luminous reflectance of no more than thirty-five percent (35%) plus or minus three percent (3%) in each instance, is permitted for a motor vehicle operated by, or carrying as a passenger, a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight or heat for medical reasons associated with past or current treatment; such written verification shall be carried in the vehicle.

(5) Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the manufacturer or authorized dealer under any United States government statute or regulation governing such sale at the time of manufacture.

(6) Any person convicted of a violation of the provisions of this section shall be guilty of an infraction.

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

Approved March 22, 2023

CHAPTER 113
(S.B. No. 1036)

AN ACT

RELATING TO RAW MILK; AMENDING SECTION 37-1101, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ACQUISITION OF RAW MILK AND RAW MILK PRODUCTS; AMENDING CHAPTER 11, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-1102, IDAHO CODE, TO PROVIDE FOR ENFORCEMENT AND A PENALTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-1101, Idaho Code, be, and the same is hereby amended to read as follows:

37-1101. ACQUISITION OF RAW MILK AND RAW MILK PRODUCTS BY OWNER. (1) The acquisition of raw milk or raw milk products from cows, sheep, or goats by an owner of such cows, sheep, or goats for use or consumption by the owner or members of the owner's household shall not constitute the sale or retail sale of raw milk or raw milk products and shall not be prohibited. ~~The acquisition of raw milk or raw milk products from cows, sheep or goats by an owner of a cow share, sheep share or goat share for use or consumption by the owner or members of the owner's household shall not constitute the sale or retail~~

sale of raw milk or raw milk products and shall not be prohibited provided the following conditions are met:

~~(a) Unless otherwise permitted by the Idaho state department of agriculture, no more than seven (7) cows, fifteen (15) sheep or fifteen (15) goats may be kept as part of a cow share, sheep share or goat share program.~~

~~(b) The owner of a cow share, sheep share or goat share shall receive raw milk or raw milk products directly from the farm or dairy where the cow, sheep, goat or dairy herd is located and the farm or dairy shall be registered pursuant to subsection (2) of this section. A person who is the owner of a cow share, sheep share or goat share in a cow, sheep, goat or dairy herd may receive raw milk or raw milk products on behalf of another owner of the same cow, sheep, goat or dairy herd. A person who is not an owner of a cow share, sheep share or goat share in the same cow, sheep, goat or dairy herd shall not receive raw milk or raw milk products on behalf of the owner of a cow share, sheep share or goat share.~~

~~(c) The raw milk or raw milk products are obtained pursuant to the ownership of a cow, sheep, goat, cow share, sheep share or goat share. A cow share, sheep share or goat share is an undivided ownership interest in a cow, sheep, goat or herd of cows, sheep or goats, created by a written contractual relationship between an owner and a farmer that includes a bill of sale, stock certificate or other written evidence satisfactory to the director of the Idaho state department of agriculture of a bona fide ownership interest in the cow, sheep, goat or dairy herd. Such written contractual relationship shall also include boarding terms under which the cow, sheep, goat or dairy herd are boarded, milked and cared for. Such written contractual relationship shall also clearly set forth that the share owner is entitled to receive a share of milk or milk products from the cow, sheep, goat or dairy herd and contain a conspicuous notification that the milk or milk products are raw and not pasteurized.~~

~~(d) Information describing the standards used by the farm or dairy with respect to herd health, and in the production of milk from the herd, is provided to the share owner by the farmer together with results of tests performed on the cows, sheep or goats that produced the milk, tests performed on the milk and an explanation of the tests and test results.~~

~~(e) A farm or dairy operating a cow share, sheep share or goat share program with more than three (3) cows, seven (7) sheep or seven (7) goats shall test such raw milk or raw milk products at a frequency of at least four (4) separate months during any consecutive six (6) month period. Each batch of raw milk shall test negative for drugs. Milk quality tests and drug tests shall be conducted utilizing testing methods approved by the Idaho state department of agriculture. In no event shall such raw milk or raw milk products contain:~~

- ~~(i) More than fifteen thousand (15,000) bacteria per milliliter;~~
- ~~(ii) More than twenty-five (25) coliform per milliliter;~~
- ~~(iii) More than five hundred thousand (500,000) somatic cells per milliliter of raw milk from a cow or more than seven hundred fifty thousand (750,000) somatic cells per milliliter of raw milk from a sheep or goat.~~

~~(f) Whenever three (3) of the last five (5) consecutive bacteria, coliform, or somatic cell tests exceeds any of the milk quality standards listed in this section, the cow share, sheep share or goat share owners shall be notified and no milk shall be offered for human consumption until such time it meets the standard.~~

~~(g) Milk testing positive for drugs shall not be used for human consumption.~~

~~(h) All cows, sheep or goats kept as part of a cow share, sheep share or goat share program shall be tuberculosis and brucellosis free and shall be tested for tuberculosis and brucellosis annually.~~

(2) The acquisition of raw milk or raw milk products from cows, sheep, or goats by an owner of a cow share, sheep share, or goat share for use or consumption by the owner or members of the owner's household shall not constitute the sale or retail sale of raw milk or raw milk products and shall not be prohibited. The owner of a cow share, sheep share, or goat share shall receive raw milk or raw milk products directly from the farm or dairy where the cow, sheep, goat, or dairy herd is located. Such farm or dairy shall be registered.

(3) Registration of a farm or dairy as required by subsection (1)(b) (2) of this section shall be accomplished by delivering to the Idaho state department of agriculture a written statement containing:

- (a) The name of the farmer, farm or dairy;
- (b) A valid, current address of the farmer, farm or dairy; and
- (c) A statement that raw milk or raw milk products are being produced at the farm or dairy.

~~(3) (4) No person who obtains raw milk or raw milk products in accordance with this section shall sell such raw milk or raw milk products. Unless otherwise permitted by the Idaho state department of agriculture, it shall be unlawful for an owner of a cow, sheep, goat, cow share, sheep share or goat share to sell, offer for sale, or advertise for sale to any person or distribute to any restaurant or food establishment, grocery store, or farmers market any raw milk or raw milk products produced as provided herein in this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding two hundred dollars (\$200) or imprisonment in the county jail not to exceed three (3) months, or by both such fine and imprisonment. The director of the Idaho state department of agriculture may bring civil actions to enjoin violation of the provisions of this section.~~

~~(4) (5) No producer of raw milk or raw milk products as provided in this section shall publish any statement that implies approval or endorsement by the Idaho state department of agriculture.~~

~~(5) (6) The Idaho state department of agriculture is charged with the responsibility of administration and enforcement of this chapter and is empowered to promulgate and enforce rules not inconsistent with this chapter.~~

~~(6) (7) The Idaho state department of agriculture is authorized to issue a hold order to stop the distribution of raw milk or raw milk products when it is deemed necessary to protect human health.~~

SECTION 2. That Chapter 11, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-1102, Idaho Code, and to read as follows:

37-1102. ENFORCEMENT -- PENALTY. The director of the department of agriculture may bring civil actions to enjoin violations of this chapter or rules promulgated to implement the provisions of this chapter. Anyone committing a violation of the provisions of this chapter or rules promulgated to implement the provisions of this chapter shall be subject to a fine of up to two hundred dollars (\$200).

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

CHAPTER 114
(S.B. No. 1155)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE LIEUTENANT GOVERNOR; APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM TRANSFER LIMITATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$266,900
Operating Expenditures	<u>29,100</u>
TOTAL	\$296,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM TRANSFER LIMITATIONS. The Office of the Lieutenant Governor is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between expense classes for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 221, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Office of the Lieutenant Governor the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023, for the purpose of travel expenses and a onetime payroll adjustment.

FOR:

Personnel Costs	\$2,000
Operating Expenditures	<u>5,000</u>
TOTAL	\$7,000

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

Approved March 22, 2023

CHAPTER 115
(H.B. No. 276)

AN ACT

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

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

SECTION 1. There is hereby appropriated to Idaho Public Television the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$1,780,300
Operating Expenditures	763,300
Capital Outlay	<u>390,300</u>
TOTAL	\$2,933,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, Idaho Public Television is authorized no more than fourteen (14.00) full-time equivalent positions from the General Fund at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Idaho Public Television is hereby granted continuous appropriation authority for its Miscellaneous Revenue Fund for the period July 1, 2023, through June 30, 2024, for the purpose of content production and related services from revenue sources provided by private donations.

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

SECTION 5. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 22, 2023

CHAPTER 116
(S.B. No. 1150)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE FEDERAL GRANT FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE COVID-19 RELIEF FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE VETERANS RECOGNITION INCOME FUND; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,387,200	\$216,600		\$42,400	\$1,646,200
Veterans Recognition Income					
Fund		1,000,000		195,000	1,195,000
Miscellaneous Revenue					
Fund	19,618,600	8,269,100			27,887,700
Veterans Home Endowment Income					
Fund	229,000	733,100	\$416,300	1,500	1,379,900
Federal Grant					
Fund	<u>16,277,900</u>	<u>81,962,600</u>	<u>0</u>	<u>0</u>	<u>98,240,500</u>
TOTAL	\$37,512,700	\$92,181,400	\$416,300	\$238,900	\$130,349,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than four hundred thirty-nine and one-half (439.50) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE FEDERAL GRANT FUND. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated from the Federal Grant Fund for fiscal year 2023, in an amount not to exceed \$8,274,200, to be used for nonrecurring expenditures for the Post Falls Veterans Home and Boise Cemetery for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE FEDERAL COVID-19 RELIEF FUND. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated from the Federal COVID-19 Relief Fund for fiscal year 2023, in an amount not to exceed \$1,764,600, to be used for nonrecurring expenditures for the Post Falls Veterans Home for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE VETERANS RECOGNITION INCOME FUND. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated from the Veterans Recognition Income Fund for fiscal year 2023, in an amount not to exceed \$3,157,100, to be used for nonrecurring expenditures for the Post Falls Veterans Home for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

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

Approved March 22, 2023

CHAPTER 117
(S.B. No. 1043)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; REPEALING SECTION 33-5217, IDAHO CODE, RELATING TO THE PUBLIC CHARTER SCHOOL DEBT RESERVE; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5217, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PUBLIC CHARTER SCHOOL REVOLVING LOAN FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-5217, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5217, Idaho Code, and to read as follows:

33-5217. PUBLIC CHARTER SCHOOL REVOLVING LOAN FUND. (1) There is hereby established in the state treasury the public charter school revolving loan fund to assist qualifying charter schools in obtaining financing for facility purchases, improvements, and construction. The fund shall consist of moneys made available through appropriations, fees, grants, gifts, interest earned on idle moneys in the fund, and any other source to fulfill the purposes of this section. Moneys in the fund are hereby continuously appropriated for the purposes of this section and shall be expended only for the purposes stated in this section.

(2) Loan issuer. The Idaho housing and finance association shall issue all loans under this section. A public charter school seeking to use the public charter school revolving loan fund must apply for and receive approval from the Idaho housing and finance association to receive a loan under this section. The Idaho housing and finance association shall establish guidelines and procedures for the application, approval, allocation, and repayment of loans issued under this section, consistent with the criteria in this section.

(3) Public charter school eligibility. A public charter school shall be eligible to use the public charter school revolving loan fund only upon satisfaction of the guidelines and procedures established by the Idaho housing and finance association pursuant to subsection (2) of this section and upon satisfaction of the following conditions, as determined by the Idaho housing and financing association:

(a) The public charter school must demonstrate it has obtained one (1) of the following for the remainder of the financing:

(i) A letter of commitment from a national or state-chartered financial institution;

(ii) A letter of commitment from a nonprofit corporation;

(iii) A letter of commitment from a community development financial institution; or

(iv) A letter of commitment from a qualified underwriter or an investment firm;

(b) The public charter school must provide annual budgets and cash flow statements and must also provide:

(i) Projected future budgets throughout the term of the loan, cash flows, and operating reserves to support a debt service coverage greater than 1.20x;

(ii) Facility operation cost estimates, including debt service, occupancy cost, and other facilities-related expenses, which are not to exceed twenty percent (20%) of revenue; and

(iii) Certification from a school administrator that projected future budgets and cash flows are based on reasonable assumptions related to level or increasing projected enrollment or waitlist and projected total income, including any matching funds and donations contingent on receipt of a loan under this section;

(c) The public charter school must have a minimum of one million dollars (\$1,000,000) in private or public grant support available for use supporting the school budget prior to loan issuance;

(d) The public charter school must demonstrate that the letter of commitment it obtained pursuant to paragraph (a) of this subsection includes a commitment from a lender to provide a minimum of twenty percent (20%) of project financing subordinate to the loan provided by this section; and

(e) At the time of loan issuance, the public charter school must be in the preopening stage or in the first or second year serving students.

(4) Loan terms and conditions. The Idaho housing and finance association shall develop and publish the general terms and conditions of loans issued under this section.

(5) Maximum loan amount. Public charter schools that satisfy the guidelines and procedures established by the Idaho housing and finance association shall receive approval from the Idaho housing and finance association to rely on the public charter school revolving loan fund for assistance in obtaining favorable financing for facility improvements and construction, as long as sufficient moneys exist pursuant to subsection (1) of this section. Eligible schools shall receive approval on a first-come, first-served basis, according to date of completed application, in an amount not to exceed two million five hundred thousand dollars (\$2,500,000).

(6) Intercept. As a requirement to participate in the public charter school revolving loan fund, a participating public charter school shall provide a directive to the state department of education that all payments to the school pursuant to the state educational support program shall be paid directly to all affected lenders, including the Idaho housing and finance association, according to the loan documents. All remaining funds shall be forwarded to the public charter school. The payment directive required in this subsection may not be revoked or amended.

(7) Annual fee. Schools participating in the public charter school revolving loan fund shall pay a onetime fee in an amount equal to one-half percent (0.5%) of the loan amount at the time of issuance, which may be included in the loan and paid to the Idaho housing and finance association for costs related to the making of the loan. Participating public charter schools shall also annually pay an amount not to exceed thirty (30) basis points of the principal amount of the loan, which may be used to cover costs the Idaho housing and finance association incurred in managing the public charter school revolving loan fund.

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

CHAPTER 118
(S.B. No. 1042, As Amended)

AN ACT

RELATING TO THE PUBLIC CHARTER SCHOOL FACILITIES PROGRAM; AMENDING SECTION 33-5218, IDAHO CODE, TO PROVIDE AN EXEMPTION, TO REVISE A LIMITATION, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-5218, Idaho Code, be, and the same is hereby amended to read as follows:

33-5218. PUBLIC CHARTER SCHOOL FACILITIES PROGRAM. (1) Legislative intent. It is the intent of the legislature, in recognition that providing Idaho students with a thorough education is an essential public purpose of the state, to support public charter schools by providing a mechanism to obtain favorable financing on bonds so that less money is obligated toward interest payments and more money remains in public charter schools for the benefit of Idaho's students. There is hereby created the public charter school facilities program to assist qualifying charter schools in obtaining favorable financing on bonds for facility improvements and construction.

(2) Eligibility. A public charter school seeking to use the public charter school facilities program must receive approval from the Idaho housing and finance association pursuant to requirements for issuance of nonprofit facility bonds and to satisfaction of the criteria set forth in this section. To qualify, a public charter school must submit the following documentation to the Idaho housing and finance association:

(a) A letter of commitment from one (1) of the following:

- (i) A national or state chartered financial institution;
- (ii) A community development financial institution; or
- (iii) A qualified underwriter or an investment firm;

(b) Evidence that the public charter school has been in academic, operational, and financial good standing according to its authorizer for each of the previous three (3) years;

(c) Annual budgets and cash flow statements projecting that the cost to operate the proposed facility, including future debt service, future occupancy cost, and facility operating expenses, will not exceed twenty percent (20%) of ongoing revenues;

(d) Evidence that the school has operating reserves greater than sixty (60) days of cash on hand and a debt service coverage ratio equal to or greater than one and two-tenths (1.2);

(e) An audit opinion or opinions demonstrating:

- (i) An unqualified audit opinion, or a qualified opinion qualified only on the basis of not reporting the actuarial value of the PERSI sick leave plan pursuant to statement no. 45 of the governmental accounting standards board;
- (ii) An audit devoid of significant findings and conditions, material weakness, or significant internal control weakness; and
- (iii) An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report for three (3) consecutive years;

(f) Certification from a public charter school's board chair or treasurer that projected future budgets and cash flows are based on reasonable assumptions related to level or increasing projected enrollment or waitlist and projected total income, including any matching funds and donations contingent on receipt of a loan under this section;

(g) Evidence of strong academic results, including above state average growth or proficiency on the Idaho standards achievement test. A public charter school with enrollment comprised of one hundred percent (100%) at-risk students as defined by section 33-1001(3), Idaho Code, is exempt from this requirement; and

(h) Any additional information requested by the Idaho housing and finance association.

(3) Approval to participate. Upon receipt of documentation satisfying the criteria set forth in subsection (2) of this section, the Idaho housing and finance association shall notify the public charter school and the state treasurer that the school has been approved to participate in the public charter school facilities program if:

(a) The public charter school complies with the requirements set forth in subsection (4) of this section; and

(b) The public charter school's participation would not cause a violation of the limitations set forth in subsection (8) of this section.

Additional requirements and security interests may be imposed by agreement of the school and bondholder or trustee.

(4) Restricted debt service reserve account.

(a) A school participating in the public charter school facilities program shall agree to have deposited a minimum of twelve (12) months' payment on principal and interest in a restricted debt service reserve account established and held by the bondholder or trustee.

(b) Except as provided in paragraph (c) of this subsection, money in a participating public charter school's restricted debt service reserve account may not be withdrawn if the amount withdrawn would reduce the level of money in the account to less than twelve (12) months' payment on principal and interest.

(c) As long as applicable bonds issued under the facilities program remain outstanding, money in a restricted debt service reserve account may be withdrawn in an amount that would reduce the level to less than twelve (12) months' payment on principal and interest, if the money is withdrawn for the purpose of:

(i) Paying the principal, redemption price, or interest on a bond when due if the state payments intercepted pursuant to subsection (5) of this section, plus funded grants and other revenues pledged by the participating public charter school for payment of the bond, are insufficient to make the payment; or

(ii) Paying any redemption premium required to be paid when the bonds are redeemed prior to maturity if no bonds will remain outstanding.

(5) Intercept. As a requirement to participate in the public charter school facilities program, a participating public charter school shall provide a directive to the Idaho department of education that all payments to the school pursuant to the state educational support program shall be paid directly to the bond trustee to set aside funds in accordance with the bond indenture. All remaining funds shall be forwarded to the public charter school. The payment directive required in this subsection may not be revoked or amended.

(6) Public charter school facilities program fund. There is hereby established in the state treasury the public charter school facilities program fund, which shall consist of moneys made available through appropriations, fees, grants, gifts, or any other source to fulfill the purposes of this section. Moneys in the fund are hereby continuously appropriated for the purposes of this section and shall only be expended for the purposes stated herein. Any interest earned on the investment of idle moneys in the public charter school facilities program fund shall be returned to the public charter school facilities program fund. Schools participating in the public charter school facilities program shall pay a onetime fee in an amount

equal to one-half percent (0.5%) of par at the time of issuance and an annual fee in an amount equal to seventy-five thousandths percent (0.075%) on the outstanding balance, which shall be deposited in the public charter school facilities program fund.

(7) Nonpayment.

(a) If a public charter school participating in the public charter school facilities program has defaulted on its obligation to pay, a draw on its restricted debt service reserve account shall be made, then the following shall occur:

(i) The bond trustee shall exercise its remedies under the bond indenture and loan agreement.

(ii) Within ten (10) days following the withdrawal from the restricted debt service account, the ~~bond holder~~ bondholder or trustee shall notify the Idaho housing and finance association, the state treasurer, and the state controller of the shortfall in the school's restricted debt service reserve account.

(iii) Within fifteen (15) days of the notice provided pursuant to subparagraph (ii) of this paragraph, the controller shall transfer, from the public charter school facilities program fund set forth in subsection (6) of this section, to the public school income fund and then to the school's restricted debt service reserve account an amount equal to one (1) month's interest on the bonds based on the interest payments for which the draw on the restricted debt service reserve account occurred. Moneys transferred to the public school income fund pursuant to this subparagraph shall be continuously appropriated for such purposes.

(iv) By December 1 of each year, the treasurer shall submit to the governor a letter certifying the amount, if any, required to restore amounts on deposit in the restricted debt service reserve accounts of participating public charter schools and the public charter school facilities program fund. The governor shall send to the legislature a statement of the expenditure of moneys from the public charter school facilities program fund as specified in section 8, article IV of the Idaho constitution and report the amount needed to restore funds in the restricted debt service reserve accounts to the amount required in subsection (4) (b) of this section. The legislature may appropriate money to restore amounts on deposit in the restricted debt service reserve account of a defaulting public charter school to the amounts required in subsection (4) (b) of this section or to redeem all outstanding bonds issued for a defaulting public charter school, the source of which may be the public charter school facilities program fund or any other available funds. The legislature may also appropriate money to restore amounts withdrawn from the public charter school facilities program fund.

(b) Repayment. If money has been withdrawn from the public charter school facilities program fund pursuant to paragraph (a) of this subsection, the school shall repay the fund from the school's allocation of facilities funds pursuant to section 33-5208(5), Idaho Code, at a time agreed to by the superintendent of public instruction over a period of years until the amount so withdrawn has been repaid to the public charter school facilities program fund, as long as the repayment does not cause an event of default on a facility lease or loan.

(8) Limitations.

(a) Bonds issued for the benefit of public charter schools using the public charter school facilities program shall not be indebtedness of the state, but are special obligations payable solely from:

(i) Revenues or other funds pledged by the qualifying public charter school; and

(ii) Amounts appropriated by the legislature pursuant to subsection (7) of this section.

(b) The Idaho housing and finance association may not use the public charter school facilities program when issuing bonds for a public charter school under the facilities program if the total par amount outstanding under the facilities program as of the proposed closing date of the bonds to be issued, plus the par amount of the bonds to be issued, would exceed the percentage of all Idaho public school students attending public charter schools as of July 15 of the prior calendar year multiplied by two (2) and then multiplied by the par amount of the bonds guaranteed under the Idaho school bond guaranty act as of June 30 of the prior calendar year.

(c) Bonds issued under the public charter school facilities program shall not be subordinate to any other obligations used to finance the same project.

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

Approved March 22, 2023

CHAPTER 119

(H.B. No. 22, As Amended in the Senate)

AN ACT

RELATING TO SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR THE WITHHOLDING OF SALES AND USE TAX FROM CITY AND COUNTY GOVERNMENTS IN CERTAIN INSTANCES AND TO PROVIDE THAT THE ATTORNEY GENERAL SHALL HAVE CERTAIN DUTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 36, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3642, Idaho Code, and to read as follows:

63-3642. SALES AND USE TAX WITHHOLDING -- CITY AND COUNTY GOVERNMENTS. (1) Any mayor, council, board of commissioners, or any other governing body of a city or county governmental entity that issues an ordinance, resolution, executive order, or proclamation refusing to investigate or enforce any felony provided for in Idaho Code shall not be eligible to receive sales and use tax revenue distributions pursuant to section 63-3638, Idaho Code. Such funds shall be held back until the city or county governmental entity has certified to the state tax commission that such ordinance, resolution, executive order, or proclamation has been repealed or rescinded.

(2) Upon presentation to the attorney general of an authenticated and duly enacted ordinance, resolution, executive order, or proclamation of any mayor, council, board of commissioners, or other governing body of a city or county governmental entity refusing to investigate or enforce any felony provided for in Idaho Code, the attorney general shall notify the state tax commission and the governmental entity of the provisions of this section and provide the governmental entity an opportunity to repeal or rescind the ordinance, resolution, executive order, or proclamation.

(3) If a repeal or rescission is certified within one hundred eighty (180) days of the holdback, the state tax commission shall restore the withheld moneys to the city or county governmental entity. If compliance is not certified within one hundred eighty (180) days, the withheld moneys shall be forfeited and deposited in the general fund by the state tax commission.

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

Approved March 22, 2023

CHAPTER 120
(S.B. No. 1100, As Amended)

AN ACT

RELATING TO PROTECTING THE PRIVACY AND SAFETY OF STUDENTS IN PUBLIC SCHOOLS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 66, TITLE 33, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING SCHOOL RESTROOMS, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR REASONABLE ACCOMMODATION IN CERTAIN INSTANCES, TO PROVIDE FOR A CIVIL CAUSE OF ACTION, AND TO PROVIDE FOR PREEMPTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 66, Title 33, Idaho Code, and to read as follows:

CHAPTER 66
PROTECTING THE PRIVACY AND SAFETY OF STUDENTS IN PUBLIC SCHOOLS

33-6601. LEGISLATIVE FINDINGS. The legislature finds that:

(1) There are real and inherent physical differences between men and women;

(2) Every person has a natural right to privacy and safety in restrooms and changing facilities where such person might be in a partial or full state of undress in the presence of others;

(3) This natural right especially applies to students using public school restrooms and changing facilities where student privacy and safety is essential to providing a safe learning environment for all students;

(4) Requiring students to share restrooms and changing facilities with members of the opposite biological sex generates potential embarrassment, shame, and psychological injury to students, as well as increasing the likelihood of sexual assault, molestation, rape, voyeurism, and exhibitionism;

(5) Providing separate public school restrooms and changing facilities for the different biological sexes is a long-standing and widespread practice protected by federal law, state law, and case law;

(6) Federal legislative action, federal executive action, and federal court judgments that prevent public schools from maintaining separate restrooms and changing facilities for different biological sexes are inconsistent with the United States constitution and violate the privacy and safety rights of students; and

(7) A statewide policy ensuring separate school restrooms and changing facilities on the basis of biological sex is substantially related to the important governmental interest in protecting the privacy and safety of all students.

33-6602. DEFINITIONS. For the purposes of this chapter:

(1) "Changing facility" means a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room.

(2) "Public school" means any public school teaching K-12 students within an Idaho school district or charter school.

(3) "Sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female.

33-6603. SCHOOL RESTROOMS. (1) Every public school restroom or changing facility accessible by multiple persons at the same time must be:

- (a) Designated for use by male persons only or female persons only; and
- (b) Used only by members of that sex.

(2) No person shall enter a multi-occupancy restroom or changing facility that is designated for one sex unless such person is a member of that sex. The public school with authority over the building shall ensure that all restrooms and changing facilities provide its users with privacy from members of the opposite sex.

(3) In any other public school setting where a person may be in a state of undress in the presence of others, school personnel must provide separate and private areas designated for use by persons based on their sex, and no person may enter these private areas unless such person is a member of the designated sex.

(4) During any school authorized activity or event where persons share overnight lodging, school personnel must provide separate sleeping quarters for members of each sex. No person shall share sleeping quarters, a restroom, or a changing facility with a person of the opposite sex, unless the persons are members of the same family.

33-6604. EXEMPTIONS. This chapter shall not apply:

(1) To single-occupancy restrooms and changing facilities or restrooms and changing facilities that are conspicuously designated for unisex or family use;

(2) To restrooms and changing facilities that have been temporarily designated for use by that person's biological sex;

(3) To a person of one sex who uses a single-sex facility designated for the opposite sex, if such single-sex facility is the only facility reasonably available at the time of the person's use of the facility;

(4) To a person employed to clean, maintain, or inspect a restroom or single-sex facility;

(5) To a person who enters a restroom or facility to render medical assistance;

(6) To a person who is in need of assistance and, for the purposes of receiving that assistance, is accompanied by a family member, a legal guardian, or the person's designee who is a member of the designated sex for the single-sex restroom or changing facility;

(7) To coaching staff and personnel during athletic events; or

(8) During an ongoing natural disaster or emergency, or when necessary to prevent a serious threat to good order or student safety.

33-6605. REASONABLE ACCOMMODATION. (1) A public school shall provide a reasonable accommodation to a student who:

(a) For any reason, is unwilling or unable to use a multi-occupancy restroom or changing facility designated for the person's sex and located within a public school building, or multi-occupancy sleeping quarters while attending a public school-sponsored activity; and

(b) Provides a written request for reasonable accommodation to the public school.

(2) A reasonable accommodation does not include access to a restroom, changing facility, or sleeping quarter that is designated for use by members of the opposite sex while persons of the opposite sex are present or could be present.

33-6606. CIVIL CAUSE OF ACTION. (1) Any student who, while accessing a public school restroom, changing facility, or sleeping quarters designated for use by the student's sex, encounters a person of the opposite sex has a private cause of action against the school if:

(a) The school gave that person permission to use facilities of the opposite sex; or

(b) The school failed to take reasonable steps to prohibit that person from using facilities of the opposite sex.

(2) Any civil action arising under this chapter must be commenced within four (4) years after the cause of action has occurred.

(3) Any student who prevails in an action brought under this chapter may recover from the defendant public school five thousand dollars (\$5,000) for each instance that the student encountered a person of the opposite sex while accessing a public school restroom, changing facility, or sleeping quarters designated for use by aggrieved student's sex. The student may also recover monetary damages from the defendant public school for all psychological, emotional, and physical harm suffered.

(4) Any student who prevails in action brought under this chapter is entitled to recover reasonable attorney's fees and costs from the defendant public school.

(5) Nothing in this chapter limits other remedies at law or equity available to the aggrieved student against the school.

33-6607. PREEMPTION. This chapter preempts any law, regulation, policy, or decree enacted or adopted by any city, county, municipality, or other political subdivision within the state that purports to permit or require public schools to allow persons to use facilities designated for the other sex.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

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

Approved March 22, 2023

CHAPTER 121
(S.B. No. 1139)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$2,273,000	\$269,500	\$2,542,500
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$17,800		\$17,800
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$4,900	\$4,900
IV. GOVERNOR'S EMERGENCY:			
FROM:			
Governor's Emergency			
Fund		\$2,000,000	\$2,000,000
GRAND TOTAL	\$2,290,800	\$2,274,400	\$4,565,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-one (21.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2024, the Executive Office of the Governor is hereby exempted from the provisions of Section 67-3511 (1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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

Approved March 22, 2023

CHAPTER 122
(H.B. No. 128)

AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1614, IDAHO CODE, TO REVISE PROVISIONS REGARDING TERMINATION, CANCELLATION, OR NONRENEWAL, AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 49-1617, IDAHO CODE, RELATING TO PROTESTS, HEARINGS, AND COSTS; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1617, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PROTESTS, HEARINGS, AND COSTS; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1617A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING MEDIATION OF DISPUTES; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1617B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING STANDING TO BRING AN ACTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1614, Idaho Code, be, and the same is hereby amended to read as follows:

49-1614. TERMINATION, CANCELLATION OR NONRENEWAL. (1) Notwithstanding the terms, provisions or conditions of any franchise agreement, or any waiver, a manufacturer shall not cancel, terminate or fail to renew any franchise agreement with a dealer unless the manufacturer has satisfied the notice requirement of subsection (2) of this section and has good cause for cancellation, termination or nonrenewal.

(2) Notwithstanding the terms, provisions or conditions of any franchise agreement prior to the termination, cancellation or nonrenewal of any franchise agreement, the manufacturer shall furnish notification of termination, cancellation or nonrenewal to the department and the dealer:

- (a) In the manner described in subsection (3) ~~(b)~~ of this section; and
- (b) Not less than ninety (90) days prior to the effective date of termination, cancellation or nonrenewal; or
- (c) Not less than fifteen (15) days prior to the effective date of termination, cancellation or nonrenewal with respect to any of the following:

- (i) Insolvency of the dealership, or filing of any petition by or against the dealership under any bankruptcy or receivership law;
- (ii) Failure of the dealership to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, except for acts of God or circumstances beyond the direct control of the dealer;
- (iii) Conviction of the dealer, or any owner or his operator, resulting in imprisonment exceeding thirty (30) days;
- (iv) Revocation of any license which that the dealer is required to have to operate a dealership; and

(d) Not less than one hundred eighty (180) days prior to the effective date of termination or cancellation, where the manufacturer is discontinuing the sale of the product line.

(3) Notification under this section shall be in writing, by certified mail or personally delivered to the dealer, and shall contain a statement of intention to terminate, cancel or not to renew the franchise agreement, and a statement of the reasons for and the date on which termination, cancellation or nonrenewal takes effect.

~~(4) Notwithstanding the terms, provisions or conditions of any franchise agreement or of any waiver, good cause shall exist for the purposes of a termination, cancellation or nonrenewal when there is a failure by the dealer to comply with a provision of the franchise agreement, where the provision is both reasonable and of material significance to the franchise agreement relationship, and provided that the dealer has been notified in writing of the failure within one hundred eighty (180) days prior to termination, cancellation or nonrenewal. A protest may be filed in accordance with the provisions of section 49-1617, Idaho Code.~~

~~(5) Notwithstanding any franchise agreement, the following shall not constitute good cause for a termination, cancellation or nonrenewal of a franchise agreement: the fact that the dealer owns, has an investment in, participates in the management of or holds a franchise agreement for the sale or service of another make or line of motor vehicles; or that the dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor which existed prior to January 1, 1997; or is approved in writing by the manufacturer.~~

(4) Notwithstanding the terms, provisions, or conditions of any franchise agreement or of any waiver, good cause for a termination, cancellation, or nonrenewal shall be determined in accordance with the standards set forth in section 49-1617(5) (a), Idaho Code, provided that the dealer has been notified in writing of the reasons for the intended termination, cancellation, or nonrenewal one hundred eighty (180) days prior to termination, cancellation, or nonrenewal. A protest may be filed in accordance with the provisions of section 49-1617, Idaho Code.

(5) Notwithstanding the terms, provisions, or conditions of any franchise agreement, the factors set forth in section 49-1617(5) (b), Idaho Code, do not constitute good cause for a termination, cancellation, or nonrenewal of a franchise agreement.

(6) The manufacturer shall have the burden of proof under this section concerning the issue of good cause, which shall include, but not be limited to, termination, nonrenewal or cancellation of any franchise agreement by the manufacturer for insolvency, license revocation, conviction of a felony, fraud by a dealer or failure by a dealer to comply with a provision of the franchise agreement, where the provision is both reasonable and of material significance to the franchise agreement relationship.

(7) Notwithstanding the terms, provisions or conditions of any franchise agreement, other written contract or agreement or any waiver, a manufacturer shall not cancel, terminate or fail to renew any franchise agreement with a dealer unless the manufacturer has satisfied the requirements of this section.

(8) Upon the termination, cancellation, or nonrenewal of any franchise agreement by the manufacturer or dealer, the manufacturer shall repurchase from the dealer any new, undamaged and unused motor vehicles of the current model year and previous model year. Any new and unused motor vehicle repurchased by the manufacturer shall be repurchased at the net cost to the dealer. Net cost means the dealer's cost for a new, undamaged, unsold, and complete motor vehicle of the current model year or any previous model year acquired by the dealer within twelve (12) months of the date of termination and in a dealer's inventory purchased from the manufacturer or acquired from another dealer of the same line make in the ordinary course of business:

(a) Plus any charges by the manufacturer, distributor, or representative for distribution, delivery and taxes;

(b) Plus the dealer's cost of any manufacturer-approved accessories added on the vehicle, except only those recreational vehicle accessories that are listed in the manufacturer's wholesale product literature as options for that vehicle shall be repurchased; and

(c) Less all allowances paid to the dealer by the manufacturer, distributor or representative.

(9) (a) Upon the termination, cancellation, or nonrenewal of any franchise agreement by the manufacturer or dealer, the manufacturer shall repurchase from the dealer the following:

(i) Any unused, undamaged, and unsold parts which that have been acquired from the manufacturer, provided such parts are currently offered for sale by the manufacturer in its current parts catalog and are in salable condition. Such parts shall be repurchased by the manufacturer at the current catalog price, less any applicable discount;

(ii) Any supplies, equipment, and furnishings, including manufacturer or line make signs, required by and purchased from the manufacturer or its approved source within three (3) years of the date of termination, cancellation, or nonrenewal; and

(iii) Any special tools or other equipment purchased from the manufacturer within three (3) years of the date of termination, cancellation, or nonrenewal.

(b) Except as provided in paragraph (a) (i) of this subsection, compensation shall be the fair market value on the effective date of the termination, cancellation, or nonrenewal.

(10) The repurchase of any item under this section shall be accomplished within ninety (90) days of the effective date of the termination, cancellation, or nonrenewal, provided the dealer has clear title to the inventory and other items, or is able to convey such title to the manufacturer and does convey or transfer title and possession of the inventory and other items to the manufacturer.

(11) If the repurchase of any item under this section is subject to a security interest, the manufacturer may make payment jointly to the dealer and to the holder of the security interest.

(12) This section shall not apply to a nonrenewal or termination that is implemented as a result of the sale of the assets or stock of the motor vehicle dealer.

(13) In the event the manufacturer does not pay the dealer the amounts due under this section and a court of competent jurisdiction finds the manufacturer in violation of this section, the manufacturer shall, in addition to any amounts due, pay the dealer:

(a) Interest on the amount due computed at the rate applicable to a judgment of a court; and

(b) Reasonable attorney's fees and costs.

(14) Within ninety (90) days of the termination, cancellation, or non-renewal of any franchise agreement by the manufacturer for the failure of a dealer to meet sales and service performance obligations or due to elimination, cessation or termination of a line make, the manufacturer shall commence to reimburse the dealer for one (1) year of the dealer's cost to rent or lease the dealership's facility or location or for the unexpired term of the lease or rental period, whichever is less, or, if the dealer owns the facility or location, for the equivalent of one (1) year of the reasonable rental value of the facilities or location as determined by an Idaho licensed commercial real estate appraiser. If more than one (1) franchise agreement is being terminated, canceled, or not renewed, the reimbursement shall be prorated equally among the different manufacturers. However, if a franchise agreement is terminated, canceled, or not renewed but the dealer continues in business at the same location under a different franchise agreement, the reimbursement required by this subsection shall not be required to be paid. In addition, any reimbursement due under this subsection shall be reduced by any amount received by the dealer by virtue of the dealer leasing, subleasing, or selling the facilities or location during the year immediately following the termination, cancellation, or nonrenewal.

(15) All procedures and protections afforded to a motor vehicle dealer under this section shall be available to a recreational vehicle dealer. However, the remedies afforded under this section shall only apply to recreational vehicle dealers where the manufacturer of recreational vehicles as defined in section 49-119, Idaho Code, terminates or fails to renew any franchise agreement without good cause.

SECTION 2. That Section 49-1617, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 16, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1617, Idaho Code, and to read as follows:

49-1617. PROTESTS -- HEARINGS -- COSTS. (1) Within twenty (20) days of the completion of mediation, a dealer may file with the department to protest:

(a) The termination, cancellation, or nonrenewal of a franchise;

(b) The establishment or relocation of a dealership;

(c) A refusal to honor the appointment of a designated family member pursuant to section 49-1615, Idaho Code;

(d) A refusal to honor a proposed modification of a dealer sales and service agreement; or

(e) For the resolution of any other dispute between a manufacturer or distributor and a new vehicle dealer alleged to arise from a violation of Idaho law.

(2) When a protest is filed, the department shall inform the manufacturer or distributor that a timely protest has been filed and the manufacturer or distributor shall have twenty (20) days to respond to the protest.

(3) All costs of the department, including the cost of the hearing officer and the cost of preparing the record, shall be apportioned by the hearing officer. The hearing officer may in his discretion award costs to the prevailing party. A dealer suffering pecuniary loss because of a violation of this chapter, upon prevailing in a protest action for such violation, shall be entitled to costs and reasonable attorney's fees to be determined by the hearing officer. In the event of a willful violation, a dealer shall be en-

titled to damages equal to three (3) times the pecuniary loss suffered to be awarded by the hearing officer or by the court.

(4) The office of administrative hearings shall appoint a hearing officer to preside over and conduct the protest as a contested case hearing under the provisions of chapter 52, title 67, Idaho Code. In such a hearing:

(a) The manufacturer or distributor has the burden of proof to establish good cause as provided in subsection (5) of this section. This shall include but not be limited to termination, cancellation, or non-renewal of any franchise agreement by the manufacturer or distributor for insolvency, license revocation, conviction of a felony, fraud by a dealer, or failure by a dealer to comply with a provision of the franchise agreement where the provision is both reasonable and of material significance to the franchise agreement relationship.

(b) The rules of evidence for a protest hearing are the same as those found in chapter 52, title 67, Idaho Code.

(c) The hearing officer may issue subpoenas, administer oaths, and compel the attendance of witnesses and production of books, papers, documents, and all other evidence and may apply to the district court of the county in which the hearing is held for a court order enforcing this section.

(d) The hearing shall be conducted pursuant to chapter 52, title 67, Idaho Code.

(e) A transcript of the testimony of each witness taken at the hearing must be made and preserved.

(f) Within sixty (60) days after the hearing, the hearing officer shall issue a preliminary order pursuant to section 67-5245, Idaho Code. The preliminary order shall be deemed a final order upon issuance.

(g) Any party to a hearing before the department may appeal pursuant to the applicable provisions of chapter 52, title 67, Idaho Code.

(h) The manufacturer or distributor shall not terminate a dealership, establish a new dealership, relocate a dealership, discontinue an existing franchise, or take any other proposed action described in this chapter until a final decision has been rendered and all appellate remedies available to the dealer have been exhausted. The manufacturer or distributor and the dealer shall abide by the terms of the franchise agreement and Idaho law during the appeals process.

(5) (a) In determining whether good cause has been established for terminating or not continuing a franchise agreement, all existing circumstances shall be taken into account, including but not limited to:

(i) The dealer's sales in relation to the Idaho market that are essential, reasonable, and not discriminatory and that take into account the dealer's local market variations beyond adjusting for the local popularity of general vehicle types and whether the manufacturer or distributor has supplied the dealer with new vehicles or new vehicle parts or accessories in a reasonable time and in sufficient quantity to permit the dealer to meet the manufacturer's or distributor's minimum sales requirements;

(ii) Investment necessarily made and obligations incurred by the dealer in the performance of the dealer's part of the franchise;

(iii) The permanency of the investment;

(iv) Whether it is injurious to the public welfare for the business of the dealer to be discontinued;

(v) Whether the dealer has adequate new motor vehicle facilities, equipment, parts, and qualified management, sales, and service personnel to reasonably provide consumer care for the new motor vehicles sold at retail by the dealer and any other new motor vehicle of the same line make;

(vi) Whether the dealer refuses to honor warranties of the manufacturer or distributor to be performed by the dealer if the manufacturer or distributor reimburses the dealer for warranty work performed by the dealer pursuant to this section; and

(vii) Actions by the dealer, which shall include but not be limited to: insolvency, license revocation, conviction of a felony, or fraud by a dealer that result in a material breach of the written and uniformly applied requirements of the franchise agreement that are reasonable and material.

(b) Notwithstanding the terms, provisions, or conditions of the franchise agreement, the following do not constitute good cause for the termination or noncontinuance of a franchise:

(i) A change in ownership arising from the retirement, death, or incapacity of an owner who is not listed in the franchise as one on whose expertise and abilities the manufacturer or distributor relied in the granting of the franchise;

(ii) The fact that the dealer:

1. Owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of motor vehicles; or

2. Has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor that existed prior to January 1, 1997, or is approved in writing by the manufacturer or distributor;

(iii) The fact that the dealer refused to order, purchase, or accept delivery of a new motor vehicle, part, accessory, or any other commodity or service not ordered by the dealer or refused to order, purchase, or accept delivery of any new vehicle with special features, accessories, or equipment not included in the list price of such vehicles as publicly advertised by the manufacturer or distributor;

(iv) The failure of a dealer to:

1. Establish or maintain exclusive facilities, personnel, or display space;

2. Expand facilities without a written guarantee of a sufficient supply of new vehicles so as to justify an expansion, in light of the market and economic conditions;

3. Make significant modifications to an existing dealership or to construct a new vehicle dealership facility without providing a written guarantee of a sufficient supply of new vehicles so as to justify modification or construction, in light of the market and economic conditions; or

(v) The desire of a manufacturer or distributor or a manufacturer's or distributor's representative for greater market penetration or to alter the number of the manufacturer's or distributor's or manufacturer's or distributor's representative's franchises or dealer locations.

(c) In making a determination of whether there is good cause for permitting a proposed modification of a dealer sales and service agreement or a dealer's relevant market area, the burden of proof shall be on the manufacturer or distributor, except that the burden of proof with regard to the factors set forth in this subsection shall be on the dealer, and the department shall consider any relevant factors, including:

(i) The reasons for the proposed modification;

(ii) Whether the proposed modification is applied to or affects all motor vehicle dealers in a nondiscriminatory manner;

- (iii) The degree to which the proposed modification will have a substantial and adverse effect upon the motor vehicle dealer's rights, investment, or return on investment;
 - (iv) Whether the proposed modification is in the public interest;
 - (v) The traffic patterns between consumers and the same line make franchised dealers of the affected manufacturer, distributor, or factory branch who are located within the market;
 - (vi) The pattern of new vehicle sales and registrations of the affected manufacturer, distributor, or factory branch within various portions of the area of sales effectiveness and within the market as a whole;
 - (vii) The growth or decline in population, density of population, and new car registrations in the market;
 - (viii) The presence or absence of natural geographical obstacles or boundaries, such as rivers;
 - (ix) The proximity of census tracts or other geographic units used by the affected manufacturer or distributor in determining the same line make dealer's respective relevant market area; and
 - (x) The reasonableness of the change or proposed change to the dealer's area of sales effectiveness, considering the benefits and harm to the petitioning dealer, other same line make dealers, and the manufacturer, distributor, or factory branch.
- (d) In determining whether good cause exists for a refusal to accept a dealer successor appointed pursuant to section 49-1615, Idaho Code, the manufacturer or distributor has the burden of proving that the appointed successor is not of good moral character or does not meet the manufacturer's or distributor's existing, reasonable, and uniformly applied standards and, considering the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the consumer consumption channel.
- (e) In determining whether good cause was established for not entering into an agreement or relocating an additional franchise for the same line make, the department shall take into consideration the existing circumstances within the existing franchise's relevant market area, including:
- (i) Permanency of the investment of both the existing and proposed franchises;
 - (ii) Investment necessarily made and obligations incurred by other existing franchisees of the same line make in that relevant market area in the performance of their part of their franchise agreements and the date of such investment made and obligations incurred by such franchisees in relation to the date of appointment of the additional franchisee;
 - (iii) Growth or decline in population and new car registrations in the consumer consumption area and whether the population and demographic characteristics of that relevant market area have changed since appointment of the other existing franchisees sufficiently to support the economic viability of both the other existing franchisees and the additional franchisee;
 - (iv) Effect on the consuming public in the relevant market area and whether the other existing franchisees of the same line make in that relevant market area are substantially compliant with reasonable manufacturer or distributor requirements in providing adequate consumer care, including satisfactory new vehicle dealer sales and service facilities, special and essential tools and equipment, replacement parts supply, and qualified management, sales, and service personnel, for the new motor vehicle products of the line make and whether sufficient qualified management, sales, and trained service personnel to satisfy the reasonable

requirements of the manufacturer or distributor for the other existing franchisees and the additional franchisee are available in that relevant market area;

(v) Whether it is injurious or beneficial to the public welfare for an additional franchise to be established;

(vi) Whether the franchises for the same line make in that relevant consumption area are providing adequate competition and convenient customer care for the vehicles of the line make in the market area, which shall include the adequacy of vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;

(vii) Whether the establishment of an additional franchise would increase competition and be in the public interest; and

(viii) Whether the manufacturer's or distributor's action is in good faith.

SECTION 4. That Chapter 16, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1617A, Idaho Code, and to read as follows:

49-1617A. MEDIATION OF DISPUTES. (1) All disputes between a manufacturer or a distributor and a new vehicle dealer alleging a violation of any provision of this chapter or any other provision of Idaho law are subject to mediation as provided for in this section. A demand for mediation must be served on the adverse party before the filing of the objection, protest, complaint, or petition or the bringing of the action. A demand for mediation must be in writing and served on the adverse party by certified mail, return receipt requested, or by overnight delivery service that provides proof of delivery at an address designated for the party in the records of the complainant. The demand for mediation must contain a brief statement of the dispute and the relief sought by the complainant filing the demand.

(2) Within twenty (20) days after the date a demand for mediation is served, the parties shall mutually select an independent mediator and meet with that mediator for the purpose of attempting to resolve the dispute. If the parties are unable to agree on a mediator, a party may apply to a district judge of the district court for the county in which the dealership is located for appointment of a mediator. The meeting place must be within this state in a location selected by the mediator in proximity to the place of business of a party domiciled in this state. The mediator may extend the date of the meeting for good cause shown by either party or on the stipulation of both parties.

(3) The service of a demand for mediation under subsection (1) stays the time for the filing of any objection, protest, complaint, or petition with the department or for bringing an action until the representatives of both parties have met with a mutually selected or appointed mediator for the purpose of attempting to resolve the dispute. If an objection, protest, complaint, or petition is filed before the meeting, the department or the court shall enter an order suspending the proceeding or action until the meeting has occurred and may, on the written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the department or court considers to be appropriate. A suspension order issued under this subsection may be revoked on motion of any party or on motion of the department or the court.

(4) The department shall encourage dealers, manufacturers, and distributors to establish a panel of mediators who have the character, ability, and training to serve as mediators and who have knowledge of the motor vehicle industry.

(5) A mediator shall be immune from civil liability for any good faith act or omission within the scope of the mediator's performance of the mediator's powers and duties under this chapter. An act or omission of a mediator is presumed to be a good faith act or omission. This presumption may be overcome only by clear and convincing evidence.

SECTION 5. That Chapter 16, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1617B, Idaho Code, and to read as follows:

49-1617B. STANDING TO BRING AN ACTION. (1) The following entities have standing to seek redress for violations of this chapter or of any other provision of Idaho law relating to or affecting the relationship between a manufacturer or a distributor and a new vehicle dealer:

(a) A new vehicle dealer; and

(b) Any corporation or association that is primarily owned by or composed of new vehicle dealers and that primarily represents the interests of new vehicle dealers if at least one (1) of the corporation or association members would have standing on its own, the interests that the action seeks to protect are germane to the corporation's or association's purpose, and the claim asserted or the relief requested does not require the participation of individual members in the action.

(2) Entities that have standing pursuant to this section may:

(a) File a petition and request the department handle the matter as an administrative proceeding;

(b) File a demand for mediation pursuant to section 49-1617A, Idaho Code; or

(c) Bring a civil action in a court of competent jurisdiction.

(3) An action filed pursuant to this section may seek:

(a) Recovery of actual damages;

(b) Declaratory or injunctive relief; or

(c) Reasonable costs of the suit and attorney's fees to a prevailing party.

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

Approved March 23, 2023

CHAPTER 123
(H.B. No. 187)

AN ACT

RELATING TO HEALTH; REPEALING SECTION 5-337, IDAHO CODE, RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE CERTAIN AUTHORITY TO ADMINISTER CARDIOPULMONARY RESUSCITATION OR USE AN AUTOMATED EXTERNAL DEFIBRILLATOR, AND TO ESTABLISH PROVISIONS REGARDING LEGAL IMMUNITY UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5-337, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 7, Title 39, Idaho Code, and to read as follows:

CHAPTER 7
SUDDEN CARDIAC ARREST

39-701. DEFINITIONS. As used in this chapter:

(1) "Automated external defibrillator" or "AED" refers to an automated external defibrillator approved for commercial distribution by the United States food and drug administration.

(2) "Cardiopulmonary resuscitation" or "CPR" shall have the same meaning as provided in section 39-4502, Idaho Code.

(3) "Health care directive" shall have the same meaning as provided in section 39-4502, Idaho Code.

(4) "Health care provider" shall have the same meaning as provided in section 39-4502, Idaho Code.

(5) "Person" means an individual, corporation, partnership, limited liability company, association, trust, unincorporated organization, or other legal entity or organization, or a government or governmental body.

(6) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart suddenly and abruptly stops beating normally and fails to produce a pulse.

39-702. AUTHORITY TO ADMINISTER CPR OR USE AN AED. Any person may, if the person reasonably believes that another person is in sudden cardiac arrest, administer CPR or use an AED on the other person.

39-703. IMMUNITY. Any person who reasonably administers CPR or reasonably renders emergency care using an AED, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions. The immunity provided by this section shall not apply to acts or omissions amounting to gross negligence or willful, wanton, or reckless misconduct.

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

Approved March 23, 2023

CHAPTER 124
(H.B. No. 74, As Amended in the Senate)

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING SECTION 67-9403, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-9409, IDAHO CODE, TO PROVIDE FOR ATTORNEY LICENSURE BY THE IDAHO SUPREME COURT, TO PROVIDE FOR CERTAIN FEES, AND TO PROHIBIT THE ESTABLISHMENT OF ADDITIONAL METHODS TO DEMONSTRATE COMPETENCY; AMENDING SECTION 67-9411, IDAHO CODE, TO PROVIDE FOR SUSPENSION, REVOCATION, OR DISCIPLINE OF A LICENSE AND TO PROVIDE FOR CONDITIONAL LICENSURE; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9414, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNIVERSAL WORK RECOGNITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-9403, Idaho Code, be, and the same is hereby amended to read as follows:

67-9403. DEFINITIONS. As used in this chapter:

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

(2) "Licensing authority" means any agency, bureau, commission, department, division, or professional or occupational licensing board charged with granting, suspending, or revoking the license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation, including but not limited to the professional and occupational licensing boards within the department of self-governing agencies. The term licensing authority does not include the board of commissioners of the Idaho state bar as established pursuant to chapter 4, title 3, Idaho Code, or the Idaho supreme court.

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

(4) "Military" means the armed forces or reserves of the United States, including the army, navy, marine corps, coast guard, air force, and the reserve components thereof, the national guard of any state, the military reserves of any state, or the naval militia of any state.

(5) "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions provided the person has served on active duty for a minimum of one hundred eighty (180) consecutive days.

SECTION 2. That Section 67-9409, Idaho Code, be, and the same is hereby amended to read as follows:

67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:

(a) Possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States; and

(b) Demonstrates competency in the profession or occupation through methods determined by the licensing board or commission.

(2) Each applicant for universal licensure under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and is subject to the applicable licensing authority's jurisdiction. For purposes of this section, the term "licensure" means a license, certificate, registration, permit, or other authorization to practice a profession or occupation.

(3) To determine whether an applicant for universal licensure who possesses the licensure requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

(4) In addition to the requirements set forth in this section, if it administers an examination as part of the application requirements, a licensing authority may require an applicant to take and pass all or a portion of such examination as may be necessary to demonstrate competence to practice in Idaho. A licensing authority shall not establish a jurisprudence examination to demonstrate competence to practice in Idaho.

(5) An applicant for universal licensure shall pay ~~all applicable fees~~ the same licensing fees as required for applicants under the standard licensing process and shall be subject to all applicable requirements related to maintaining licensure as established by the licensing authority.

(6) A licensing authority may, at its discretion, compare the authorized scope of practice in the state, or states, where the applicant currently holds licensure to the authorized scope of practice in Idaho. If such licensing authority determines that the authorized scope of practice in Idaho is broader than the scope of practice authorized in the state, or states, where the applicant currently holds licensure, such licensing authority may, instead of issuing a denial on the basis of the difference in scope of practice, issue a limited license to such applicant pending completion of the additional education, training, and any other requirements determined necessary by the licensing authority. A limited license issued under this section shall restrict the applicant's practice in Idaho to the scope of practice authorized in the state where the applicant holds prior licensure until such time that the applicant satisfies the education, training, or other requirements deemed necessary by the licensing authority for a limited period of time necessary for an applicant to meet the qualifications for a full license.

(7) This section shall not restrict a person who is a member of a profession or occupation covered by an applicable interstate licensure compact or applicable reciprocity agreement from seeking licensure pursuant to this section. In such a situation, a person may apply for universal licensure under this section or may apply for licensure pursuant to the terms of the applicable licensure compact or reciprocity agreement. A licensing authority may promulgate applicable rules if necessary to implement the provisions of this section.

(8) A licensing authority shall not establish additional methods of demonstrating competency to qualify for universal licensure beyond the requirements to qualify under the standard licensing process.

SECTION 3. That Section 67-9411, Idaho Code, be, and the same is hereby amended to read as follows:

67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing authority shall not deny, suspend, revoke, or discipline a license, certificate, registration, permit, or other authorization to practice a profession or occupation ~~to an applicant~~ on the basis of ~~such applicant~~ a person having a prior conviction of a crime, unless such conviction is currently relevant to the ~~applicant's~~ person's fitness to engage in such profession or occupation as determined by the licensing authority. The licensing authority shall make its determination based on consideration of the following factors:

- (a) The nature and seriousness of the crime for which the individual was convicted;
- (b) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;
- (c) The passage of time since the commission of the crime;
- (d) Any evidence of rehabilitation or treatment undertaken by the individual; and
- (e) Any other relevant factor.

(2) A licensing authority shall not deny, suspend, revoke, or discipline a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of vague or generic terminology related to a criminal conviction, including but not limited to "moral turpitude" or "moral character." Where such terms appear in code or rule with respect to a criminal conviction, a licensing authority shall conduct a relevancy evaluation pursuant to subsection (1) of this section.

(3) In lieu of denying licensure to an applicant based on a prior criminal conviction, a licensing authority may, after considering the factors as set forth in subsection (1) of this section, issue conditional licensure for a period of one (1) year. Upon successful completion of the probational conditions, the licensing authority shall issue a full, unrestricted license. Any failure to successfully complete the probational conditions shall result in revocation of the conditional licensure and denial of full, unrestricted licensure.

SECTION 4. That Chapter 94, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9414, Idaho Code, and to read as follows:

67-9414. UNIVERSAL WORK RECOGNITION. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:

(a) Has at least four (4) years of work experience in a profession or occupation in another state, district, or territory of the United States, or in the military, where a license to practice such profession or occupation was not required; and

(b) Is required to obtain a license in Idaho to be able to practice the same profession or occupation with a similar scope of practice.

(2) If a licensing authority requires an examination, it shall require the same passing score for applicants under this section as for standard licensing applicants. If a relevant licensing authority does not require an examination, no examination shall be required for applicants seeking to obtain licensure through universal work recognition.

(3) A licensing authority shall require the same licensing fee for applicants under this section as for applicants under the standard licensing process.

(4) Each applicant for universal work recognition under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and the applicable licensing authority's jurisdiction.

(5) To determine whether an applicant for universal work recognition who possesses the work experience requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

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

Approved March 23, 2023

CHAPTER 125
(H.B. No. 277)

AN ACT

RELATING TO THE APPROPRIATION TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; PROVIDING REQUIREMENTS FOR THE TRANSFER OF MONEYS FROM EARNINGS RESERVE FUNDS TO INCOME FUNDS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Endowment Fund Investment Board the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Miscellaneous Revenue				
Fund	\$78,000	\$13,900		\$91,900
Endowment Earnings Administrative				
Fund	<u>593,900</u>	<u>183,300</u>	<u>\$3,500</u>	<u>780,700</u>
TOTAL	\$671,900	\$197,200	\$3,500	\$872,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for consulting fees, custodial fees, investment manager fees, and other portfolio-related external costs for the period July 1, 2023, through June 30, 2024.

SECTION 4. TRANSFERS FROM EARNINGS RESERVE FUNDS. For fiscal year 2024, it is hereby appropriated and the Endowment Fund Investment Board shall transfer \$100,315,000 as follows: \$61,532,200 from the Public School Earnings Reserve Fund to the Public School Income Fund; \$1,927,500 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; \$7,008,000 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; \$6,568,700 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; \$3,139,600 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; \$6,672,700 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; \$7,586,400 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and \$5,879,900 from the University Earnings Reserve Fund to the University Income Fund.

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

Approved March 23, 2023

CHAPTER 126
(H.B. No. 278)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2024; APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING CONTINUOUS APPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Idaho State Lottery the following amounts to be expended according to the designated expense classes from the State Lottery Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$4,497,400
Operating Expenditures	2,818,900
Capital Outlay	<u>190,600</u>
TOTAL	\$7,506,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than fifty (50.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Amounts necessary to pay prizes, retailer commissions, advertising and promotional costs, and gaming supplier vendor fees based on sales shall be continuously appropriated to the Idaho State Lottery in accordance with the provisions of Section 67-7428, Idaho Code.

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

Approved March 23, 2023

CHAPTER 127
(H.B. No. 282)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS; APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR THE COMMUNITY, OPERATIONS, AND PROGRAM SERVICES PROGRAM FOR YOUTH ASSESSMENT CENTERS; PROVIDING REAPPROPRIATION AUTHORITY FOR YOUTH ASSESSMENT CENTERS; PROVIDING REAPPROPRIATION AUTHORITY FOR FURNITURE AND FIXTURES; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$3,149,300	\$834,600		\$60,000	\$4,043,900
Miscellaneous Revenue					
Fund	109,300	191,400			300,700
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$291,900</u>	<u>0</u>	<u>291,900</u>
TOTAL	\$3,258,600	\$1,026,000	\$291,900	\$60,000	\$4,636,500
II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$1,765,400	\$303,900		\$7,301,000	\$9,370,300
Juvenile Corrections					
Fund		110,000			110,000
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				4,375,000	4,375,000
Miscellaneous Revenue					
Fund				327,000	327,000
Federal Grant					
Fund	<u>0</u>	<u>199,600</u>		<u>521,000</u>	<u>720,600</u>
TOTAL	\$1,765,400	\$613,500		\$12,524,000	\$14,902,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. INSTITUTIONS:					
FROM:					
General					
Fund	\$29,770,400	\$2,292,900		\$3,088,500	\$35,151,800
Miscellaneous Revenue					
Fund		238,600		460,000	698,600
State Juvenile Corrections Center Endowment Income					
Fund		1,148,800	\$296,400		1,445,200
Federal Grant					
Fund	<u>217,300</u>	<u>768,400</u>	<u>0</u>	<u>475,400</u>	<u>1,461,100</u>
TOTAL	\$29,987,700	\$4,448,700	\$296,400	\$4,023,900	\$38,756,700
GRAND TOTAL	\$35,011,700	\$6,088,200	\$588,300	\$16,607,900	\$58,296,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred nine (409.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 125, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Juvenile Corrections, for the Community, Operations, and Program Services Program, \$4,100,000 from the General Fund, to be expended for trustee and benefit payments, for the period July 1, 2022, through June 30, 2023, for the purpose of youth assessment centers.

SECTION 4. REAPPROPRIATION AUTHORITY FOR YOUTH ASSESSMENT CENTERS. There is hereby reappropriated to the Department of Juvenile Corrections any unexpended and unencumbered balances appropriated to the Department of Juvenile Corrections from the General Fund for Youth Assessment Centers for fiscal year 2023, in an amount not to exceed \$4,100,000 from the General Fund, to be used for nonrecurring expenditures related to Youth Assessment Centers for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR FURNITURE AND FIXTURES. There is hereby reappropriated to the Department of Juvenile Corrections any unexpended and unencumbered balances appropriated to the Department of Juvenile Corrections from the General Fund for cottage furniture and fixtures at its St. Anthony facility for fiscal year 2023, in an amount not to exceed \$50,000 from the General Fund, to be used for nonrecurring expenditures related to cottage furniture and fixtures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

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

Approved March 23, 2023

CHAPTER 128
(H.B. No. 283)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE TREASURER; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING PAYMENT OF BANK SERVICE FEES; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,116,500	\$505,600	\$1,622,100
State Treasurer LGIP			
Fund	207,000	133,400	340,400
Treasurer's Office - Professional Services			
Fund	933,000	582,500	1,515,500
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	941,000	432,900	1,373,900
TOTAL	\$3,197,500	\$1,734,400	\$4,931,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Treasurer is authorized no more than twenty-eight (28.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, no more than \$406,600 from the General Fund and \$221,700 from the Professional Services Fund may be used for the payment of bank service fees for the period July 1, 2023, through June 30, 2024.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Treasurer any unexpended and unencumbered balances appropriated to the Office of the State Treasurer from the Idaho Workforce Housing Fund for fiscal year 2023 for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 23, 2023

CHAPTER 129
(H.B. No. 191)

AN ACT

RELATING TO PUBLIC PROCUREMENT; AMENDING SECTION 54-4511, IDAHO CODE, TO PROHIBIT CERTAIN PROCUREMENT ACTIONS BASED ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS, TO DEFINE A TERM, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2347, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION OF ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS IN CERTAIN PUBLIC CONTRACTS; AMENDING SECTION 67-5711A, IDAHO CODE, TO PROHIBIT AWARDED OR DENYING A CONTRACT BASED ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS, TO DEFINE A TERM, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5711C, IDAHO CODE, TO PROHIBIT ACCEPTING OR DENYING BIDS BASED ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-9203, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 67-9210, IDAHO CODE, TO PROHIBIT USING ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS AS A QUALIFICATION FOR RESPONSIBILITY; AMENDING SECTION 67-9225, IDAHO CODE, TO PROHIBIT APPROVAL OF CERTAIN POLICIES AND PROCEDURES PERMITTING THE CONSIDERATION OF ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS IN PROCUREMENT DECISIONS, TO PROVIDE FOR REVOCATION OF POLICIES AND PROCEDURES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT CERTAIN STATE INSTITUTIONS OF HIGHER EDUCATION SHALL BE SUBJECT TO THE PROVISIONS OF THE STATE PROCUREMENT ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-4511, Idaho Code, be, and the same is hereby amended to read as follows:

54-4511. AWARD OF CONTRACTS -- DUAL CAPACITY. (1) Construction manager representative (CMR). A licensed construction manager and the firm of which he is a principal or full-time employee may be awarded a contract to act only as representative for an owner. In soliciting bids or awarding contracts for public works construction to be entered into by the owner, a licensed construction manager representative shall comply with all notice and bidding laws with which an owner would be required to comply if it were to do the same activities without the assistance of a construction manager. A licensed construction manager representative and the firm of which he is a principal or employee shall not provide construction management services for a construction project on which the licensed construction manager or his firm also provides design services or other construction-related services, whether as a contractor or subcontractor. Provided however, that this section shall not preclude a licensed architect or registered professional engineer from providing public works construction management services which are normally provided by licensed architects or registered professional engineers for a project on which the person or firm has provided design services. Such public works construction management services provided by a licensed architect or registered professional engineer shall not include the procurement of equipment or construction work required by law to be competitively bid for public works construction.

(2) Construction manager/general contractor (CM/GC). A licensed construction manager and the firm of which he is a principal or full-time employee may be awarded a contract to act as both construction manager and general contractor provided the construction manager/general contractor has a valid public works contractor license as a general contractor pursuant to section 54-1902, Idaho Code.

(3) Compensation of a construction manager/general contractor shall be determined pursuant to section 67-2320, Idaho Code.

(4) At such time as the design of a project or a phase of a project is available, the construction work, materials and equipment for construction of a project may be incorporated into the construction manager/general contractor contract based upon bids solicited from licensed public works contractors and from suppliers for all construction work, materials and equipment.

(5) For each portion of the work, competitive bids shall be solicited from not less than three (3) contractors or suppliers deemed to be qualified by the construction manager/general contractor. All bids shall be opened publicly in the presence of a representative of the public entity for whom the project is undertaken and, once opened, bids shall be subject to the public record requirements outlined in title 74, Idaho Code.

(6) All construction work, materials and equipment shall be awarded to the lowest responsive qualified bidder. For good cause, the public entity may approve the award of bids based upon fewer than three (3) bids.

(7) The construction manager/general contractor, or its subsidiaries and affiliated companies, may bid to perform construction work or to supply materials or equipment only if it holds a valid license pursuant to section 54-1902, Idaho Code, and for which it customarily self-performs or supplies such construction work, materials or equipment; provided, the public entity may limit the amount of work the construction manager/general contractor, including its subsidiaries and affiliated companies, may perform under the contract. Bids from the construction manager/general contractor and its subsidiaries or affiliated companies must be opened at the opening of any other bids.

(8) When bidding for all phases of the project has been completed, a guaranteed maximum price for the entire project may be negotiated by the public entity.

(9) No public entity shall enter into a contract with any person or firm for construction management services as construction manager representative or as construction manager/general contractor if such person or firm is required to be licensed under this chapter unless:

(a) Such person holds a valid license or such firm holds a valid certificate issued pursuant to this chapter;

(b) The selection of such construction manager representative or construction manager/general contractor is made pursuant to section 67-2320, Idaho Code; and

(c) All terms of the contract including, but not limited to, terms for management fees, incentive compensation and disposition of any contingency fund, if applicable, are agreed upon in writing.

(10) No proposal, bid, or qualifications shall be accepted or denied and no award of contract under any provision of this section shall be made based on environmental, social, and governance standards. For purposes of this subsection, "environmental, social, and governance standards" means procurement standards that screen or score bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or the qualifications of a bidder.

SECTION 2. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2347, Idaho Code, and to read as follows:

67-2347. PROHIBITION OF ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS IN PUBLIC CONTRACTS. (1) As used in this section:

(a) "Contract" means an agreement for the provision of goods or performance of services in exchange for remuneration between a public entity and another party that:

(i) Has a value of one hundred thousand dollars (\$100,000) or more that is to be paid wholly or partly from the funds of a public entity; and

(ii) Is not subject to the provisions of section 67-5711C, Idaho Code, or chapter 92, title 67, Idaho Code.

(b) "Contractor" means any person or entity who has entered or is attempting to enter into a contract, including but not limited to a construction manager licensed pursuant to chapter 45, title 54, Idaho Code, and design-build entities as provided in chapter 57, title 67, Idaho Code.

(c) "Environmental, social, and governance standards" means standards that would screen or score contractors based on subjective ethical or sustainability criteria unrelated to the specifications of a contract or the qualifications of a contractor.

(d) "Public entity" means the state of Idaho or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created by or in accordance with state law or rule.

(2) No contract shall be accepted or denied by a public entity based on environmental, social, and governance standards.

(3) A contractor not selected for a contract with a public entity may assert noncompliance with this section as a basis to challenge the award of the contract under the administrative and legal processes otherwise applicable to the award of the contract.

SECTION 3. That Section 67-5711A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711A. DESIGN-BUILD CONTRACTING AUTHORIZED. Notwithstanding any other provisions of law to the contrary, the director of the department of administration, or his designee, is authorized and empowered, subject to the approval of the permanent building fund advisory council, to employ the use of the design-build method of construction in the letting of any and all contracts for the construction, alteration, equipping, furnishing and repair of any and all buildings, improvements, or other public works of the state of Idaho. However, no such contract shall be awarded or denied based on environmental, social, and governance standards. For the purposes of this section, a:

(1) A design-build contract is a contract between the state of Idaho and a nongovernmental party in which the nongovernmental party contracting with the state of Idaho agrees to both design and build the structure, roadway, or other items specified in the contract; and

(2) "Environmental, social, and governance standards" means procurement standards that screen or score bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or the qualifications of a bidder.

SECTION 4. That Section 67-5711C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711C. CONSTRUCTION OF PUBLIC PROJECTS -- COMPETITIVE SEALED BIDDING. (1) All construction contracts for public works shall be awarded to the lowest responsible and responsive bidder, subject to the provisions of section 59-1015, Idaho Code, after receipt of competitive sealed bidding except as otherwise provided in sections 67-5711B, 67-5711D and 67-5713, Idaho Code.

(2) An invitation for bids shall be issued and shall include a project description and all contractual terms and conditions applicable to the public works.

(3) Adequate public notice of the invitation for bids shall be given at least fourteen (14) days prior to the date set forth therein for the opening of bids. Such notice shall include publication at least fourteen (14) days prior to bid opening in a newspaper of general circulation in the area where the work is located.

(4) When prequalification is deemed by the department and by the respective state agency to be in the best interest of the state, competitive bidding procedures shall be open only to licensed public works contractors that meet preliminary supplemental qualifications. The solicitation for bids in a prequalified bidder public works project shall consist of two (2) stages: an initial stage for identifying prequalified contractors, either prime or specialty contractors, followed by a stage during which bid prices will be accepted only from prequalified contractors. Notice of the prequalification stage shall be given in the same manner that notice of open competitive bidding is provided. Prequalification standards must be premised upon demonstrated technical competence, experience constructing similar facilities, prior experience with the state, past performance related to quality, workmanship and timeliness, reliability, safety record, available nonfinancial resources, equipment and personnel as they relate to the subject project, and overall performance history based upon a contractor's entire body of work. Any request for qualifications must include the standards for evaluating the qualifications of prospective bidders. Licensed contractors desiring to be prequalified to bid on a project must submit a written response to a request for qualifications. After a review of qualification submittals, licensed contractors that meet the prequalification standards shall be so notified, and licensed contractors that do not meet the prequalification standards shall also be so notified. Thereafter, bids may be solicited from contractors that meet the prequalification

standards. The department may promulgate rules or develop procedures to implement the prequalification process.

(5) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by rules, together with the name of each bidder, shall be entered on a record and the record shall be open to public inspection. After the time of the award, all bids and bid documents shall be open to public inspection in accordance with the provisions of chapter 1, title 74 and section 67-9215, Idaho Code.

(6) With respect to a project having a written cost estimate of greater than twenty-five thousand dollars (\$25,000) but less than the public works limit established in section 67-5711, Idaho Code, the agency, if it does not perform the work with existing physical plant staff, must award a written contract to the lowest responsible and responsive bidder after soliciting at least three (3) documented informal bids from contractors licensed in Idaho to perform public works contracts, if reasonably available. Adequate public notice of the invitation for informal bids shall be given at least seven (7) days prior to the date set forth therein for the receipt of the informal bids. Such notice may include publication at least seven (7) days prior to bid opening in a newspaper of general circulation in the area where the work is located; or the agency may advertise the invitation for bids in appropriate trade journals, and otherwise notify persons believed to be interested in the award of a contract. Informal bids must be submitted by the contractor in writing in response to a prepared written document describing the project's scope of work in sufficient detail so as to enable a contractor familiar with such work to prepare a responsible bid. Nothing herein exempts an agency from the responsibility of utilizing formal plans and specifications if the work involves the public health or safety as described in chapters 3 and 12, title 54, Idaho Code. The agency must document receipt of the informal bids in the project file.

(7) Any personal property including goods, parts, supplies and equipment ~~which that~~ is to be supplied or provided by a state agency for use in any public work, project, or preventive maintenance programs, whether the public work, project, or preventive maintenance program is constructed, undertaken or performed by agency in-house personnel, or by delegation pursuant to section 67-5710A, Idaho Code, or otherwise provided or supplied by the agency to a contractor, the personal property, goods, parts, supplies or equipment supplied or provided by the agency must be purchased or procured by the agency through the division of purchasing in accordance with the Idaho Code.

(8) No bid submitted pursuant to this section shall be accepted or denied based on environmental, social, and governance standards. For purposes of this subsection, "environmental, social, and governance standards" means procurement standards that screen or score bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or the qualifications of a bidder.

SECTION 5. That Section 67-9203, Idaho Code, be, and the same is hereby amended to read as follows:

67-9203. DEFINITIONS. As used in this chapter:

- (1) "Acquisition" means the process of procuring property.
- (2) "Administrator" means the administrator of the division of purchasing as created by section 67-9204, Idaho Code.
- (3) "Agency" means all officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding:

- (a) The legislative and judicial branches of government;
- (b) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction; and
- (c) A state institution of higher education that complies with the provisions of section 67-9225, Idaho Code.
- (4) "Bid" means a written offer to perform a contract to sell or otherwise supply property in response to a solicitation.
- (5) "Bidder" means a vendor who has submitted a bid on property to be acquired by the state.
- (6) "Contract" means an agreement for the acquisition of property, including a purchase order.
- (7) "Contractor" means a vendor who has been awarded a contract.
- (8) "Director" means the director of the department of administration as created by section 67-5701, Idaho Code.
- (9) "Environmental, social, and governance standards" means procurement standards that screen or score bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or the qualifications of a bidder.
- ~~(9)~~ (10) "Lowest responsible bidder" means the responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance evaluations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.
- ~~(10)~~ (11) "Open contract" means a contract awarded by the state through the division of purchasing as a result of a competitive solicitation to one (1) or more vendors who have agreed to allow all agencies to procure specified property under the terms and conditions set forth in the contract.
- ~~(11)~~ (12) "Procure" means to obtain property for state use in a manner other than by gift including, but not limited to, purchase, lease or rent.
- ~~(12)~~ (13) "Property" means goods, services, parts, supplies and equipment, both tangible and intangible, including, but not limited to, designs, plans, programs, systems, techniques and any rights or interests in such property.
- ~~(13)~~ (14) "Sole source" means the only vendor from whom specific property is available to procure.
- ~~(14)~~ (15) "Solicitation" means an invitation to bid, a request for proposal or a request for quote issued pursuant to this chapter for the purpose of procuring property.
- ~~(15)~~ (16) "Specifications" means the standards or requirements for property to be procured as explicitly stated in a solicitation or contract.
- ~~(16)~~ (17) "State institution of higher education" means Boise state university, Idaho state university or Lewis-Clark state college.
- ~~(17)~~ (18) "Vendor" means a person or entity capable of supplying property to the state.

SECTION 6. That Section 67-9210, Idaho Code, be, and the same is hereby amended to read as follows:

67-9210. AWARD OF CONTRACT. (1) The administrator shall award contracts to, and place orders for property with, the lowest responsible bidder. Qualifications for responsibility shall be prescribed by rule. However, environmental, social, and governance standards may not be used as a qualification for responsibility.

(2) Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. In connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

(3) In awarding contracts, the administrator shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

SECTION 7. That Section 67-9225, Idaho Code, be, and the same is hereby amended to read as follows:

67-9225. PROCUREMENT BY STATE INSTITUTIONS OF HIGHER EDUCATION. (1) A state institution of higher education may establish policies and procedures for procuring property that shall be substantially consistent with the requirements for procuring property as set forth in this chapter and that shall be approved by the state board of education. When the state board of education has approved such policies and procedures for a state institution of higher education, the institution shall not be subject to the provisions of this chapter, except as provided in subsections (2) and (3) of this section.

(2) When the state enters into an open contract, a state institution of higher education must use the open contract, or the institution may procure property from a vendor that is not party to the open contract if the cost to the institution would be equal to or less than the price of the property under the open contract.

(3) (a) The state board of education shall not approve policies and procedures pursuant to subsection (1) of this section if such policies and procedures permit the consideration of environmental, social, and governance standards in procurement decisions.

(b) The state board of education shall revoke approval of policies and procedures pursuant to subsection (1) of this section if:

(i) The approval was granted prior to July 1, 2023; and

(ii) The policies and procedures violate the provisions of this subsection.

(c) If a state institution of higher education's policies and procedures are revoked pursuant to paragraph (b) of this subsection, then such institution shall be subject to the provisions of this chapter until such time as new policies and procedures for the institution are approved by the state board of education.

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

Approved March 23, 2023

CHAPTER 130
(S.B. No. 1137)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 137, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration the following amounts to be expended according to the designated expense classes from the Employee Group Insurance Fund for the period July 1, 2022, through June 30, 2023, for the purpose of an Employee Benefits Specialist:

FOR:

Personnel Costs	\$28,000
Operating Expenditures	1,900
Capital Outlay	<u>800</u>
TOTAL	\$30,700

SECTION 2. In addition to the appropriation made in Section 1, Chapter 137, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration \$2,900,000 from the ARPA State Fiscal Recovery Fund for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of reimbursement of medical costs incurred by the Idaho Independent Intergovernmental Authority related to COVID-19.

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

Approved March 22, 2023

CHAPTER 131
(H.B. No. 323)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MEDICAID FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DIVISION OF MEDICAID FROM THE COOPERATIVE WELFARE (GENERAL) FUND FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DIVISION OF MEDICAID FOR THE COOPERATIVE WELFARE (FEDERAL) FUND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 252, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$50,000		\$50,000
Cooperative Welfare (Federal)			
Fund	<u>50,000</u>		<u>50,000</u>
TOTAL	\$100,000		\$100,000
II. COORDINATED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (Dedicated)			
Fund		\$19,968,600	\$19,968,600
III. ENHANCED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (Dedicated)			
Fund		\$25,100,000	\$25,100,000
Cooperative Welfare (Federal)			
Fund		<u>140,898,900</u>	<u>140,898,900</u>
TOTAL		\$165,998,900	\$165,998,900
IV. BASIC MEDICAID PLAN:			
FROM:			
Hospital Assessment			
Fund		\$8,783,800	\$8,783,800
Cooperative Welfare (Dedicated)			
Fund		28,700,000	28,700,000
Cooperative Welfare (Federal)			
Fund		<u>87,907,600</u>	<u>87,907,600</u>
TOTAL		\$125,391,400	\$125,391,400

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. EXPANSION MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$9,680,400	\$9,680,400
Hospital Assessment			
Fund		12,616,000	12,616,000
Cooperative Welfare (Dedicated)			
Fund		22,959,000	22,959,000
Cooperative Welfare (Federal)			
Fund		<u>178,205,600</u>	<u>178,205,600</u>
TOTAL		\$223,461,000	\$223,461,000
 GRAND TOTAL	\$100,000	\$534,819,900	\$534,919,900

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid in Section 1, Chapter 252, Laws of 2022, is hereby reduced according to the designated programs for trustee and benefit payments from the Cooperative Welfare (General) Fund for the period July 1, 2022, through June 30, 2023:

FOR:		
Coordinated Medicaid Plan		\$3,422,600
Enhanced Medicaid Plan		106,789,800
Basic Medicaid Plan		<u>4,919,200</u>
TOTAL		\$115,131,600

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid in the Coordinated Medicaid Plan in Section 1, Chapter 252, Laws of 2022, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$9,778,500 for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

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

Approved March 24, 2023

CHAPTER 132
(H.B. No. 302)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CAPITOL MAINTENANCE RESERVE FUND TO THE CAPITOL COMMISSION OPERATING FUND; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>0</u>	<u>\$2,200,000</u>	<u>2,200,000</u>
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission and the Office of the State Controller shall transfer \$250,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund on July 1, 2023, or as soon thereafter as practicable, for the period July 1, 2023, through June 30, 2024.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission any unexpended and unencumbered balances appropriated to the Department of Administration for the Idaho State Capitol Commission from the Capitol Commission Operating Fund and the Capitol Maintenance Reserve Fund for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 24, 2023

CHAPTER 133
(H.B. No. 306)

AN ACT

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

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

SECTION 1. There is hereby appropriated to the Public Defense Commission the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$811,200
Operating Expenditures	269,000
Trustee and Benefit Payments	<u>10,980,500</u>
TOTAL	\$12,060,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than seven (7.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 24, 2023

CHAPTER 134
(H.B. No. 305)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND TO THE ADMINISTRATION AND ACCOUNTING SERVICES FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE ARPA STATE FISCAL RECOVERY FUND TO THE EMPLOYEE GROUP INSURANCE FUND; PROVIDING FOR PLAN STRUCTURE OF THE GROUP HEALTH INSURANCE PLAN; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$199,700	\$68,300		\$268,000
Permanent Building				
Fund	117,500	18,100		135,600
Administration and Accounting Services				
Fund	480,200	99,200		579,400
Federal Surplus Property Revolving				
Fund	23,100			23,100
Employee Group Insurance				
Fund	72,500	100		72,600
Retained Risk				
Fund	35,500			35,500
Industrial Special Indemnity				
Fund	<u>21,500</u>	<u>0</u>		<u>21,500</u>
TOTAL	\$950,000	\$185,700		\$1,135,700
II. PUBLIC WORKS:				
FROM:				
General				
Fund		\$1,675,400		\$1,675,400
Permanent Building				
Fund	\$2,972,700	744,500	\$231,700	3,948,900
Administration and Accounting Services				
Fund	<u>3,152,600</u>	<u>12,277,700</u>	<u>0</u>	<u>15,430,300</u>
TOTAL	\$6,125,300	\$14,697,600	\$231,700	\$21,054,600
III. PURCHASING:				
FROM:				
Administration and Accounting Services				
Fund	\$1,585,900	\$485,900		\$2,071,800
Federal Surplus Property Revolving				
Fund	<u>225,400</u>	<u>415,600</u>		<u>641,000</u>
TOTAL	\$1,811,300	\$901,500		\$2,712,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$579,500	\$411,800		\$991,300
Retained Risk				
Fund	801,100	208,600		1,009,700
Industrial Special Indemnity				
Fund	<u>223,400</u>	<u>101,900</u>		<u>325,300</u>
TOTAL	\$1,604,000	\$722,300		\$2,326,300
V. DOCUMENT SERVICES:				
FROM:				
General				
Fund	\$748,600			\$748,600
Administration and Accounting Services				
Fund	<u>399,100</u>	<u>\$695,700</u>	<u>\$38,600</u>	<u>1,133,400</u>
TOTAL	\$1,147,700	\$695,700	\$38,600	\$1,882,000
GRAND TOTAL	\$11,638,300	\$17,202,800	\$270,300	\$29,111,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred twenty-six (126.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administration and Accounting Services Fund on July 1, 2023, or as soon thereafter as practicable, for the Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2024.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$21,000,000 from the ARPA State Fiscal Recovery Fund to the Employee Group Insurance Fund on July 1, 2023, or as soon thereafter as practicable, for COVID-19 medical costs.

SECTION 5. PLAN STRUCTURE. The Office of Group Insurance shall maintain the current health insurance plan structure and benefit package for state employees and the employer and employee cost sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee for fiscal year 2024. Adherence with the plan structure shall not preclude the Office of Group Insurance from implementing positive plan changes as identified.

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

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

Approved March 24, 2023

CHAPTER 135
(H.B. No. 179)

AN ACT

RELATING TO RANKED CHOICE VOTING; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-903B, IDAHO CODE, TO PROHIBIT RANKED CHOICE VOTING AND INSTANT RUNOFF VOTING, TO DEFINE TERMS, AND TO DECLARE VOID ANY LOCAL GOVERNMENT ORDINANCE IN CONFLICT WITH THIS SECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-903B, Idaho Code, and to read as follows:

34-903B. RANKED CHOICE VOTING PROHIBITED. (1) No county elections of-
fice shall use ranked choice voting or instant runoff voting to conduct an election or nomination of any candidate in this state for any local govern-
ment, statewide, or federal elective office.

(2) For the purpose of this section:

(a) "Local government" means any municipality, county, school dis-
trict, special taxing district, or any other regional or local district
or unit of government that is governed by one (1) or more elected offi-
cials.

(b) "Ranked choice voting" or "instant runoff voting" means a method of
casting and tabulating votes in which:

(i) Voters rank candidates in order of preference;

(ii) Tabulation proceeds in rounds such that in each round either
a candidate or candidates are elected or the last-place candidate
is defeated;

(iii) Votes are transferred from elected or defeated candidates to
the voters' next ranked candidate or candidates in order of pref-
erence; and

(iv) Tabulation ends when a candidate receives the majority of
votes cast or the number of candidates elected equals the number
of offices to be filled.

(3) Any local government ordinance in conflict with this section is
void.

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

Approved March 24, 2023

CHAPTER 136
(H.B. No. 274)

AN ACT

RELATING TO COMMUNICATIONS SECURITY; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6726, IDAHO CODE, TO DEFINE A TERM, TO PROHIBIT STATE EMPLOYEES FROM USING OR DOWNLOADING TIKTOK ON A STATE-ISSUED DEVICE, TO PROVIDE THAT THE STATE SHALL IMPLEMENT CONTROLS TO PREVENT THE USE OF TIKTOK ON STATE-ISSUED DEVICES, AND TO PROVIDE A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. Preserving the safety, security, privacy, and way of life of the State of Idaho and its citizens is of paramount importance, and the state must take steps to prevent the collection of private data of Idaho citizens by platforms such as TikTok that may share sensitive information with foreign governments.

SECTION 2. That Chapter 67, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-6726, Idaho Code, and to read as follows:

18-6726. TIKTOK USE BY STATE EMPLOYEES ON A STATE-ISSUED DEVICE PROHIBITED. (1) As used in this section, "TikTok" means the social networking service owned by the Chinese company ByteDance Limited or any successor application.

(2) No person or entity that contracts with the state government and no member or employee of:

(a) The executive branch, the state legislature, or the judiciary;

(b) Any state-funded agency, department, organization, commission, office, division, board, bureau, council, college, university, administration, or corrections industry or any other division or subdivision that is funded in whole or in part through funds appropriated in the state budget; or

(c) The Idaho air national guard, Idaho army national guard, or Idaho state police, not including use for gathering military intelligence or criminal investigations by law enforcement,

shall download or use the TikTok application or visit the TikTok website on any network owned by, operated by, or otherwise under the control of state government or on any state government-issued device, including but not limited to a cellular phone, a computer, or any other device capable of internet connectivity.

(3) The executive branch, the legislative branch, and the judicial branch shall implement controls to prevent the use of TikTok on state government-issued equipment or while connected to any network owned, operated, or otherwise under the control of state government.

(4) Any person who knowingly violates the provisions of subsection (2) of this section shall be guilty of a misdemeanor.

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

CHAPTER 137
(H.B. No. 258)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-705A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR CERTAIN DISABLED VETERANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-705A, Idaho Code, be, and the same is hereby amended to read as follows:

63-705A. SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR DISABLED VETERANS. (1) For tax year 2021 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand five hundred dollars (\$1,500) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation and the exception of the date limitations as set forth in subsection ~~(4)~~ (5) of this section.

(3) In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.

(4) An applicant who is a veteran with a one hundred percent (100%) service-connected permanent and total disability, having once applied for and received the reduction under this section, shall be entitled to continue receiving the benefit in subsequent years without applying annually, unless the veteran changes homesteads pursuant to subsection (5) of this section.

~~(4)~~ (5) If a qualified veteran has applied for the special tax reduction under this section but after April 15 changes his homestead to a different property that would otherwise qualify for the special tax reduction under this section, the special tax reduction benefit is available for transfer. The state tax commission must notify the appropriate county officials to transfer the special tax reduction benefit to the qualifying property when all of the following conditions are met:

- (a) The qualified veteran has applied for and been granted the tax reduction benefit before April 15;
- (b) After April 15 but before October 1, the qualified veteran has changed his homestead to a separate property that would otherwise qualify for the special tax reduction authorized under this section; and
- (c) The qualified veteran notifies the state tax commission before October 1 of the desire to transfer the tax reduction benefits to the qualifying property.

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

Approved March 24, 2023

CHAPTER 138
(H.B. No. 156)

AN ACT

RELATING TO PREDATORY WILDLIFE; AMENDING SECTION 36-201, IDAHO CODE, TO CLASSIFY RATTLESNAKES AS PREDATORY WILDLIFE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-201, Idaho Code, be, and the same is hereby amended to read as follows:

36-201. FISH AND GAME COMMISSION AUTHORIZED TO CLASSIFY WILDLIFE. (1) With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the state of Idaho. Such definitions and classifications shall include:

- (a) Game animals
- (b) Game birds
- (c) Game fish
- (d) Fur-bearing animals
- (e) Migratory birds
- (f) Threatened or endangered wildlife
- (g) Protected nongame species
- (h) Unprotected wildlife

Predatory wildlife shall include:

- 1. Coyote
- 2. Jackrabbit
- 3. Skunk
- 4. Weasel
- 5. Starling
- 6. Raccoon
- 7. Rattlesnake

(2) Notwithstanding the classification assigned to wolves, all methods of take including, but not limited to, all methods utilized by the United States fish and wildlife service and the United States department of agriculture wildlife services, shall be authorized for the management of wolves in accordance with existing laws or approved management plans. In addition, any method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves.

(3) Wolf trapping season shall be open year-round on all private property, as long as individuals are in compliance with the permission requirements contained in section 36-1603, Idaho Code, before entering private property. It is the expectation of the legislature that wolf collaring will be used as one of the proactive management tools for packs that are predisposed to depredation on domestic livestock and for assisting with population counts.

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

Approved March 24, 2023

CHAPTER 139
(H.B. No. 245)

AN ACT

RELATING TO CIGARETTE AND TOBACCO PRODUCT TAXES; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DISTRIBUTION OF CERTAIN TAX REVENUES TO THE CENTRAL CANCER REGISTRY FUND AND TO REMOVE OBSOLETE LANGUAGE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the state tax commission as follows:

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

(b) ~~On and after July 1, 2014, the~~ The balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) Five million dollars (\$5,000,000) shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) ~~One hundred twenty thousand dollars (\$120,000)~~ Three hundred sixty thousand dollars (\$360,000) shall be distributed to the central cancer registry fund and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

(3) Three hundred thousand dollars (\$300,000) shall be distributed to the cancer control fund created by section 57-1702, Idaho Code, and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(1), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter, all remaining moneys shall be distributed in the following priority order:

- (i) Four million seven hundred thousand dollars (\$4,700,000) to be used for the purpose of paying the state match as required for federal funds committed to pay the annual scheduled GARVEE debt service until such time as the Idaho housing and finance association certifies that any such bonds or notes are adequately paid for, in accordance with chapter 62, title 67, Idaho Code;
- (ii) Five million dollars (\$5,000,000) to the secondary aquifer planning, management and implementation fund as established in section 42-1780, Idaho Code. Such moneys shall be used for statewide aquifer stabilization; and
- (iii) All remaining moneys following distributions pursuant to subparagraphs (i) and (ii) of this paragraph shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

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

Approved March 24, 2023

CHAPTER 140
(S.B. No. 1061)

AN ACT

RELATING TO PIPELINES; AMENDING SECTION 50-1304, IDAHO CODE, TO PROVIDE THAT PLATS SHALL SHOW CERTAIN INTERSTATE NATURAL GAS TRANSMISSION PIPELINES AND INTERSTATE PETROLEUM PRODUCTS PIPELINES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 11, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-1104, IDAHO CODE, TO REQUIRE CERTAIN PIPELINE COMPANIES TO FILE SPECIFIED INFORMATION WITH COUNTIES REGARDING INTERSTATE NATURAL GAS TRANSMISSION PIPELINES AND INTERSTATE PETROLEUM PRODUCTS PIPELINES; AMENDING SECTION 67-6511, IDAHO CODE, TO REQUIRE THAT NOTICE REGARDING ZONING ORDINANCE CHANGES BE GIVEN TO CERTAIN PIPELINE COMPANIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6519, IDAHO CODE, TO REQUIRE THAT NOTICE REGARDING DEVELOPMENT PROPOSALS BE GIVEN TO CERTAIN PIPELINE COMPANIES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-1304, Idaho Code, be, and the same is hereby amended to read as follows:

50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any county shall be ~~upon~~ on stable base drafting film with a minimum base thickness of 0.003 inches. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance, if required by the county where the plat is to be recorded, to assure permanent legibility. Plats shall be eighteen (18) inches by twenty-seven (27) inches ~~in size~~, with a three-and-one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing

or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which that contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgments and certifications shall appear on any of the serially numbered sheets.

(2) The plat shall show:

(a) The streets and alleys, with widths and courses clearly shown;

(b) Each street named;

(c) All lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, ~~that~~ each block, section, district or division and each burial lot shall be designated by number or letter or name;

(d) Each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;

(e) The exterior boundaries shown by distance and bearing;

(f) Descriptions of survey monuments;

(g) The point of beginning with ties to at least two (2) monuments from the following list:

(i) Public land survey corners;

(ii) Center of section, quarter section corners, or sixteenth section corners, any of which were not monumented in an original survey of the United States, provided such corners have a corner record meeting the current requirements of chapter 16, title 55, Idaho Code; or

(iii) Monuments recognized by the county surveyor.

Additionally, if required by the city or county governing bodies, the plat shall provide coordinates based on the Idaho coordinate system.

(h) The easements;

(i) Basis of bearings, bearing and length of lines, graphic scale of plat, and north arrow;

(j) Subdivision name; and

(k) Narrative as described in section 55-1906, Idaho Code; and

(l) Any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point one thousand (1,000) feet or less from the planned subdivision, provided that the pipeline company operating the interstate natural gas transmission pipeline or interstate petroleum products pipeline is in compliance with section 62-1104, Idaho Code.

(3) When coordinates in the Idaho coordinate system are shown on a plat, the plat must show the national spatial reference system monuments and their coordinates used as the basis of the survey; the zone; the datum and adjustment; and the combined adjustment factor and the convergence angle and the location where they were computed.

(4) Plats that are re-subdivisions of subdivisions of record need not meet the requirements set forth in subsection (2) (g) of this section.

SECTION 2. That Chapter 11, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-1104, Idaho Code, and to read as follows:

62-1104. INTERSTATE NATURAL GAS TRANSMISSION PIPELINE -- INTERSTATE PETROLEUM PRODUCTS PIPELINE -- DUTY TO FILE. (1) By July 1, 2023, and by January 1 annually thereafter, in counties where a pipeline company operates an interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, the company must file with the county the following:

- (a) Interstate natural gas transmission pipeline or interstate petroleum products pipeline location information, including but not limited to the easement or other documents reflecting the actual location of the interstate natural gas transmission pipeline or interstate petroleum products pipeline, marking facilities on design drawings, and maps; and
- (b) Current information for three (3) natural people designated as agents authorized to act on the pipeline company's behalf. Information for each person must include:
 - (i) First and last name;
 - (ii) Title or position;
 - (iii) Mailing address;
 - (iv) Email address; and
 - (v) Telephone number.

(2) If a pipeline company fails to comply with the requirements of this section:

- (a) The requirement to include the pipeline company's interstate natural gas transmission pipeline or interstate petroleum products pipeline information on a plat as required by section 50-1304, Idaho Code, is void; and
- (b) Notice to the pipeline company, as required by sections 67-6511 and 67-6519, Idaho Code, is void.

SECTION 3. That Section 67-6511, Idaho Code, be, and the same is hereby amended to read as follows:

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

- (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.
- (b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission, which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Notice shall also be posted on the premises ~~not~~ no less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures ~~which that~~ would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

SECTION 4. That Section 67-6519, Idaho Code, be, and the same is hereby amended to read as follows:

67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.

(2) Where the commission hears an application, the commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the application or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Provided however, any application which that relates to a public school facility shall receive priority consideration and shall be reviewed for approval, denial or recommendation by the commission or the governing board at the earliest reasonable time, regardless of the timing of its submission relative to other applications which are not related to public school facilities.

(3) When considering an application which that relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicular vehicle, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

- (a) The ordinance and standards used in evaluating the application;
- (b) The reasons for approval or denial; and
- (c) The actions, if any, that the applicant could take to obtain approval.

(6) Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

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

Approved March 24, 2023

CHAPTER 141
(H.B. No. 186)

AN ACT

RELATING TO METHODS OF EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO PROVIDE FOR EXECUTION BY FIRING SQUAD, TO PROVIDE FOR CERTAIN REQUIREMENTS PRIOR TO AN EXECUTION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-2716, Idaho Code, be, and the same is hereby amended to read as follows:

19-2716. ~~INFLICTION OF DEATH PENALTY~~ METHODS OF EXECUTION. (1) The punishment of death shall be inflicted by ~~continuous~~ the following methods:

(a) Continuous, intravenous administration of a lethal quantity of a substance or substances approved by the director of the Idaho department of correction until death is pronounced by a coroner or a deputy coroner; or

(b) Firing squad.

(2) Not later than five (5) days after the issuance of a death warrant, the director of the Idaho department of correction must determine, and certify by affidavit to the court that issued the death warrant, whether execution by lethal injection, as described in subsection (1) (a) of this section, is available.

(3) If the director certifies that lethal injection is available, the method of execution shall be lethal injection.

(4) If the director does not certify that lethal injection is available, fails to file a certification as required pursuant to subsection (2) of this section, or otherwise determines that lethal injection is unavailable, the method of execution shall be firing squad.

(5) If a court holds that lethal injection is unconstitutional, on its face or as applied, or otherwise determines that firing squad is a constitutionally required method of execution, the method of execution shall be firing squad.

(6) The director of the Idaho department of correction shall determine the procedures to be used in any execution.

(7) ~~This act~~ The provisions of this section shall apply to all executions carried out on and after the effective date of this enactment, irrespective of the date sentence was imposed.

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

Approved March 24, 2023

CHAPTER 142
(H.B. No. 61)

AN ACT

RELATING TO TELEHEALTH ACCESS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5714, IDAHO CODE, TO PROVIDE FOR INTERSTATE MENTAL AND BEHAVIORAL TELEHEALTH; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 57, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-5714, Idaho Code, and to read as follows:

54-5714. INTERSTATE TELEHEALTH -- MENTAL AND BEHAVIORAL HEALTH. (1) For purposes of this section, a mental or behavioral health provider is a provider pursuant to section 54-5703(4), Idaho Code, who is licensed or registered in another state, district, or territory of the United States to practice mental or behavioral health care.

(2) A mental or behavioral health provider who is not licensed in Idaho may provide telehealth services to an Idaho resident or person located in Idaho, notwithstanding any provision of law or rule to the contrary, pursuant to the requirements and limitations of this section.

(3) In addition to the other requirements of this section, a mental or behavioral health provider who engages in interstate telehealth services pursuant to this section must:

(a) Hold current, valid, and unrestricted licensure from an applicable health care licensing authority in a state, district, or territory of the United States that has substantially similar requirements for licensure as the corresponding Idaho licensing authority;

(b) Not be subject to any past or pending disciplinary proceedings, excluding any action related to nonpayment of fees related to a license;

(c) Act in full compliance with all applicable laws, rules, and regulations, including this chapter and laws and rules of the applicable Idaho licensing authority regarding such mental or behavioral health care practice;

(d) Act in compliance with any existing Idaho requirements regarding the maintenance of liability insurance;

(e) Consent to Idaho jurisdiction; and

(f) Biennially register in Idaho to provide telehealth services.

(4) The standard of care under this section shall be the Idaho community standard of care.

(5) A mental or behavioral health provider who fails to comply with applicable Idaho laws, rules, and regulations shall be subject to investigation and disciplinary action by an applicable Idaho licensing authority. Disciplinary action may include but is not limited to revoking the mental or behavioral health provider's Idaho practice privileges, referring the matter to licensing authorities in any states where the mental or behavioral health provider possesses licensure, and civil penalties.

(6) Venue for a civil or administrative action initiated by a licensing authority or by a patient who receives telehealth services from an out-of-state mental or behavioral health provider shall be located in the patient's county of residence or in any applicable county in Idaho.

(7) Nothing in this section shields a mental or behavioral health provider from personal jurisdiction in Idaho.

(8) Nothing in this section shields a mental or behavioral health provider from the requirements of the health insurance portability and accountability act of 1996.

(9) A licensing authority responsible for issuing licenses to provide mental or behavioral health care services in this state shall register interstate telehealth providers pursuant to this section.

(10) A licensing authority shall require an applicant for an Idaho registration to complete an application in a form prescribed by the licensing authority that demonstrates to the licensing authority that the applicant is in compliance with the provisions of this section and that such applicant consents to the requirements of this section. The licensing authority may establish an application registration fee not to exceed thirty-five (\$35.00) dollars.

(11) If a licensing authority finds that grounds for discipline against a registered provider exist, such licensing authority:

(a) May impose upon the practice privileges of the registration holder any of the penalties that such licensing authority is authorized to impose;

(b) Shall promptly notify licensing authorities in any state where a provider possesses licensure of any action taken against the telehealth registration practice privileges of a licensee pursuant to this section; and

(c) May bring a civil or administrative action against such provider pursuant to subsection (6) of this section.

(12) The registration provided for in this section is not equivalent to Idaho licensure for purposes of in-person services and shall not permit a registrant to provide any in-person services in Idaho. The registration cannot be used as a basis for reciprocal licensure or full licensure in Idaho.

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

Approved March 27, 2023

CHAPTER 143
(H.B. No. 301)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH; APPROPRIATING MON-
EYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE AND
THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2024; PROVIDING
REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND;
PROVIDING REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE
STABILIZATION FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA
STATE FISCAL RECOVERY FUND; EXEMPTING THE APPROPRIATION FROM OBJECT
TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$6,965,600	\$1,095,200		\$8,060,800
Miscellaneous Revenue				
Fund	110,200	94,000		204,200
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,620,600</u>	<u>111,800</u>		<u>1,732,400</u>
TOTAL	\$8,696,400	\$1,741,000		\$10,437,400
II. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$991,500	\$68,400	\$4,000	\$1,063,900
GRAND TOTAL	\$9,687,900	\$1,809,400	\$4,000	\$11,501,300

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the ARPA State Fiscal Recovery Fund for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the Technology Infrastructure Stabilization Fund for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND. There is hereby reappropriated to the Legislative Technology Program any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Technology Program from the ARPA State Fiscal Recovery Fund for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Legislative Services Office and Office of Performance Evaluations are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to them for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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

Approved March 27, 2023

CHAPTER 144

(S.B. No. 1016, As Amended in the House)

AN ACT

RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS; AMENDING SECTION 67-2802A, IDAHO CODE, TO PROVIDE THAT A PUBLIC WORKS CONTRACTOR SHALL NOT BE REQUIRED TO PROVIDE ACCESS TO A MULTIPLE-OCCUPANCY RESTROOM, SHOWER FACILITY, OR CHANGING ROOM ON ANY BASIS OTHER THAN SEX; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-2802A, Idaho Code, be, and the same is hereby amended to read as follows:

67-2802A. DISCRIMINATION IN PROCUREMENT PROHIBITED. (1) Political subdivisions of the state of Idaho in their procurements governed by this chapter shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

(2) Unless specifically required pursuant to applicable federal law or regulation, no public entity or political subdivision of the state of Idaho shall require a contractor engaged in public works construction governed by this chapter to provide a multiple-occupancy restroom, shower facility, or changing room that is owned by or under the control of the contractor on any basis other than sex, as defined in section 39-245A(3), Idaho Code.

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

Approved March 27, 2023

CHAPTER 145
(S.B. No. 1171)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; CLARIFYING THE RESPONSIBILITY FOR THE EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING THE USE OF CHILD ABUSE PROTECTION TREATMENT ACT FUNDS; DIRECTING EXPENDITURES FOR THE DIVISION OF CHILD WELFARE; DIRECTING EXPENDITURES FOR THE DIVISION OF SERVICES FOR THE DEVELOPMENTALLY DISABLED; DIRECTING EXPENDITURES FOR THE DIVISION OF SERVICE INTEGRATION; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF CHILD WELFARE FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:				
A. CHILD WELFARE:				
FROM:				
Cooperative Welfare (General)				
Fund	\$13,808,300	\$2,384,500		\$16,192,800
Cooperative Welfare (Dedicated)				
Fund	73,500	20,000		93,500
Cooperative Welfare (Federal)				
Fund	<u>27,110,400</u>	<u>5,819,700</u>		<u>32,930,100</u>
TOTAL	\$40,992,200	\$8,224,200		\$49,216,400
 B. FOSTER & ASSISTANCE PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$28,261,200	\$28,261,200
Cooperative Welfare (Dedicated)				
Fund			150,000	150,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>29,020,400</u>	<u>29,020,400</u>
TOTAL			\$57,431,600	\$57,431,600
DIVISION TOTAL	\$40,992,200	\$8,224,200	\$57,431,600	\$106,648,000
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:				
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$9,089,400	\$893,600	\$2,426,600	\$12,409,600
Cooperative Welfare (Dedicated)				
Fund	124,300	46,300	783,100	953,700
Cooperative Welfare (Federal)				
Fund	<u>7,222,200</u>	<u>1,054,800</u>	<u>2,922,300</u>	<u>11,199,300</u>
TOTAL	\$16,435,900	\$1,994,700	\$6,132,000	\$24,562,600
B. SOUTHWEST IDAHO TREATMENT CENTER:				
FROM:				
Cooperative Welfare (General)				
Fund	\$4,285,500	\$724,500	\$79,200	\$5,089,200
Cooperative Welfare (Dedicated)				
Fund	328,500	137,800	10,600	476,900
Cooperative Welfare (Federal)				
Fund	<u>6,244,300</u>	<u>1,601,400</u>	<u>141,300</u>	<u>7,987,000</u>
TOTAL	\$10,858,300	\$2,463,700	\$231,100	\$13,553,100
C. EXTENDED EMPLOYMENT SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$229,200	\$91,600	\$3,202,900	\$3,523,700
DIVISION TOTAL	\$27,523,400	\$4,550,000	\$9,566,000	\$41,639,400
III. SERVICE INTEGRATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$281,800	\$41,300	\$450,000	\$773,100
Cooperative Welfare (Dedicated)				
Fund		19,500	50,000	69,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund	<u>2,544,800</u>	<u>267,700</u>	<u>2,900,000</u>	<u>5,712,500</u>
TOTAL	\$2,826,600	\$328,500	\$3,400,000	\$6,555,100
GRAND TOTAL	\$71,342,200	\$13,102,700	\$70,397,600	\$154,842,500

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

Child Welfare	434.80
Community Developmental Disability Services	181.96
Southwest Idaho Treatment Center	121.75
Extended Employment Services	3.00
Service Integration	35.00

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

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

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

SECTION 6. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

SECTION 7. CHILD ABUSE PROTECTION TREATMENT ACT FUNDS. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (Federal) Fund, a minimum of \$42,000 of federal Child Abuse Protection Treatment Act (CAPTA) funds appropriated to the Department of Health and Welfare shall be provided to the public health districts each year. Funds for each public health district shall be distributed at one-seventh (1/7) of the total amount, which shall be used for the citizen review panels pursuant to Section 16-1647, Idaho Code.

SECTION 8. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Child Welfare shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 9. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Services for the Developmentally Disabled shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

SECTION 10. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Service Integration shall not be transferred to any other expense class within the Department of Health and Welfare during fiscal year 2024.

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

SECTION 12. In addition to the appropriation made in Section 1, Chapter 211, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Foster and Assistance Payments Program the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2022, through June 30, 2023, for the purpose of congregate care costs:

FROM:

Cooperative Welfare (General)	
Fund	\$1,002,600
Cooperative Welfare (Federal)	
Fund	<u>1,048,100</u>
TOTAL	\$2,050,700

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

Approved March 27, 2023

CHAPTER 146
(S.B. No. 1114)

AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8205, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE AND TO PROVIDE FOR A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE FOR INTERGOVERNMENTAL AGREEMENTS BETWEEN GOVERNMENTAL ENTITIES AND CERTAIN DISTRICTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-8205, Idaho Code, be, and the same is hereby amended to read as follows:

67-8205. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE. (1) Any governmental entity that is considering or that has adopted a development impact fee ordinance shall establish a development impact fee advisory committee as provided in this section.

(2) (a) The development impact fee advisory committee shall be composed of not fewer than five (5) members appointed by the governing authority of the governmental entity or as the members' appointments are provided for in an intergovernmental agreement.

(b) Two (2) or more members shall be active in the business of development, building, or real estate. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee if the commission includes two (2) or more members who are active in the business of development, building, or real estate; ~~otherwise, two (2) such.~~ Two (2) members who are not employees or officials of a governmental entity shall also be appointed to the committee.

(c) New appointments and reappointments to a committee on and after July 1, ~~2021~~ 2023, must also comply with the provisions of this paragraph. All members must reside within the ~~jurisdictional~~ service area. ~~Two (2) or more members shall be active in the business of development, building, or real estate. Two (2) or more members shall not be in the business of development, building, or real estate.~~ Employees or officials acting in their official capacity for a governmental entity may not be appointed as members of the committee. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee for the governing authority if the commission includes two (2) or more members who are active in the business of development, building, or real estate and two (2) or more members who are not in such business; otherwise, two (2) such members who are not employees or officials of a governmental entity shall be appointed to the committee until the membership requirements of this subsection are met.

(3) Intergovernmental agreements between governmental entities and districts identified in section 67-8204A, Idaho Code, shall provide for the establishment of a development impact fee advisory committee, and the nomination and membership of such committee shall be in compliance with the provisions of this section.

~~(3)~~ (4) The development impact fee advisory committee shall serve in an advisory capacity and is established to:

- (a) Assist the governmental entity in adopting land use assumptions;
- (b) Review the capital improvements plan, and proposed amendments, and file written comments;
- (c) Monitor and evaluate implementation of the capital improvements plan;
- (d) File periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees; and
- (e) Advise the governmental entity of the need to update or revise land use assumptions, the capital improvements plan, and development impact fees.

~~(4)~~ (5) The governmental entity shall make available to the advisory committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan, and periodic updates of the capital improvements plan.

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

Approved March 27, 2023

CHAPTER 147
(S.B. No. 1015)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-6401, IDAHO CODE, TO LIMIT EXTENDED LEARNING OPPORTUNITIES TO FULL-TIME STUDENTS; AMENDING SECTION 33-512D, IDAHO CODE, TO LIMIT SELF-DIRECTED STUDENT OPPORTUNITIES TO FULL-TIME STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-6401, Idaho Code, be, and the same is hereby amended to read as follows:

33-6401. EXTENDED LEARNING OPPORTUNITIES. Students Full-time students attending public schools in Idaho shall be eligible for extended learning opportunities outside of the traditional classroom. For the purposes of this chapter, "extended learning opportunity" means an out-of-classroom learning experience that provides a student with:

- (1) Enrichment opportunities outside of a classroom setting;
- (2) Career readiness or employability skills, including internships, pre-apprenticeships, and apprenticeships; or
- (3) Any other type of out-of-classroom educational opportunity approved by the state board of education or the student's school district or public charter school.

SECTION 2. That Section 33-512D, Idaho Code, be, and the same is hereby amended to read as follows:

33-512D. SELF-DIRECTED LEARNER DESIGNATION. (1) A student attending public school in Idaho shall be eligible to be designated as a self-directed learner. For the purposes of this section, a "self-directed learner" means a full-time student:

(a) Who demonstrates mastery of content knowledge through grades, assessments, or mastery-based learning rubrics;

(b) Whose teacher or teachers designate the student as such. The teacher may consider the student's mastery of the content, academic growth, timeliness for assignments, self-motivation, ability to establish goals, and reaching age-appropriate learning outcomes;

(c) Who, starting in grade 5, demonstrates mastery of addition and multiplication for numbers 0-10, as well as related subtraction and division problems, known collectively as "math facts"; and

(d) Who, starting in grade 8, demonstrates an informed choice of post-secondary career and education goals by:

(i) Completing and updating his student learning plan as defined in section 33-1001(30), Idaho Code;

(ii) Supplementing his student learning plan, as applicable, with the following that further his postsecondary goals:

1. Extended learning opportunities as defined in section 33-6401, Idaho Code;

2. Courses and examinations funded in chapter 46, title 33, Idaho Code; or

3. Any other credits or programs permitted under Idaho Code or district policy as applicable to the student's learning plan; and

(iii) Identifying and writing down self-determined personal life goals, including an explanation of how attending specific classes will lead to the fulfillment of personal life goals.

(2) Each school district or public charter school may adopt a self-directed learner policy to provide processes:

(a) Through which students may seek a self-directed learner designation;

(b) By which teachers may designate a student as a self-directed learner;

(c) To monitor and support self-directed learners;

(d) By which a student's teacher or teachers rescind the self-directed learner designation; and

(e) As otherwise necessary for implementation.

(3) Once a student is designated a self-directed learner, the student has the right to flexible learning. Flexible learning may be different for each student and may include flexible attendance, attending school virtually, extended learning opportunities, and any other agreed-upon learning inside or outside the classroom. Starting in grade 8, flexible learning should further the student's progress toward postsecondary goals. Any flexible learning permitted under this section must be agreed upon by the student, his teacher or teachers, and the student's parents or legal guardian.

(4) In order to remain a self-directed learner, the student must meet criteria agreed upon by him, his teacher or teachers, and his parents or legal guardian. Criteria may include continued mastery of content knowledge and skills, academic growth, progress toward postsecondary goals, or other measures of student learning. If a student fails to meet the agreed-upon criteria or fails to stay current on classroom assignments, and does not cure the failure within an agreed-upon time frame, the building administrator shall rescind the self-directed learner designation upon recommendation by the teacher or teachers.

(5) A self-directed learner will be reported as enrolled as one (1.0) FTE or in attendance for a full day in school for the purpose of calculating support units and public school funding. The district or charter school will receive full funding for its self-directed learners, regardless of attendance or actual hours of instruction up to one (1) full day of attendance or one (1.0) FTE, or the remaining day or FTE if the student is shared between two (2) or more school districts or public charter schools.

(6) Each school district or public charter school must report the number of self-directed learners to the state department of education annually.

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

Approved March 27, 2023

CHAPTER 148

(H.B. No. 202, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-141, IDAHO CODE, TO PROVIDE FOR THE DISPLAY OF THE NATIONAL MOTTO IN CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-141, Idaho Code, and to read as follows:

33-141. NATIONAL MOTTO. (1) An educational institution under the general supervision, governance, or control of the state board of education or the board of regents of the university of Idaho must display a durable poster or a framed copy of a representation of the national motto, "In God We Trust," in a conspicuous place if:

(a) Such poster or framed copy includes a representation of the United States flag or a representation of the flag of the state of Idaho, or both;

(b) The background, lettering, and framing on the poster or framed copy include only black, white, gold, or silver;

(c) Such poster or framed copy was donated to the institution;

(d) Such poster and framing do not contain any other lettering, verbiage, images, logos, or likeness other than that required by this section;

(e) Such poster and framing do not contain any markings identifying the donor of the poster; and

(f) The size of the poster or framed copy is approved by the educational institution.

(2) A poster or framed copy that meets the requirements of subsection (1) (a) and (b) of this section may be purchased from private donations and made available to an institution pursuant to subsection (1) of this section.

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

Approved March 27, 2023

CHAPTER 149
(S.B. No. 1031)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602, IDAHO CODE, TO PROVIDE THAT CERTAIN WATER RIGHTS AND PROPERTY OF IRRIGATION AND CANAL COMPANIES EXEMPT FROM TAXATION DO NOT REQUIRE CERTAIN APPROVAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-602, Idaho Code, be, and the same is hereby amended to read as follows:

63-602. PROPERTY EXEMPT FROM TAXATION. (1) Property shall be exempt from taxation as provided in titles 21, 22, 25, 26, 31, 33, 39, 41, 42, 49, 50, 67 and 70, Idaho Code, and in chapters 6, 24, 30, 35 and 45, title 63, Idaho Code; provided, that no deduction shall be made in assessment of shares of capital stock of any corporation or association for exemptions claimed under this section, and provided further, that the term "full cash value" wherever used in this act shall mean the actual assessed value of the property as to which an exemption is claimed.

(2) The use of the word "exclusive" or "exclusively" in this chapter shall mean used exclusively for any one (1) or more, or any combination, of the exempt purposes provided hereunder and property used for more than one (1) exempt purpose, pursuant to the provisions of sections 63-602A through 63-60200, Idaho Code, shall be exempt from taxation hereunder as long as the property is used exclusively for one (1) or more or any combination of the exempt purposes provided hereunder.

(3) All exemptions from property taxation claimed shall be approved annually by the board of county commissioners or unless otherwise provided:

(a) Exemptions pursuant to sections 63-602A, 63-602F, 63-602I, 63-602J, 63-602L(1), 63-602M, 63-602N, 63-602R, 63-602S, 63-602U, 63-602V, 63-602W, 63-602Z, 63-602DD(1), 63-602EE, 63-60200, 63-2431, 63-3502, 63-3502A and 63-3502B, Idaho Code, do not require application or approval by the board of county commissioners. For all other exemptions in title 63, Idaho Code, the process of applying is as specified in the exemption statutes or, if no process is specified and application is necessary to identify the property eligible for the exemption, annual application is required. Exemptions in other titles require no application.

(b) For exemptions that require an application, provided such exemptions are for property otherwise subject to assessment by the county assessor, the application must be made to the county commissioners by April 15 and the taxpayer and county assessor must be notified of any decision by May 15, unless otherwise provided by law. The decision of the county commissioners and any subsequent assessment notices sent to the taxpayer may be appealed to the county board of equalization pursuant to sections 63-501 and 63-501A, Idaho Code.

(c) For exemptions that require an application, provided such exemptions are for property otherwise subject to assessment by the state tax commission, application for exemption shall be included with the annual operator's statement as required pursuant to section 63-404, Idaho Code. Notice of the decision and its effect on the assessment will be provided in accordance with procedures specified in chapter 4, title 63, Idaho Code. Appeals shall be made to the state tax commission in accordance with section 63-407, Idaho Code.

(4) An owner of property that is intended for a tax-exempt purpose may apply to the board of county commissioners for a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code.

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

Approved March 27, 2023

CHAPTER 150
(S.B. No. 1084, As Amended)

AN ACT
RELATING TO WILDLIFE; AMENDING SECTION 36-701, IDAHO CODE, TO PROVIDE AN EXCEPTION TO REQUIREMENTS FOR WILDLIFE HELD CAPTIVE IN IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-701, Idaho Code, be, and the same is hereby amended to read as follows:

36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL -- EXCEPTIONS. (a) No person shall engage in any propagation or hold in captivity any species of big game animal found wild in this state, unless the person has been issued a license or permit by the director as hereinafter provided.

(b) All other species of mammals, birds or reptiles that are found in the wild in this state and are not species of special concern or threatened and endangered species, may be held in captivity without permit so long as the possessor retains proof that such wildlife was lawfully obtained. Such proof shall be maintained and presented to department representatives in accordance with section 36-709, Idaho Code.

(c) Exceptions.

1. No such license or permit shall be required of any municipal, county, state or other publicly owned zoo or wildlife exhibit or of any traveling circus, menagerie or trained act of wild animals not permanently located within the state of Idaho nor of any bona fide pet store displaying lawfully acquired wildlife for sale nor of any fur farm regulated and inspected pursuant to chapter 30, title 25, Idaho Code, nor of any domestic cervidae farm regulated and inspected pursuant to chapter 37, title 25, Idaho Code.

2. Except for the provisions of subsection (d) of this section and section 36-709, Idaho Code, relating to inspection and records of same, nothing in this chapter shall be so construed as to apply to any exotic wildlife, or domestic fur farm operated under the provisions of title 25, Idaho Code, or any tropical fish or other aquaria or ornamental fish which the commission determines do not pose a threat to native fish if released into the public waters of the state.

3. Except for the provisions of section 36-709(b), Idaho Code, relating to inspection of facilities, nothing in this chapter shall be so construed as to apply to any domestic cervidae farm.

4. Except for section 36-709(c), Idaho Code, relating to the keeping and inspection of records, and the importation of cervidae within the department's jurisdiction for disease purposes consistent with the importation of domestic cervidae under section 25-3701, Idaho Code, nothing in this chapter shall apply to animals maintained in captivity by a wildlife exhibit business within the state of Idaho authorized by a class C exhibitor license from the United States department of agriculture on or before July 1, 2003, and maintaining a class C license in good standing.

(d) Wildlife Import -- Export -- Release Permits -- Fees. No person shall import into this state or export out of this state or release in the wild any species of wildlife except by permit issued by the director and in accordance with rules promulgated by the commission. The fee per occurrence for each permit shall be as specified in section 36-416, Idaho Code. No fee shall be charged for a department benefit permit.

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

Approved March 27, 2023

CHAPTER 151
(S.B. No. 1096)

AN ACT

RELATING TO ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 39, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT AND TO DIRECT THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO CONVENE THE ALZHEIMER'S DISEASE AND RELATED DEMENTIAS ALLIANCE, TO UPDATE THE ALZHEIMER'S DISEASE AND RELATED DEMENTIAS STRATEGIC PLAN, TO DEVELOP CERTAIN STRATEGIES, AND TO ANNUALLY PROVIDE A REPORT TO THE GOVERNOR AND THE LEGISLATURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 39, Idaho Code, and to read as follows:

CHAPTER 27
ALZHEIMER'S DISEASE AND RELATED DEMENTIAS

39-2701. ALZHEIMER'S DISEASE AND RELATED DEMENTIAS. (1) The legislature, having recognized that Alzheimer's disease and related dementias (ADRD) are a looming state and national public health crisis and having found that it is in the best interest of the state and its citizenry to develop a statewide strategy to mobilize a coordinated state response, finds that it is in the best interest of the state and its citizenry to continue the work of the Alzheimer's disease and related dementias alliance (ADRD alliance) in developing, implementing, amending, and updating the Idaho Alzheimer's disease and related dementias strategic plan.

(2) The Idaho department of health and welfare, division of public health, Alzheimer's disease and related dementias program, is directed to:

(a) Convene the ADRD alliance every five (5) years to update the Alzheimer's disease and related dementias strategic plan for Idaho. The department shall serve as the focal point in convening the ADRD alliance and shall provide oversight in developing comprehensive, coordinated strategies that address the current and future impact of Alzheimer's disease, an examination of existing resources available to persons living with Alzheimer's disease and their caregivers, and information regarding Alzheimer's disease trends and policies in the state; and

(b) Annually provide a report to the governor and the legislature that shall include, at a minimum, recommendations for state policy relating to ADRD, a review of services, public safety issues for those living with ADRD and their caregivers, public education, and services initiated and coordinated among public and private agencies to meet the needs of Idahoans with ADRD and their caregivers.

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

Approved March 27, 2023

CHAPTER 152
(S.B. No. 1085)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2102, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE TERMS; AMENDING SECTION 36-2107, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR; AMENDING SECTION 36-2108, IDAHO CODE, TO REMOVE A PROVISION REGARDING A WRITTEN ENDORSEMENT AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 36-2109, IDAHO CODE, TO REVISE A PROVISION REGARDING LICENSE EXPIRATION AND RENEWAL AND TO REVISE A PROVISION REGARDING OUTFITTER LICENSES; AMENDING SECTION 36-2113, IDAHO CODE, TO REVISE PROVISIONS REGARDING REVOCATION OR SUSPENSION OF A LICENSE; AMENDING SECTION 36-2120, IDAHO CODE, TO PROVIDE FOR THE ALLOCATION OF TAGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-2102, Idaho Code, be, and the same is hereby amended to read as follows:

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in the acts enumerated herein: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities that are known to involve inherent risk limited to the following: hunting animals or birds; float or power boating on Idaho lakes, reservoirs, rivers, and streams; fishing on Idaho lakes, reservoirs, rivers, and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall

designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and transporting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) "License year" means that period of time beginning on April 1 and expiring March 31 the following year.

(f) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

(g) "Allocated tag" means a hunting tag that has been allocated by the fish and game commission pursuant to section 36-408(4), Idaho Code.

(h) "Capped hunt" means a game management area, unit, or zone for which the fish and game commission has limited or "capped" the number of deer or elk tags available for use in a general season hunt.

(i) "Controlled hunt" means a hunt for a species that has a framework determined by the fish and game commission and that has a limited number of tags that are distributed by random drawing to hunters.

(j) "Outfitted hunter tag use history" means the number of tags used by clients of an outfitter for the hunt or hunts with the most similar framework to the hunt for which the allocated tag is being designated.

(k) "Remaining allocated tag" means an allocated tag in an existing capped or controlled hunt that would have been designated to a particular outfitting operation had the outfitting operation used all of its previously designated allocated tags in the preceding big game season or seasons and that will be designated pursuant to this chapter.

(l) "Base allocation" means the historic tag use of an outfitting operation over the preceding two (2) years in a given hunt as computed in section 36-2120(2), Idaho Code.

(m) "Pool" means a group of tags that have not been utilized or have been surrendered by the outfitting operation to which they were originally designated and are made available to other operations in the same hunt.

(n) "Utilized" means that a tag has been purchased, exchanged, or converted at the department of fish and game as a designated allocated tag.

(o) "Commission" means the Idaho fish and game commission.

(p) "Compensation" means the receipt, exchange, or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party is not deemed compensation. However, such out-of-pocket expenses shall not include depreciation, amortization, wages, or other recompense.

(q) "Facilities and services" or "facilities or services" means the provision of personnel; lodging, including a tent, home, lodge, or hotel or motel; transportation, other than by commercial carrier; guiding; preparation and serving of food and equipment; or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designated in subsection (b) of this section.

(r) "Hazardous desert or mountain excursions" means outfitted or guided activities conducted in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved and are known to involve inherent risk. These activities include day or overnight trailrides, backpacking, technical mountaineering and rock climbing, cross-country skiing, backcountry alpine skiing, animal pack trips, snowmobiling, operating an all-terrain vehicle, paragliding, anadromous fishing, chukar hunting, trapping, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides.

(s) "Minor amendment" means all outfitter license amendment requests that can be processed by the board without requiring recommendation of a land managing agency or other agency before the board takes final action on said amendment request.

(t) "Operating area" means the area assigned by the board to an outfitter for the conduct of outfitting activities.

(u) "Out-of-pocket expenses" means the direct expenses attributable to a recreational activity. Such direct expenses do not include compensation for either sponsors or participants, amortization or depreciation of debt or equipment, or costs of nonexpendable supplies.

SECTION 2. That Section 36-2107, Idaho Code, be, and the same is hereby amended to read as follows:

36-2107. POWERS AND DUTIES OF BOARD. The board shall have the following duties and powers:

(a) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(b) To prescribe and establish rules of procedure to carry into effect the provisions of this chapter including, but not limited to, rules prescribing all requisite qualifications of training, experience, knowledge of rules of governmental bodies, condition and type of gear and equipment, and examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend, revoke or restrict the licenses of outfitters or guides, and to suspend, revoke or restrict said licenses for due cause in the manner hereinafter provided.

(d) The board is expressly vested with the power and the authority to enforce the provisions of this chapter, including obtaining injunctive relief, and to make and enforce any and all reasonable rules which shall by it be deemed necessary and which are not in conflict with the provisions of this chapter, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it. The board or its hearing officer may issue and serve subpoenas or subpoenas duces tecum in a manner consistent with chapter 52, title 67, Idaho Code, the rules of the office of the attorney general, and rules 45(e)(2) and 45(g) of the Idaho rules of civil procedure. Payment of fees or mileage for service of subpoenas or attendance of witnesses shall be paid by the board consistent with the provisions of chapter 52, title 67, Idaho Code, the rules of the office of the

attorney general, and rule 45(e) (1) of the Idaho rules of civil procedure. Disobedience of a subpoena or subpoena duces tecum may be enforced by making application to the district court. Disobedience by a licensee of a subpoena or subpoena duces tecum issued by the board shall be deemed a violation of a board order.

(g) The board division administrator shall have the power to hire enforcement agents in order to conduct investigations and enforce the provisions of this chapter. All enforcement agents appointed by the board who are certified by the Idaho peace officer standards and training council shall have the power of peace officers limited to:

1. Enforcement of the provisions of this chapter.
2. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request as to a particular and singular violation or suspicion of violation of law and shall not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this chapter.

(h) The board shall designate the number of deer or elk tags allocated pursuant to section 36-408(4), Idaho Code, among the authorized outfitting operations within each capped or controlled zone, unit, or game management area in a fair and equitable manner designed to maximize the use of allocated tags by the outfitted public and promote predictability for individual outfitting operations that have previously used or ensured the use of the allocated tags designated to them. The board will report the number of tags designated to each outfitter operation back to the department of fish and game for distribution.

SECTION 3. That Section 36-2108, Idaho Code, be, and the same is hereby amended to read as follows:

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the boundaries of the operating area in which such activity will be conducted.
2. All applications for a guide's license shall be signed by the applicant. ~~Such application shall contain the written endorsement of the outfitter(s) by whom the applicant will be employed.~~

(b) Applications shall be made to and filed with the board and, unless arrangements have been made otherwise with the board, accompanied by proof of eligibility for a bond payable to the person or persons employing the licensee and in a form approved by the board in the sum of ten thousand dollars (\$10,000) for outfitters, to be executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made, and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same activity(ies) or area for which application is made, shall be made not later than the end of the license year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

(d) The applicant shall pay license, penalty, amendment and application fees to the board as hereinafter provided:

1. The license fee shall be paid prior to the issuance of a license.

2. The license fee shall be used for the investigation of applicants, for enforcement of this chapter, and for the administration costs of the board.

3. ~~The license fee for outfitters for the 2005 license year shall be three hundred dollars (\$300) for online licensing and three hundred fifty dollars (\$350) for offline licensing; for the 2006 license year it shall be three hundred twenty-five dollars (\$325) for online licensing and three hundred seventy-five dollars (\$375) for offline licensing; for the 2007 license year it shall be three hundred fifty dollars (\$350) for online licensing and four hundred dollars (\$400) for offline licensing; for the 2008 license year it shall be three hundred seventy-five dollars (\$375) for online licensing and four hundred twenty-five dollars (\$425) for offline licensing; for the 2009 license year, and for each year thereafter, it shall be four hundred dollars (\$400) for online licensing and four hundred fifty dollars (\$450) for offline licensing; the license fee for a designated agent as defined in section 36-2102(b), Idaho Code, for the 2005 license year shall be one hundred twenty dollars (\$120) for online licensing and one hundred forty dollars (\$140) for offline licensing; for the 2006 license year it shall be one hundred twenty-five dollars (\$125) for online licensing and one hundred fifty dollars (\$150) for offline licensing; for the 2007 license year it shall be one hundred thirty dollars (\$130) for online licensing and one hundred sixty dollars (\$160) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred forty dollars (\$140) for online licensing and one hundred sixty dollars (\$160) for offline licensing; and the license fee for guides for the 2005 license year shall be ninety-five dollars (\$95.00) for online licensing and one hundred five dollars (\$105) for offline licensing; for the 2006 license year it shall be ninety-five dollars (\$95.00) for online licensing and one hundred ten dollars (\$110) for offline licensing; for the 2007 license year it shall be one hundred dollars (\$100) for online licensing and one hundred fifteen dollars (\$115) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred five dollars (\$105) for online licensing and one hundred fifteen dollars (\$115) for offline licensing.~~

4. A penalty fee in the amount of ~~fifty dollars (\$50.00)~~, which shall increase to one hundred fifty dollars (\$150) beginning January 1, 2005, may be charged in addition to the regular outfitter's license fee for any such renewal applicant whose application is not complete by the end of the outfitter's license year; this does not apply to a new applicant for an outfitter's license.

5. A ~~seventy-five dollar (\$75.00) fee, which shall increase to two-hundred-dollars (\$200) beginning January 1, 2005,~~ fee shall be charged for every amendment to an outfitter's license other than a minor amendment, a ~~ten-dollar (\$10.00) fee, which shall increase to thirty-five-dollars (\$35.00) beginning January 1, 2005,~~ fee shall be charged for every minor amendment to an outfitter's license, and a ~~ten-dollar (\$10.00) fee, which shall increase to twenty-dollars (\$20.00) beginning January 1, 2005,~~ fee shall be charged for every amendment to the license of a designated agent or guide.

6. The following fees shall be established annually by the board and shall be used for application related expenses: a one-time application fee for outfitters not to exceed four hundred dollars (\$400); a one-time application fee for designated agents not to exceed fifty dollars (\$50.00); and a one-time application fee for guides not to exceed ~~ten dollars (\$10.00), the maximum of which shall increase to twenty dollars (\$20.00) beginning January 1, 2005.~~ The board shall establish by rule a policy to refund unused application fees and shall establish by rule fees for expedited, exceptional, resubmittal or emergency processing of license applications, a fee credit for electronic filing of applications and a fee for the use of credit cards corresponding to the cost to the agency of processing the card use.

SECTION 4. That Section 36-2109, Idaho Code, be, and the same is hereby amended to read as follows:

36-2109. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board including, but not limited to, payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, shall be valid ~~for the year issued from the date issued,~~ and shall expire ~~on March 31 of the following year~~ as determined by law or rule; provided, that no outfitter's or guide's license may be sold, assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter. The board may prescribe by rule that limitations or qualifications placed upon an outfitter's or guide's license as provided in this chapter shall be indicated on the face of the license or as an attachment to the license which shall be considered a part of the license.

(b) A An outfitter license granted by the board including any attachment thereto shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation and shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect that such area license grant would have upon the environment, the amount of game that can be harvested, and the number of persons that can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license who the board finds is not a competent person, who has been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, who is less than eighteen (18) years of age, or who does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant who the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof that fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

SECTION 5. That Section 36-2113, Idaho Code, be, and the same is hereby amended to read as follows:

36-2113. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS. (a) Every license shall, ~~by virtue of this chapter, be is~~ subject to suspension, revocation, refusal to issue or renew, probation or other restriction by the board for the commission of any of the following acts:

1. For supplying false information or for failure to provide information required to be furnished by ~~the license application form for a license currently valid~~ or for other fraud or deception in procuring a license under the provisions of this chapter.
2. For fraudulent, untruthful or misleading advertising.
3. For conviction of a felony.
4. For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States forest service or the bureau of land management.
5. For unethical or unprofessional conduct as defined by rules of the board.
6. For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.
7. For a substantial breach of any contract with any person utilizing his services.
8. For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.
9. For the employment of an unlicensed guide by an outfitter.

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure of an outfitter to serve the public in any of the following ways: (i) by nonuse of license privileges as defined by rules of the board, (ii) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (iii) by not offering services to the general public.

14. For violation of or noncompliance with any applicable provision of this chapter, or for violation of any lawful rule or order of the outfitters and guides licensing board.

(b) For the purposes of this section, the term "conviction" shall mean a finding of guilt, an entry of a guilty plea by a defendant and its acceptance by the court, or a forfeiture of bail bond or collateral deposited to secure a defendant's appearance, suspended sentence, probation or withheld judgment.

(c) In addition to the penalties imposed in this section, the board may impose an administrative fine not to exceed five thousand dollars (\$5,000) for each violation of the provisions of this chapter.

(d) The jurisdiction and authority of the board pursuant to this section and section 36-2114, Idaho Code, extend to any former licensee for a violation of this section which occurred during the period of licensure.

(e) The assessment of costs and fees incurred in the investigation and prosecution or defense of a licensee under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 6. That Section 36-2120, Idaho Code, be, and the same is hereby amended to read as follows:

36-2120. DESIGNATION OF ALLOCATED TAGS. (1) Each time the commission ~~sets big game seasons~~ allocates tags, except as provided in subsection (3) of this section, the board shall:

(a) Designate allocated tags using a formula that prioritizes an individual outfitting operation's use, including the transfer of allocated tags previously designated to it;

(b) Designate any remaining or additional undesignated allocated tags based on each outfitting operation's base allocation number in comparison to its use of previously designated allocated tags and in proportion to other outfitting operations;

(c) Incorporate the base allocation number into the formula used to designate allocated tags to each outfitting operation; and

(d) When reasonably practical to do so, designate allocated tags before the date on which nonallocated tags become available for sale to nonresidents for the hunt in which tags are allocated.

(2) An individual outfitting operation's base allocation number is computed as follows:

(a) In capped hunts, the average of the two (2) calendar years preceding the date of allocation of all outfitted hunter tag use history in the hunt with the most similar framework to the hunt for which the allocated tag is being designated.

(b) In controlled hunts, the highest year within the two (2) calendar years preceding the date of allocation of all outfitted hunter tag use history in the controlled hunt or hunts with the most similar framework to the hunt for which the allocated tag is being designated.

(3) If the commission ~~sets big game seasons~~ allocates tags more frequently than biennially, the board will designate allocated tags only for the hunts for which the fish and game commission adjusted the number of allocated tags.

(4) If the commission reduces the number of allocated tags for a hunt from the immediately preceding big game season setting for that hunt, the board will designate allocated tags as set forth in this section, and then it will reduce each outfitting operation's designation by the same percentage as the percentage reduction to the total number of allocated tags, if necessary.

(5) If the commission allocates tags for a new newly capped or controlled hunt, the board will designate allocated tags for that hunt proportionately based on each outfitting operation's base allocation number.

(6) The board may adjust the number of tags that would be otherwise designated to an outfitting operation for a hunt based upon a request and demonstration of hardship by one (1) or more outfitting operations authorized for that hunt, upon notice and an opportunity to be heard by all affected outfitting operations.

(7) Prior to turning back unsold allocated tags to the department of fish and game, a pool for these tags will be established within each hunt. These pooled tags will be accessible to other licensed outfitters in the same hunt for periods of time specified by the board.

(8) The board will notify licensees of the number of allocated tags designated to its operations and the basis for designation.

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

Approved March 27, 2023

CHAPTER 153
(S.B. No. 1098, As Amended)

AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING SECTION 39-105, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ENTER INTO CERTAIN VOLUNTARY CONTRACTS AND AGREEMENTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-105, Idaho Code, be, and the same is hereby amended to read as follows:

39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

(1) All of the rights, powers and duties regarding environmental protection functions vested in the department of health and welfare, and its director, administered by the division of environmental quality, including, but not limited to, those provided by chapters 1, 4, 30, 36, 44, 58, 65, 66, 70, 71, 72 and 74, title 39, Idaho Code. The director shall have all such powers and duties as described in this section as may have been or could have been exercised by his predecessors in law, and shall be the successor in law to all contractual obligations entered into by predecessors in law. All hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of the Idaho Code and the provisions of this act, formulate and recommend to the board rules as may be necessary to deal with problems related to water pollution, air pollution, solid waste disposal, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of the law relating to any purpose which may be necessary and feasible for enforcing the provisions of this act, including, but not limited to, the prevention, control or abatement of environmental pollution or degradation including radionuclides and risks to public health related to any of the powers and duties described in this section. Any such rule may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

(3) The director, under the rules adopted by the board, shall have the general supervision of the promotion and protection of the environment of this state. The powers and duties of the director shall include, but not be limited to, the following:

(a) The issuance of licenses and permits as prescribed by law and by the rules of the board promulgated hereunder. For each air quality operating permit issued under title V of the federal clean air act and its implementing regulations, the director shall, consistent with the federal clean air act and its implementing regulations, expressly include a provision stating that compliance with the conditions of the permit shall be deemed compliance with the applicable requirements of the federal clean air act and the title V implementing regulations. The director may develop and issue general permits covering numerous similar sources, as authorized by 40 CFR 70.6(d), as may be amended, and as appropriate.

(b) The enforcement of rules relating to public water supplies and to ~~administer~~ administration of the drinking water loan fund pursuant to chapter 76, title 39, Idaho Code, including making loans to eligible public drinking water systems as defined in the federal safe drinking water act, as amended, and to comply with all requirements of the act, 42 U.S.C. 300f et seq., and regulations promulgated pursuant to the act. This includes, but is not limited to: the development of and implementation of a capacity development strategy to ensure public drinking water systems have the technical, managerial and financial capability to comply with the national primary drinking water regulations; and the enhancement of protection of source waters for public drinking water systems.

(c) The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of environmental pollution. All of the rules adopted by the board hereunder shall apply to state institutions.

(d) The supervision and administration of a system to safeguard air quality and ~~for limiting and controlling~~ to limit and control the emission of air contaminants.

(e) The supervision and administration of a system to safeguard the quality of the waters of this state, including, but not limited to, the enforcement of rules relating to the discharge of effluent into the waters of this state and the storage, handling and transportation of solids, liquids, and gases that may cause or contribute to water pollution. For purposes of complying with the clean water act, the director may provide an exemption from additional reductions for those nonpoint sources that meet the applicable reductions set forth in an approved TMDL as defined in chapter 36, title 39, Idaho Code.

(f) The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of environmental pollution.

(g) The administration of solid waste disposal site and design review in accordance with the provisions of chapters 4 and 74, title 39, Idaho Code, and ~~chapter 4, title 39, Idaho Code,~~ and in particular as follows:

(i) The issuance of a solid waste disposal site certificate in the manner provided in chapter 74, title 39, Idaho Code.

(ii) Provide review and approval regarding the design of solid waste disposal facilities and ground water monitoring systems and approval of all applications for flexible standards as provided in 40 CFR 258, in accordance with the provisions of chapter 74, title 39, Idaho Code.

(iii) Cooperating and coordinating with operational monitoring of solid waste disposal sites by district health departments pursuant to authority established in chapters 4 and 74, title 39, Idaho Code.

(iv) The authority granted to the director pursuant to provisions of this subsection shall be effective upon enactment of chapter 74, title 39, Idaho Code, by the legislature.

(v) The authority to develop and propose rules as necessary to supplement details of compliance with the solid waste facilities act and applicable federal regulations, provided that such regulations shall not conflict with the provisions of this act ~~nor shall such regulations or~~ be more strict than the requirements established in federal law or in the solid waste facilities act.

(h) The establishment, administration and operation of:

(i) A network of environmental monitoring stations, independent of the United States department of energy, within and around the facilities of the Idaho national laboratory to provide authoritative auditing and analysis of emissions, discharges or releases of pollutants to the environment, including the air, water and soil from such facilities; and

(ii) Programs within the department to utilize the data obtained from such monitoring, and any other relevant data, in the enforcement of applicable agreements, statutes and rules pertaining to such facilities and programs to review, analyze and participate in remedial decisions and other proposed actions and projects to ensure the protection of public health and the environment.

The director shall also monitor the implementation of agreements between the United States and the state of Idaho related to the operation and environmental protection obligations of the Idaho national laboratory and provide periodic information to the governor, the attorney general, the legislature and the people of Idaho concerning compliance with such agreements and obligations. The director shall have the power to enter into agreements with the United States department of energy in order to carry out the duties and authorities provided in this subsection.

(i) The enforcement of all laws, rules, regulations, codes and standards relating to environmental protection and health.

(j) The enhancement and protection of source waters of the state pursuant to rules of the board.

(4) The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government, including, but not limited to, the federal water pollution control act, for use in or by the state of Idaho in relation to health and environmental protection.

(5) (a) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporations for facilities, land, and equipment when such use will have a beneficial or recreational effect or be in the best interest in carrying out the duties imposed upon the department.

(b) The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(c) The director shall also have the power to enter into and make voluntary contracts and agreements with public agencies, municipal corporations, and private parties for funding or reimbursement of staff and consultant costs necessary for the director to discharge his duties as provided by state statute and administrative rule. Such contracts and agreements shall be limited to a five (5) year term, however they can be renewed upon agreement of all parties. Moneys received through these contracts and agreements shall be expended pursuant to appropriation.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and or other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

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

Approved March 27, 2023

CHAPTER 154
(S.B. No. 1097)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3536, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A MEDICAID MANAGEMENT INFORMATION SYSTEMS DEDICATED FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 35, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-3536, Idaho Code, and to read as follows:

67-3536. MEDICAID MANAGEMENT INFORMATION SYSTEMS DEDICATED FUND. There is hereby created in the state treasury a fund to be known as the medicaid management information systems dedicated fund. In fiscal year 2023, general fund moneys reflected in the medicaid division's supplemental budget request and remaining in the cooperative welfare fund from appropriations made to the medicaid division will be transferred to the medicaid management information systems dedicated fund at the close of the fiscal year or as soon as possible thereafter. The interest earned on moneys in the medicaid management information systems dedicated fund shall be retained by such fund. Moneys in such fund are intended only for the purpose of procurement, design, development, and installation of medicaid management information systems and may be expended only pursuant to appropriation. Any unexpended moneys remaining in such fund after December 31, 2031, shall revert to the general fund.

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

Approved March 27, 2023

CHAPTER 155
(S.B. No. 1094)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE; AMENDING SECTION 54-1813, IDAHO CODE, TO PROVIDE FOR TEMPORARY REGISTRATION OF EXPERIENCED INTERNATIONAL MEDICAL GRADUATES WHO ARE FORCIBLY DISPLACED PERSONS, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1813, Idaho Code, be, and the same is hereby amended to read as follows:

54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by rule provide for the issuance of a temporary license to a person licensed to practice medicine or osteopathic medicine in some other state, territory, or district of the United States or Canada or to a person who is a diplomate of the national board of medical examiners or a diplomate of the national board of osteopathic medical examiners or to a physician assistant, excluding any volunteer license applicant, provided that such temporary license shall be issued only to persons who have made an application for a permanent license in this state. The board shall fix and collect a fee for a temporary license and it shall be valid from the date of issuance for one hundred twenty (120) days, unless extended by the board or its designated representative upon a showing of good cause.

(2) The board may by rule provide for temporary registration of interns, and residents, and experienced international medical graduates who are forcibly displaced persons. The board shall fix and collect a fee for the temporary registration and it shall specify the time period of the temporary registration.

(3) For purposes of subsection (2) of this section, "experienced international medical graduate who is a forcibly displaced person" means a person who:

- (a) Is a graduate of a medical school recognized by the board;
- (b) Is an asylee, a humanitarian parolee, or a refugee holding a customs and border protection form I-94 or an equivalent document;
- (c) Has applied for an accredited medical residency training program in Idaho;
- (d) Has at least three (3) years of practice in the person's specialty;
- (e) Has no gap of greater than five (5) years between the person's clinical practice and the person's application for the accredited medical residency training program in Idaho;
- (f) Passes the occupational English test for medicine; and
- (g) Agrees to practice in a health professional shortage area, as designated by the federal government, for at least three (3) years following graduation from an accredited medical residency training program in Idaho.

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

Approved March 27, 2023

CHAPTER 156
(S.B. No. 1125)

AN ACT

RELATING TO THE TRANSFER OF PUPILS; AMENDING SECTION 33-1402, IDAHO CODE, TO REVISE PROVISIONS REGARDING ENROLLMENT OPTIONS; AMENDING SECTION 33-1403, IDAHO CODE, TO REQUIRE NOTIFICATION TO PARENTS FOR PUPIL TRANSFERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1404, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRANSFER OF CERTAIN PUPILS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1405, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1406, IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN TUITION PAYMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 14, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1409, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING MEASURING AND REPORTING CAPACITY; AMENDING CHAPTER 14, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1410, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING STUDENT APPEALS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1402, Idaho Code, be, and the same is hereby amended to read as follows:

33-1402. ENROLLMENT OPTIONS. ~~Beginning with the 1991-92 school year,~~
(1) Each school district shall implement an enrollment options program shall be implemented as provided in this section. School districts shall adopt policies to govern the process for enrollment options pursuant to this chapter, including in-district transfers. The policies shall prohibit discrimination against any pupil on the basis of his residential address, ability, disability, race, ethnicity, sex, or socioeconomic status. Such policies shall be posted to the school district's website. Schools of choice within a district that have lottery enrollment policies are not subject to the provisions of this chapter.

(2) Whenever the parent or guardian of any Idaho pupil determines that it is in the best interest of the pupil to attend a school within another district, or to attend another school within the home district, such pupil, or pupils, may be transferred to and attend the selected school, subject to the provisions of this section and section 33-1404, Idaho Code.

(3) The pupil's parent or guardian must apply annually for admission to a school within another district, or to another school within the home district, on a form provided by the state department of education or a district-provided form that is substantially similar. The application, accompanied by the pupil's accumulative record, must be submitted to the receiving school district by February 1 for enrollment during the following school year, and notice of such application given to the home district. At the time of application, the parent or guardian must request that the home district or school forward the pupil's student record. The home district or school shall respond by forwarding a certified copy of the transferred student's record within ten (10) days, unless the provisions of section 18-4511, Idaho Code, apply. The receiving school district, or the receiving school within the home district, shall notify the applicant within sixty (60) days and, if denied, must include written explanation of the denial. Upon agreement between the resident and the nonresident school boards, or between the affected schools within the home district, the deadlines for application may be waived.

(4) There may be times during the school year when a parent or guardian believes it is in the best interest of the pupil to transfer schools. Open enrollment applications shall be accepted at any time throughout the year. However, those applications received after the February 1 deadline will be considered based on capacity stated in policy at the receiving district.

(5) Priority for enrollment under this section shall be given to pupils applying to attend another school within the home district.

(6) A district may deny a transfer application for the following reasons:

(a) The pupil was expelled by the pupil's previous district;

(b) The pupil has a documented history of significant disciplinary issues;

(c) The pupil has a documented history of chronic absenteeism; or

(d) The receiving district does not have space available pursuant to section 33-1409, Idaho Code. Where applicable, a denial may include information about other schools that are below maximum enrollment.

(7) For a pupil accepted by the receiving school or district, the parent or guardian does not need to re-apply to regain acceptance the next school year. However, the parent or guardian must provide notice to the receiving school or district of intent for the pupil to re-enroll. The district may prescribe the form of notice. Once a pupil has been enrolled at the same school for a second consecutive year, the pupil may complete his education at such a school, unless the pupil's approved transfer has been revoked pursuant to this section.

(8) Whenever any pupil enrolls in, and attends a school outside the district within which the parent or guardian resides, the parent or guardian shall be responsible for transporting the pupil to and from the school or to an appropriate bus stop within the receiving district. For students attending another school within the home district, the parent or guardian is responsible for transporting the pupil to and from an appropriate bus stop. Tuition shall be waived for parents or guardians of any Idaho pupils allowed under the provisions of this section. Tuition charged to the debtor district may be waived by the creditor district.

~~No pupil shall gain eligibility to participate in extracurricular activities in violation of policies governing eligibility as a result of an enrollment option transfer to another school district.~~

(9) A pupil who applies and is accepted in a nonresident school district, but fails to attend the nonresident district, is subject to the policy of the receiving school district and shall be ineligible to again apply for an enrollment option or the transfer approval may be revoked in that nonresident district, if:

(a) The pupil is chronically absent;

(b) The pupil commits repeated, serious disciplinary infractions;

(c) The pupil commits disciplinary infractions that result in expulsion; or

(d) The school in which the student is enrolled exceeds maximum enrollment of resident pupils due to growth. However, pursuant to subsection (7) of this section, the receiving district may not revoke a transfer approval to a school after two (2) consecutive years of attendance. If a transfer approval is revoked under this subsection, the receiving district must offer the pupil information about other schools within the district that are below maximum enrollment.

(10) A receiving school shall inform the parent or guardian of the circumstances that jeopardize the student's status at a transfer school.

~~(11) No district shall take any action to prohibit or prevent application by resident pupils to attend school in another school district or to attend another school within the home district. By resolution of the board of trustees, any district may opt not to receive pupils in the enrollment options program.~~

~~A pupil under suspension or expulsion shall be ineligible for the provisions of this section.~~

~~The state department of education shall conduct an annual survey of districts participating in the enrollment options program to determine the number of participants, the number of denied applications, the effectiveness of the program, and other relevant information, and prepare an annual report of the program.~~

SECTION 2. That Section 33-1403, Idaho Code, be, and the same is hereby amended to read as follows:

33-1403. TRANSFER OF PUPILS BY INITIATIVE OF THE BOARD OF TRUSTEES. (1) Whenever the board of trustees of any school district shall determine that it is in the best interest of any of its pupils to attend school in another district within this state, the boards of trustees of the districts may annually agree, in writing, that such pupil or pupils shall be transferred to and attend the designated school or schools of the other district party to the agreement.

(2) Whenever the board of trustees of any Idaho school district abutting upon another state shall determine that it is in the best interest of any of its pupils to attend school in a school district in such neighboring state, the board of trustees may annually agree, in writing, with the governing board of the nearest appropriate school district in the neighboring state for the education, and transportation if the school district attended abuts on the home district, of such pupil or pupils. Any such agreement shall specify the rate of tuition, and cost of transportation if any, to be paid by the Idaho school district, and the agreement shall be entered into the records of the board of trustees and a copy thereof shall be filed with the state board of education.

(3) The board of trustees of any Idaho school district, as a creditor district, may, subject to the approval of the state board of education, enter into an agreement with the governing body of any school district in another state, as the debtor district, to educate, and if necessary transport, any of the pupils of such debtor district upon such terms and conditions as may be agreed upon and approved, but the rate of tuition to be charged by the Idaho school district shall be not less than the gross per-pupil cost of the credit district, as defined in section 33-1405, Idaho Code, plus the per-pupil costs paid by the state for the employer's share of social security, and the employer's share of retirement for the employees of the creditor district for the previous fiscal year, and other appropriate costs, all as determined by the state board of education. A copy of the agreement shall be entered into the records of the board of trustees and a copy thereof shall be filed with the state board of education.

(4) No pupil shall be transferred to any school without the notification and consent of the pupil's parent or guardian.

SECTION 3. That Section 33-1404, Idaho Code, be, and the same is hereby amended to read as follows:

33-1404. DISTRICTS TO RECEIVE PUPILS. (1) Every school district shall receive and admit pupils transferred thereto, ~~where payment of their tuition is to be paid by the home district, or waived by the receiving district, except when any such transfer would work a hardship on the receiving district.~~ Each receiving school district shall be governed by written policy guidelines, adopted by the board of trustees, which define hardship impact upon the district or upon an individual school within the district. ~~The policy shall provide specific standards for acceptance and rejection of applications for accepting out of district pupils. Standards may include the capacity of a program, class, grade level or school building. Standards may~~

~~not include previous academic achievement, athletic or other extracurricular ability, disabling conditions, or proficiency in the English language.~~

(2) Nonresident pupils who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts and reside in licensed homes, agencies and institutions shall be received and admitted by the school district in which the facility is located without payment of tuition.

(3) Homeless children and youth as defined by the McKinney-Vento homeless assistance act, 42 U.S.C. section 11301 et seq., may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of that child.

SECTION 4. That Section 33-1405, Idaho Code, be, and the same is hereby amended to read as follows:

33-1405. RATES OF TUITION -- TUITION CERTIFICATES. (1) The state department of education shall prepare and distribute all necessary forms, and shall issue to each school district, annually, a tuition certificate bearing a serial number, which certificate shall authorize the receiving district to charge and to bill for the tuition of its nonresident pupils where tuition has not been waived.

(2) In determining tuition rates to be charged by any creditor school district, the state department of education shall compute the sum of that district's maintenance and operation costs, depreciation on its buildings, equipment, and other property, and the interest, if any paid by it on bonded debt or registered warrants. The said state department of education shall then compute what proportion of the sum of said costs, depreciation, and interest is allocable to elementary schools, and what proportion is allocable to secondary schools, in the district. The proportion allocable to elementary schools shall then be divided by the average daily attendance of elementary school pupils, and the proportion allocable to secondary schools shall be divided by the average daily attendance of secondary school pupils, in the district, and the amount so determined shall be the gross per-pupil cost, elementary or secondary, as the case may be. The net per-pupil cost shall be the gross per-pupil cost less the per-pupil apportionment to the district of any foundation program funds.

(3) Computations of tuition rates shall be made as of the school year next preceding the year for which tuition charges are determined and made.

(4) Charges for tuition made by any creditor school district shall be its net per-pupil cost, as hereinabove defined; except that its gross per-pupil cost shall be charged where any pupil has transferred to the creditor district by transfer other than one prescribed by section 33-1403, Idaho Code, or where the home district of any pupil attending school in the creditor district is without the state of Idaho.

(5) The board of trustees of a school district may request a waiver from the state board of education of any portion of the tuition rate determined pursuant to this section. A waiver request must be made for each individual student, and may be requested for up to four (4) years, subject to annual review by the local board of trustees. Waivers must be requested before April 1 of the year prior to the operative date.

SECTION 5. That Section 33-1406, Idaho Code, be, and the same is hereby amended to read as follows:

33-1406. **BILLS OF TUITION.** (1) Bills of tuition for nonresident pupils shall be rendered by each creditor district and for nonresident pupils attending any school of the creditor district under the provisions of section 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to the home district of such pupils. ~~In all other cases, the~~ The creditor district may submit to the parent of any nonresident out-of-state pupil attending school in its district a bill of tuition of such pupil, and such parent shall be liable for the payment of said tuition, if so billed. Tuition reimbursement for nonresident pupils who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts may be obtained by the creditor district through procedures established in section 33-1002, Idaho Code, for nonresident tuition-equivalency allowance.

(2) Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state department of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

(3) Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.

SECTION 6. That Chapter 14, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1409, Idaho Code, and to read as follows:

33-1409. **MEASURING AND REPORTING CAPACITY.** (1) Every school district must determine maximum enrollment for each grade-level. The district will use the maximum enrollment to determine space available for transfer applications. For secondary grades, a district may use core classroom size per grade level as the standard to determine maximum enrollment.

(2) Not less than four (4) times during the school year, every school district shall publicly post on its website the space available at each grade-level and at each school. Space available shall be determined by comparing the maximum enrollment to the number of pupils actually enrolled. A school district that does not meet the minimum sample size necessary to prevent unlawful release of personally identifiable student data established pursuant to subsection (5) of this section is not subject to the publication requirements pursuant to this subsection.

(3) Not less than four (4) times during the school year, every school district shall report to the state reporting system the space available at each grade-level, school, and in each program, the number of transfer applications, the number of accepted transferred pupils, and the number of denied applications.

(4) By September 1 each year, the state board of education shall collect, analyze, and publish to its website the capacity and transfer data from each school district from the previous year. The report shall include the number of participants, the number of denied applications, and other relevant information. The state board of education shall also report this information to the legislature no later than February 1 of each year.

(5) The state board of education shall not publish or release data of a school district if the number of students who applied for a transfer is less than the minimum sample size necessary for prevention of the unlawful release of personally identifiable student data. The state board of education shall establish the minimum number of students necessary to meet the requirements of this subsection.

SECTION 7. That Chapter 14, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1410, Idaho Code, and to read as follows:

33-1410. STUDENT APPEALS. (1) If a transfer request is denied by a receiving school or district, a parent or guardian may request an administrative review by the board of trustees of the receiving district. The parent or guardian must request the review within five (5) school days of receiving the written denial notice. The board of trustees shall consider the appeal at its next regularly scheduled meeting. The board of trustees must issue its decision in writing.

(2) If a pupil's approved transfer is revoked, the pupil's parent or guardian may request an administrative review by the board of trustees of the receiving district. The parent or guardian must request the review within five (5) school days of receiving the written notice of the transfer revocation. The board of trustees shall consider the appeal at its next regularly scheduled meeting. The board of trustees must issue its decision in writing.

(3) The parent or guardian may appeal the board of trustees decision under this section to the state board of education and must do so within ten (10) school days of receiving the district's written decision. The state board of education shall review the appeal. When appropriate, the state board of education shall consider the appeal at its next regularly scheduled meeting, where the parent and a representative from the receiving school district may address the state board of education. The state board of education may promulgate rules to establish the appeals process authorized by this subsection.

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

Approved March 27, 2023

CHAPTER 157
(S.B. No. 1117)

AN ACT

RELATING TO THE APPROPRIATION FOR THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Lands for the Forest and Range Fire Protection Program \$340,400 from the General Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023, for the purpose of purchasing equipment for the Cottonwood Fire District.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Lands for the Forest and Range Fire Protection Program \$831,000 from the General Fund to be expended for capital outlay for the period July 1, 2022, through June 30, 2023, for the purpose of purchasing equipment for statewide fire protection.

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

Approved March 27, 2023

CHAPTER 158
(S.B. No. 1028)

AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 39-5301A, IDAHO CODE, TO REVISE PROVISIONS REGARDING POLICY; AMENDING SECTION 39-5302, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-5303, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUTY TO REPORT; AMENDING SECTION 39-5303A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A LIMITED EXEMPTION FROM THE DUTY TO REPORT; AMENDING SECTION 39-5304, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTING REQUIREMENTS, INVESTIGATION, AND EMERGENCY ACCESS; AMENDING SECTION 39-5305, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-5306, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN SERVICES; AMENDING SECTION 39-5307, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCESS TO RECORDS; AMENDING SECTION 39-5308, IDAHO CODE, TO REVISE PROVISIONS REGARDING INTERAGENCY COOPERATION; REPEALING SECTION 39-5309, IDAHO CODE, RELATING TO COORDINATION OF SERVICES; AMENDING CHAPTER 53, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5309, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING AUTHORITY OF THE DEPARTMENT OF HEALTH AND WELFARE, IMMUNITY FROM CERTAIN LIABILITY, EXCEPTIONS TO IMMUNITY, AND REPORTS MADE IN BAD FAITH, WITH MALICE, OR FALSELY; AMENDING SECTION 39-5310, IDAHO CODE, TO REVISE PROVISIONS REGARDING A REPORT TO LAW ENFORCEMENT AND TO PROVIDE A TIME LIMIT FOR CERTAIN NOTIFICATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-5301A, Idaho Code, be, and the same is hereby amended to read as follows:

39-5301A. DECLARATION OF POLICY. (1) It is the intent of the adult abuse, neglect, and exploitation act to authorize the fewest possible restrictions on the exercise of personal freedom and religious beliefs consistent with a vulnerable adult's need for services and to empower vulnerable adults to protect themselves.

(2) The legislature recognizes that vulnerable adults sometimes experience difficulties managing their own affairs or are unable to protect themselves from ~~abuse, neglect or exploitation~~ maltreatment. Often, vulnerable adults cannot find others who are able or willing to provide assistance.

(3) The commission is directed to investigate allegations of ~~abuse, neglect, self-neglect or exploitation involving a vulnerable adult~~ maltreatment, to make appropriate referrals to law enforcement, and to arrange for the provision of necessary services. Further, the commission shall honor a vulnerable adult's freedom of choice and right to self-determination. When it becomes necessary for the commission to assist a vulnerable adult, actions shall be tempered by the requirements of due process and must place the fewest possible restrictions on personal freedom. Services provided under this act chapter are also intended to provide assistance to ~~caregiving families experiencing difficulties in maintaining functionally impaired relatives~~ a caregiver to help maintain a vulnerable adult in the household.

(4) In the process of carrying out its adult protective services responsibilities, the commission is directed to make effective use of multi-disciplinary services available through any and all public agencies, community-based organizations, and informal resources.

SECTION 2. That Section 39-5302, Idaho Code, be, and the same is hereby amended to read as follows:

39-5302. DEFINITIONS. (1) For the purposes of this chapter:

~~(1) "Abuse" means the intentional or negligent infliction of physical pain, injury or mental injury.~~

~~(2) "Caretaker" means any individual or institution that is responsible by relationship, contract, or court order to provide food, shelter or clothing, or medical or other life-sustaining necessities to a vulnerable adult.~~

(a) "Administrator" means the administrator of the Idaho commission on aging appointed pursuant to section 67-5004, Idaho Code.

(b) "Adult" means a person aged eighteen (18) years or older.

(c) "Adult protective services" or "APS" means the legal and bureaucratic systems and protections safeguarding vulnerable adults through investigation of APS reports alleging maltreatment and arrangements for the provision of emergency, supportive, or prevention services necessary to reduce or eliminate risk of harm.

(d) "APS report" means an allegation of maltreatment of a vulnerable adult made to adult protective services.

(e) "Caregiver" refers to a formal caregiver or an informal caregiver.

~~(3) (f) "Commission" means the Idaho commission on aging, established pursuant to chapter 50, title 67, Idaho Code.~~

~~(4) (g) "Department" means the Idaho department of health and welfare.~~

~~(5) (h) "Emergency" means an exigent circumstance in which a vulnerable adult's health and safety is placed in imminent danger. Imminent danger is when death or severe bodily injury could reasonably be expected to occur without intervention.~~

~~(6) "Exploitation" means an action that may include, but is not limited to, the unjust or improper use of a vulnerable adult's financial power of attorney, funds, property, or resources by another person for profit or advantage.~~

(i) "Facility" means a health or treatment facility as defined in statute or by the department, including:

(i) Certified family homes, as defined in section 39-3502, Idaho Code;

(ii) Developmental disabilities facilities, as defined in section 39-4604, Idaho Code;

(iii) Home health agencies, as defined in section 39-2402, Idaho Code;

(iv) Hospitals, as defined in section 39-1301, Idaho Code;

(v) Intermediate care facilities for people with intellectual disabilities, as defined in section 39-1301, Idaho Code;

(vi) Residential care or assisted living facilities, as defined in section 39-3302, Idaho Code; and

(vii) Residential habilitation agencies.

(j) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of a vulnerable adult by any person or entity for profit or advantage other than for the vulnerable adult's profit or advantage. The term "financial exploitation" includes but is not limited to:

(i) The use of deception, intimidation, or undue influence by a person or an entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or an entity other than the vulnerable adult;

- (ii) The breach of a fiduciary duty, including but not limited to the misuse of a power of attorney, trust, or guardianship appointment that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, belongings, or trust funds of the vulnerable adult for the benefit of a person or an entity other than the vulnerable adult; or
- (iii) Obtaining or using a vulnerable adult's property, income, belongings, resources, or trust funds without lawful authority by a person or an entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his property, income, belongings, resources, or trust funds.
- (k) "Formal caregiver" means a person or an entity that accepts compensation to perform a service or services for a vulnerable adult. Compensation may be provided by an employer, the vulnerable adult, or someone acting in the interests of the vulnerable adult.
- (l) "Human trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- (m) "Infirmities of aging" means physical or mental deterioration associated with advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, such that the ability of an older adult to provide adequately for the adult's own care or protection is impaired.
- (n) "Informal caregiver" means a person who provides support for a vulnerable adult without expectation of compensation, goods, or services.
- (o) "Investigation" means the evaluation of allegations conducted by a provider or the commission through interviews, observations, and examination of information.
- (p) "Legal representative" means a guardian, a conservator, an attorney, or an individual with power of attorney who has the legal obligation to act for the benefit of another.
- (q) "Licensed medical professional" means an individual practicing in a medical or medical-related field who is licensed, certified, or otherwise credentialed by the state of Idaho.
- ~~(7)~~ (r) "Neglect" means failure of a caretaker caregiver to provide food, clothing, shelter, or medical care reasonably necessary to sustain the life and health of a vulnerable adult, or the failure of a vulnerable adult to provide those services for himself, the absence of which impairs or threatens sustainable life or health of a vulnerable adult.
- (s) "Older adult" means a person aged sixty-five (65) years or older.
- (t) "Physical abuse" means the infliction of physical pain, injury, or unjust chemical or physical restraint on a vulnerable adult or death where:
- (i) The vulnerable adult's condition or death is not justifiably explained;
- (ii) The history given concerning such condition or death is at variance with the degree or type of the condition or death; or
- (iii) Circumstances indicate that such condition or death may not be the product of an accidental occurrence.
- (u) "Prevention services" means interventions designed to reduce the risk of maltreatment, including but not limited to case management, the provision of goods or services, or caregiver support.
- (v) "Protective action plan" or "PAP" means a person-centered plan addressing the remedial, social, legal, medical, educational, mental health, or other services available to reduce or eliminate the risk of harm to a vulnerable adult.

~~(8) (w) "Provider" means an area agency on aging or a person or an entity capable of providing adult protective services, including duly authorized agents and employees.~~

~~(x) "Psychological abuse" means the infliction of fear, anguish, agitation, or other emotional distress through verbal or nonverbal acts or through unjust confinement of a vulnerable adult.~~

~~(y) "Self-neglect" means failure of a vulnerable adult to provide for himself or refusal to accept support needed to obtain food, clothing, shelter, or medical care reasonably necessary to sustain the life and health of the vulnerable adult.~~

~~(z) "Sexual abuse" means touching, fondling, intercourse, or any other sexual activity with a vulnerable adult when the vulnerable adult is unable to understand, unwilling to consent, threatened, or physically forced.~~

~~(aa) "Skilled nursing facility" shall have the same meaning as "nursing facility" provided in section 39-1301, Idaho Code.~~

~~(9) (bb) "Supportive services" means noninvestigatory remedial, social, legal, health, educational, mental health, and referral services provided to a vulnerable adult.~~

~~(cc) "Undue influence" means influence exercised over a vulnerable adult with the intent to:~~

~~(i) Inhibit the vulnerable adult's freedom of choice;~~

~~(ii) Deprive the vulnerable adult of freedom of choice; or~~

~~(iii) Substitute the influencer's choice or desire over that of the vulnerable adult.~~

~~(10) (dd) "Vulnerable adult" means a person eighteen (18) years of age or older an adult who is unable to protect himself from abuse, neglect or exploitation due to physical or mental impairment that affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person. maltreatment because of:~~

~~(i) A mental, physical, or developmental disability;~~

~~(ii) A degenerative brain disease;~~

~~(iii) An inability to communicate or implement decisions regarding his person; or~~

~~(iv) Other infirmities of aging in an older adult.~~

~~(ee) "Vulnerable adult maltreatment" or "maltreatment" means the intentional or negligent infliction of pain or injury on a vulnerable adult, including financial exploitation, human trafficking, neglect, physical abuse, psychological abuse, or sexual abuse.~~

~~(2) Nothing in this chapter shall be construed to mean a person is abused, neglected, or exploited for the sole reason he is relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination; nor shall the provisions of this chapter be construed to require any medical care or treatment in contravention of the stated or implied objection of such a person.~~

SECTION 3. That Section 39-5303, Idaho Code, be, and the same is hereby amended to read as follows:

39-5303. DUTY TO REPORT CASES OF ABUSE, NEGLECT OR EXPLOITATION OF VULNERABLE ADULTS VULNERABLE ADULT MALTREATMENT. (1) Any physician, nurse, employee of a public or private health facility, or a state-licensed or certified residential facility serving vulnerable adults, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, social worker, police officer, pharmacist, physical therapist, or home care worker who has Licensed medical professionals, emergency services personnel, facility employees, skilled nursing facility employees, employees of an entity

~~responsible for providing care to a vulnerable adult, medical examiners, social workers, or law enforcement personnel who have reasonable cause to believe that a vulnerable adult is being or has been abused, neglected or exploited maltreated shall immediately report such information to the commission. Provided however, that nursing facilities defined in section 39-1301(b), Idaho Code, and employees of such facilities shall make reports required under this chapter to the department. commission's designated APS provider as expeditiously as possible but within twenty-four (24) hours of acquiring the information that forms the basis of such reasonable cause. When there is reasonable cause to believe that abuse or sexual assault maltreatment has resulted in death or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult, any person required to report under this section shall also report such information within four (4) hours as expeditiously as possible to the appropriate law enforcement agency but within four (4) hours of acquiring the information that forms the basis of such reasonable cause. Ombudsmen recognized by the commission are exempt from reporting maltreatment that is discovered in the course of their duties.~~

~~(2) Failure to report as provided under this section is a misdemeanor subject to punishment as provided in section 18-113, Idaho Code. If an employee at a state licensed or certified residential facility fails to report abuse or sexual assault that has resulted in death or serious physical injury jeopardizing the life, health or safety of a vulnerable adult as provided under this section, the department shall also have the authority to:~~

- ~~(a) Revoke the facility's license and/or contract with the state to provide services;~~
- ~~(b) Deny payment;~~
- ~~(c) Assess and collect a civil monetary penalty with interest from the facility owner and/or facility administrator;~~
- ~~(d) Appoint temporary management;~~
- ~~(e) Close the facility and/or transfer residents to another certified facility;~~
- ~~(f) Direct a plan of correction;~~
- ~~(g) Ban admission of persons with certain diagnoses or requiring specialized care;~~
- ~~(h) Ban all admissions to the facility;~~
- ~~(i) Assign monitors to the facility; or~~
- ~~(j) Reduce the licensed bed capacity.~~

~~Any action taken by the department pursuant to this subsection shall be appealable as provided in chapter 52, title 67, Idaho Code.~~

~~(3) Any person, including any officer or employee of a financial institution, who has reasonable cause to believe that a vulnerable adult is being abused, neglected, or exploited may report such information to the commission or its providers.~~

~~(4) The commission and its providers shall make training available to officers and employees of financial institutions in identifying and reporting instances of abuse, neglect or exploitation involving vulnerable adults.~~

~~(5) Any person who makes any report pursuant to this chapter, or who testifies in any administrative or judicial proceeding arising from such report, or who is authorized to provide supportive or emergency services pursuant to the provisions of this chapter, shall be immune from any civil or criminal liability on account of such report, testimony or services provided in good faith, except that such immunity shall not extend to perjury, reports made in bad faith or with malicious purpose nor, in the case of provision of services, in the presence of gross negligence under the existing circumstances.~~

~~(6) Any person who makes a report or allegation in bad faith, with malice or knowing it to be false, shall be liable to the party against whom the report was made for the amount of actual damages sustained or statutory damages in the amount of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.~~

SECTION 4. That Section 39-5303A, Idaho Code, be, and the same is hereby amended to read as follows:

39-5303A. LIMITED EXEMPTION FROM DUTY TO REPORT -- LIMITED APPLICATION OF EXEMPTION FOR FACILITIES AND SKILLED NURSING FACILITIES. (1) The requirements set forth in section 39-5303, Idaho Code, pertaining to the reporting of instances of abuse, neglect or exploitation of a vulnerable adult maltreatment to the commission or the department shall not apply to situations involving resident-to-resident contact within public or private health facilities or state licensed or certified skilled nursing facilities which that serve vulnerable adults, except in those cases involving sex sexual abuse, death, or serious physical injury that jeopardizes the life, health, or safety of a vulnerable adult or repeated resident-to-resident physical or verbal altercations, not resulting in observable physical or mental injury, but constituting an ongoing pattern of resident behavior that a facility's staff are unable to remedy through reasonable efforts.

(2) This exemption applies only to reports involving resident-to-resident abuse that are to be directed to the commission or the department pursuant to section 39-5303, Idaho Code. This exemption shall not limit any other reporting obligation or requirement whether statutory or otherwise.

SECTION 5. That Section 39-5304, Idaho Code, be, and the same is hereby amended to read as follows:

39-5304. REPORTING REQUIREMENTS, INVESTIGATION, EMERGENCY ACCESS. (1) When a report is made by an individual or required pursuant to this chapter, such report shall be made immediately to the commission or appropriate provider. ~~Provided however, that nursing facilities defined in section 39-1301(b), Idaho Code, and employees of such facilities shall make reports required under this chapter to the department. If known, the report shall contain:~~

~~(a) The the name and address of the vulnerable adult; the caretaker; the caregiver, and the alleged perpetrator;~~

~~(b) The the nature and extent of suspected abuse, neglect or exploitation the suspected maltreatment; and~~

~~(c) Any any other information that will be of assistance in the investigation.~~

~~(2) If the allegations in the report indicate that an emergency exists, the commission or provider must initiate an investigation immediately and initiate contact with the alleged vulnerable adult within twenty-four (24) hours from the time the report is received. All other investigations must be initiated within seventy-two (72) hours from the time the report is received.~~

(2) The timing of the initiation of APS investigations shall be determined based on factors provided in the APS report. Such factors may include but are not limited to the potential for immediate danger or harm to an individual, the current location of the alleged vulnerable adult, and the nature of the allegations.

(3) The APS investigation shall include a determination of the nature, extent, and cause of the ~~abuse, neglect, or exploitation maltreatment~~, examination of evidence and consultation with persons thought to have knowledge of the circumstances, and identification, if possible, of the person alleged to be responsible for the ~~abuse, neglect or exploitation maltreatment~~ of the vulnerable adult.

(4) ~~Where no emergency exists, the~~ The commission or APS provider may determine, based on the review of the report and any initial inquiries, that an interview with the vulnerable adult is not necessary to the investigation or not possible. If the commission or APS provider determines that an interview is necessary, the preferred method of interviewing is by means of a personal visit with the vulnerable adult in the adult's dwelling. Alternatively, the interview may occur in the local office of the commission or APS provider, or by telephone conversation, or by any other means available to the commission or APS provider. Decisions regarding the method of conducting any interview will be within the discretion of the commission or APS provider.

(5) Upon completion of an APS investigation, the commission or APS provider shall prepare a written final report of the investigation. ~~The name of the person making the original report or any person mentioned in the report shall not be disclosed unless those persons specifically request such disclosure or unless the disclosure is made pursuant to the commission's duty to notify law enforcement as required in section 39-5310, Idaho Code, to a request to law enforcement for emergency access, a court order or hearing. If the vulnerable adult maltreatment is substantiated, the final report will be made to law enforcement pursuant to section 39-5310, Idaho Code. If the abuse, neglect, or exploitation vulnerable adult maltreatment is substantiated to have occurred in a state-certified or state-licensed facility, a copy of the findings shall be sent to the licensing and certification office of the department. All records pertaining to APS investigations are held confidential in accordance with section 39-5307, Idaho Code, and federal law.~~

~~If the commission or provider determines that a report is unsubstantiated and that no other law has been violated, all records related to the report shall be expunged no later than three (3) years following the completion of the investigation.~~

SECTION 6. That Section 39-5305, Idaho Code, be, and the same is hereby amended to read as follows:

39-5305. INSPECTIONS -- RIGHT OF ENTRY. (1) Upon receiving information that a vulnerable adult is alleged to be ~~abused, neglected, or exploited maltreated~~, the commission or provider shall cause such investigation to be made in accordance with the provisions of this chapter as is appropriate. In making the investigation, the commission or provider shall use its own resources and may enlist the cooperation of peace officers. In an emergency, any authorized commission employee or provider shall enlist the cooperation of a peace officer to ensure the safety of the vulnerable adult and shall receive the peace officer's assistance. Assistance in an emergency may include entry on private or public property where a vulnerable adult is allegedly subject to abuse, neglect or exploitation, and the removal and transportation of the vulnerable adult to a medical facility, care-providing facility, or other appropriate and safe environment.

(2) In a nonemergency, any peace officer may cooperate with an authorized commission employee or provider in ensuring the safety of a vulnerable adult who has been abused, neglected or exploited, including a vulnerable adult living in a condition of self-neglect. Assistance shall be provided only with the consent of the vulnerable adult or his legal representative.

(3) For the purposes of implementing or enforcing any provision of this chapter or any rule authorized under the provisions of this chapter, any duly authorized commission employee or provider may, upon presentation of appropriate credentials at any reasonable time, with consent or in an emergency, enter upon any private or public property where a vulnerable adult allegedly is subject to ~~abuse, neglect, or exploitation~~ maltreatment.

(4) All inspections and searches conducted under the provisions of this chapter shall be performed in conformity with the prohibitions against unreasonable searches and seizures contained in the fourth amendment to the constitution of the United States and article I, section 17, of the constitution of the state of Idaho. The state shall not, under the authority granted in this chapter, conduct warrantless administrative searches of private property except with consent, or in an emergency.

(5) If consent to entry is not given, a commission employee or provider with the assistance of the county prosecutor may obtain, and any magistrate or district judge is authorized to issue, a search warrant upon showing that probable cause exists to believe a vulnerable adult is subject to ~~abuse, neglect or exploitation~~ maltreatment. Upon request of a commission employee or provider, a peace officer shall serve the search warrant.

SECTION 7. That Section 39-5306, Idaho Code, be, and the same is hereby amended to read as follows:

39-5306. ~~SUPPORTIVE SERVICES AND DISCLOSURE~~. (1) If there is substantiated ~~abuse, neglect, or exploitation~~ maltreatment of a vulnerable adult, the commission or provider has the responsibility to assist the adult in obtaining available services.

(2) If the commission or provider develops a protective action plan of supportive services for the vulnerable adult, the plan shall provide for appropriate supportive services available to the vulnerable adult that are least restrictive to personal freedom and shall provide encouragement for client self-determination and continuity of care.

(3) If the vulnerable adult does not consent to the receipt of reasonable and necessary supportive services, or if the vulnerable adult withdraws consent, services shall not be provided or continued.

~~(4) If the commission or provider determines that a vulnerable adult is an incapacitated person as defined in section 15-5-101(a), Idaho Code, mentally ill as defined in section 66-317, Idaho Code, or developmentally disabled as defined in section 66-402, Idaho Code, the commission or provider may petition the court for protective proceedings, appointment of a guardian or conservator and such other relief as may be provided by chapter 5, title 15, Idaho Code, and chapters 3 and 4, title 66, Idaho Code.~~

~~(5) An employee or provider of the commission shall not be appointed the guardian or conservator of a vulnerable adult unless the commission employee or provider has a spousal or familial relationship with the vulnerable adult.~~

(4) If a report is unsubstantiated, the commission or provider may assist the vulnerable adult or the vulnerable adult's caregiver with prevention services.

SECTION 8. That Section 39-5307, Idaho Code, be, and the same is hereby amended to read as follows:

39-5307. ACCESS TO RECORDS. Any person, department, agency, or commission authorized to carry out the duties enumerated in this chapter shall have access to all relevant records, which shall be subject to disclosure according to chapter 1, title 74, Idaho Code, and section 39-5310, Idaho Code. ~~Other persons and entities shall only be divulged be granted such access only with the written consent of the vulnerable adult or his legal representative. No medical records of any vulnerable adult may be divulged for any purpose without the express written consent of such person or his legal representative, or pursuant to other proper judicial process or federal law.~~

SECTION 9. That Section 39-5308, Idaho Code, be, and the same is hereby amended to read as follows:

39-5308. INTERAGENCY COOPERATION. (1) In performing the duties set forth in this chapter, the commission or provider may request the assistance of the staffs and resources of all appropriate state departments, agencies and commissions, and local health directors, and may utilize any other public or private agencies, groups, or individuals who are appropriate and who may be available. Interagency cooperation shall include the involvement, when appropriate, of law enforcement personnel, department personnel, medical personnel, and any other person or entity deemed necessary due to ~~their~~ specialized training in providing services to vulnerable adults. Interagency cooperation may also include access to client information necessary for the provision of services to vulnerable adults.

(2) The commission shall provide to the department on at least a quarterly basis a listing of all alleged perpetrators ~~against whom an allegation of adult abuse, neglect or exploitation has been substantiated.~~ Upon request, ~~all available supportive information shall be provided to enable the department to conduct criminal background checks and other required investigations associated with substantiated allegations of vulnerable adult maltreatment.~~

(3) The department shall provide to the commission or provider any report of vulnerable adult maltreatment received under this chapter from a skilled nursing facility defined in section 39-1301(b), Idaho Code, or an employee of such facility.

(4) The commission or provider shall provide the department with any report received under this chapter involving allegations of ~~abuse, neglect or exploitation~~ maltreatment occurring in a skilled nursing facility as defined in section 39-1301(b), Idaho Code.

(5) The commission, providers, and the department shall ~~use interagency staffing when necessary~~ conduct a joint investigation and share client and facility information when necessary to provide services to vulnerable adults.

SECTION 10. That Section 39-5309, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Chapter 53, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-5309, Idaho Code, and to read as follows:

39-5309. DEPARTMENT AUTHORITY OVER CERTAIN FACILITIES -- IMMUNITY -- EXCEPTIONS -- REPORTS MADE IN BAD FAITH. (1) Skilled nursing facilities and employees of such facilities shall make reports required under this chapter to the department. If an employee at a state-licensed or state-certified residential facility fails to report maltreatment resulting in death or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult as provided under this section, then the department shall have the authority over the facility to:

- (a) Revoke its license or contract with the state to provide services;
- (b) Deny payment;
- (c) Assess and collect a civil monetary penalty with interest from the facility owner or facility administrator;
- (d) Appoint temporary management;
- (e) Close the facility or transfer residents to another certified facility;
- (f) Direct a plan of correction;
- (g) Ban admission of persons with certain diagnoses or requiring specialized care;
- (h) Ban all admissions;
- (i) Assign monitors; or
- (j) Reduce the licensed bed capacity.

(2) Any action taken by the department pursuant to subsection (1) of this section shall be appealable as provided in chapter 52, title 67, Idaho Code.

(3) Any person who makes a report pursuant to this chapter, testifies in an administrative or a judicial proceeding arising from such a report, or is authorized to provide supportive services pursuant to the provisions of this chapter shall be immune from any civil or criminal liability on account of such report, testimony, or services being provided in good faith, except that such immunity shall not extend to:

- (a) Perjury;
- (b) Reports made in bad faith or with malicious purpose; or
- (c) In the provision of services, gross negligence under the existing circumstances.

(4) Any person who makes a report or allegation in bad faith, with malice, or knowing it to be false shall be liable to the party against whom the report was made for the amount of actual damages sustained or statutory damages in the amount of five hundred dollars (\$500), whichever is greater, as well as for attorney's fees and costs. If a court finds that a defendant acted with malice or oppression, then the court may award treble actual damages or treble statutory damages, whichever is greater.

SECTION 12. That Section 39-5310, Idaho Code, be, and the same is hereby amended to read as follows:

39-5310. REPORT TO LAW ENFORCEMENT -- PROSECUTION. (1) If, as the result of any investigation initiated under the provisions of this chapter, it appears that the ~~abuse, neglect, or exploitation~~ maltreatment has caused injury or a serious imposition on the rights of the vulnerable adult, the commission shall immediately notify the appropriate law enforcement agency, which shall initiate an investigation and shall determine whether criminal proceedings should be initiated against the ~~caretaker~~ caregiver or other persons in accordance with applicable state law. Notwithstanding the prohibition against disclosure of names of persons associated with the written report of an investigation as provided in section 39-5304, Idaho Code, the commission shall disclose names associated with the written report when notification is made as required in this section.

(2) The abuse, neglect, or exploitation of a vulnerable adult is a crime under section 18-1505, Idaho Code, and is subject to punishments provided in that section and other applicable state law.

(3) If at any time an APS provider has reasonable belief that maltreatment has caused serious injury or imposition on the rights of a vulnerable adult, the provider shall notify law enforcement within twenty-four (24) hours of obtaining the information on which the reasonable belief is based.

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

Approved March 27, 2023

CHAPTER 159
(S.B. No. 1165)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2023; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2023; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the Office of Information Technology Services the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$1,618,700	\$740,900		\$2,359,600
Administration and Accounting Services				
Fund	<u>17,760,400</u>	<u>5,179,800</u>	<u>\$54,000</u>	<u>22,994,200</u>
TOTAL	\$19,379,100	\$5,920,700	\$54,000	\$25,353,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than one hundred seventy-six (176.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 296, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated from the General Fund to the Office of Information Technology Services the following amounts to be expended for the designated expense classes for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$469,600
Operating Expenditures	<u>224,100</u>
TOTAL	\$693,700

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Office of Information Technology Services in Section 1, Chapter 296, Laws of 2022, from the Administration and Accounting Services Fund is hereby reduced by \$172,400 for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 5. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 296, Laws of 2022, the full-time equivalent position authorization provided to the Office of Information Technology Services is hereby increased by ten (10.00) for the period July 1, 2022, through June 30, 2023.

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

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

Approved March 27, 2023

CHAPTER 160
(S.B. No. 1166)

AN ACT

RELATING TO THE APPROPRIATION TO THE WOLF DEPREDATION CONTROL BOARD; APPROPRIATING MONEYS TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2024; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Wolf Depredation Control Board \$392,000 to be expended for operating expenditures from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 2. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 27, 2023

CHAPTER 161
(S.B. No. 1169)

AN ACT

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

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$418,200	\$170,600	\$19,300	\$374,700	\$982,800
Miscellaneous Revenue					
Fund		89,800		41,500	131,300
Federal Grant					
Fund	<u>480,100</u>	<u>193,500</u>	<u>28,100</u>	<u>500,200</u>	<u>1,201,900</u>
TOTAL	\$898,300	\$453,900	\$47,400	\$916,400	\$2,316,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on an after July 1, 2023.

Approved March 27, 2023

CHAPTER 162
(S.B. No. 1170)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,766,600	\$1,577,300	\$58,600	\$31,600	\$4,434,100
Miscellaneous Revenue					
Fund	1,157,000	1,586,300	61,500		2,804,800
Records Management Service					
Fund	202,400	39,300	120,400		362,100
Capitol Commission Operating					
Fund	88,600	53,500			142,100
Federal Grant					
Fund	<u>1,156,700</u>	<u>976,600</u>	<u>0</u>	<u>130,000</u>	<u>2,263,300</u>
TOTAL	\$5,371,300	\$4,233,000	\$240,500	\$161,600	\$10,006,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-eight (58.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 27, 2023

CHAPTER 163
(S.B. No. 1164)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING REED ACT MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2023; PROVIDING FOR A CASH BALANCE CORRECTION; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATIVE SERVICES:					
FROM:					
General					
Fund	\$85,600	\$31,100			\$116,700
Unemployment Penalty and Interest					
Fund	451,300	1,000,400			1,451,700
Employment Security Special Administration					
Fund	98,700	722,500			821,200
Miscellaneous Revenue					
Fund	207,200	50,600			257,800
Federal Grant					
Fund	<u>8,654,400</u>	<u>4,245,700</u>	<u>\$75,100</u>		<u>12,975,200</u>
TOTAL	\$9,497,200	\$6,050,300	\$75,100		\$15,622,600
II. WORKFORCE AND COMMISSIONS:					
FROM:					
General					
Fund	\$5,400	\$2,500			\$7,900
Unemployment Penalty and Interest					
Fund	1,127,500	352,000	\$176,100		1,655,600
Employment Security Special Administration					
Fund	2,681,800	1,128,300			3,810,100
Miscellaneous Revenue					
Fund	269,500	204,700			474,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>16,287,600</u>	<u>5,316,200</u>	<u>0</u>	<u>\$14,670,800</u>	<u>36,274,600</u>
TOTAL	\$20,371,800	\$7,003,700	\$176,100	\$14,670,800	\$42,222,400
III. DETERMINATIONS:					
FROM:					
General					
Fund	\$390,100	\$80,300			\$470,400
Unemployment Penalty and Interest					
Fund	2,445,500	1,184,400			3,629,900
Employment Security Special Administration					
Fund	4,106,500	1,000,100			5,106,600
Miscellaneous Revenue					
Fund	871,700	3,835,900		\$15,000	4,722,600
Federal Grant					
Fund	<u>26,121,700</u>	<u>6,925,300</u>	<u>\$794,200</u>	<u>2,000,000</u>	<u>35,841,200</u>
TOTAL	\$33,935,500	\$13,026,000	\$794,200	\$2,015,000	\$49,770,700
GRAND TOTAL	\$63,804,500	\$26,080,000	\$1,045,400	\$16,685,800	\$107,615,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred two and fifty-eight hundredths (702.58) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REED ACT MONEYS. There is hereby appropriated from the funds made available to the Department of Labor to the State of Idaho, pursuant to Section 903 of the federal Social Security Act, as amended, \$4,047,900 for the payment of expenses incurred for the administration of the Unemployment Insurance and Employment Services Program. This appropriation is authorized and subject to the limitations of Section 72-1346, Idaho Code. This appropriation is for the period July 1, 2023, through June 30, 2024.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 188, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Labor the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
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II. DETERMINATIONS:

FROM:

General

Fund	\$85,000	\$30,000	\$115,000
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Federal Grant

Fund	<u>4,500,000</u>	<u>1,700,000</u>	<u>6,200,000</u>
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TOTAL	\$4,585,000	\$1,730,000	\$6,315,000
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SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Labor in Section 1, Chapter 188, Laws of 2022, is hereby reduced by the following amounts, according to the designated programs and expense classes, from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
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I. ADMINISTRATIVE SERVICES:

FROM:

General

Fund	\$85,000	\$30,000	\$115,000
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Federal Grant

Fund	<u>4,500,000</u>	<u>1,700,000</u>	<u>6,200,000</u>
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TOTAL	\$4,585,000	\$1,730,000	\$6,315,000
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SECTION 6. CASH BALANCE CORRECTION. Pursuant to Section 67-3604, Idaho Code, authority is hereby given to the State Controller to correct the stated cash balance in the STARS system for the Unemployment Trust Fund Account within the Employment Security Fund, by making the necessary accounting adjusting entries to increase the balance by the amount of \$4,468,402.51 to align with the actual cash balance in the Unemployment Trust Fund Account.

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

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

Approved March 27, 2023

CHAPTER 164
(S.B. No. 1160)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2024; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF EASTERN IDAHO:				
FROM:				
General				
Fund	\$6,803,700			\$6,803,700
Community College				
Fund	<u>200,000</u>			<u>200,000</u>
TOTAL	\$7,003,700			\$7,003,700
II. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$16,157,600	\$2,310,900		\$18,468,500
Community College				
Fund	<u>0</u>	<u>200,000</u>		<u>200,000</u>
TOTAL	\$16,157,600	\$2,510,900		\$18,668,500
III. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$17,158,200	\$3,442,500	\$16,000	\$20,616,700
Community College				
Fund	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL	\$17,158,200	\$3,642,500	\$16,000	\$20,816,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$12,815,600	\$2,166,800		\$14,982,400
Community College				
Fund	0	175,000	\$25,000	200,000
TOTAL	\$12,815,600	\$2,341,800	\$25,000	\$15,182,400

V. CC SYSTEMWIDE:

FROM:

General

Fund		\$39,200		\$39,200
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GRAND TOTAL	\$53,135,100	\$8,534,400	\$41,000	\$61,710,500
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SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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

Approved March 28, 2023

CHAPTER 165
(S.B. No. 1083)

AN ACT

RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS; AMENDING SECTION 67-2803, IDAHO CODE, TO REVISE A CERTAIN EXCLUSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2806, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROCURING SERVICES OR PERSONAL PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-2803, Idaho Code, be, and the same is hereby amended to read as follows:

67-2803. EXCLUSIONS. The procurement requirements established in this chapter shall not be applicable to:

(1) The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the state of Idaho, one (1) of its political subdivisions, or an agency of the federal government;

(2) Contracts or purchases wherein expenditures to procure public works construction are less than fifty thousand dollars (\$50,000) or where expenditures to procure services or personal property are less than seventy-five thousand dollars (\$75,000), provided such contracts or purchases shall be guided by the best interests of the political subdivision procuring the goods and services as determined by the governing board;

(3) Disbursement of wages or compensation to any employee, official or agent of a political subdivision for the performance of personal services for the political subdivision;

(4) Procurement of personal or professional services to be performed by an independent contractor for the political subdivision;

(5) Procurement of an interest in real property;

(6) Procurement of insurance;

(7) Costs of participation in a joint powers agreement with other units of government;

(8) Procurement of used personal property;

(9) Procurement from federal government general services administration (GSA) schedules or federal multiple award schedules (MAS);

(10) Procurement of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho;

(11) Procurement of goods for direct resale;

(12) Procurement of travel and training;

(13) Procurement of goods and services from Idaho correctional industries;

(14) Procurement of repair for heavy equipment;

(15) Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law;

(16) Procurement of public utilities;

(17) Procurement of food for use in jails or detention facilities; or

(18) Procurement of used equipment at an auction if authorized by the governing board.

SECTION 2. That Section 67-2806, Idaho Code, be, and the same is hereby amended to read as follows:

67-2806. PROCURING SERVICES OR PERSONAL PROPERTY. (1) When a political subdivision contemplates an expenditure to purchase or lease personal property or to procure services, other than personal property or services excluded pursuant to section 67-2803, Idaho Code, valued at or in excess of fifty seventy-five thousand dollars (~~(\$50,000)~~ (\$75,000)) but not to exceed one hundred fifty thousand dollars (~~(\$100,000)~~ (\$150,000)), the procurement procedures of this subsection shall apply.

(a) The solicitation for bids shall be supplied to no fewer than three (3) vendors by written means, either by electronic or physical delivery. The solicitation shall describe the personal property or services to be purchased or leased in sufficient detail to allow a vendor dealing in such goods or services to understand what the political subdivision seeks to procure.

(b) The solicitation for bids shall describe the electronic or physical delivery method or methods authorized to submit a bid, the date and time by which a bid proposal must be received by the clerk, secretary or other authorized official of the political subdivision, and shall provide a reasonable time to respond to the solicitation, provided that except in the event of an emergency, such time shall not be less than three (3) business days.

(c) Written objections to specifications or bid procedures must be received by the clerk, secretary or other authorized official of the po-

political subdivision at least one (1) business day before the date and time upon which bids are scheduled to be received.

(d) When written bids have been received, by either physical or electronic delivery, they shall be compiled and submitted to the governing board or governing board-authorized official which shall approve the responsive bid proposing the lowest procurement price or reject all bids and publish notice for bids, as before.

(e) If the political subdivision finds that it is impractical or impossible to obtain three (3) bids for the proposed procurement, the political subdivision may acquire the property in any manner the political subdivision deems best from a qualified vendor quoting the lowest price. When fewer than three (3) bids are considered, a description of the efforts undertaken to procure at least three (3) bids shall be documented by the political subdivision and such documentation shall be maintained for at least six (6) months after any such procurement is made. If two (2) or more bids are the same and the lowest responsive bids, the authorized decision maker may accept the one (1) it chooses.

(2) When a political subdivision contemplates an expenditure to purchase or lease personal property or to procure services, other than personal property or services excluded pursuant to section 67-2803, Idaho Code, valued in excess of one hundred fifty thousand dollars (~~\$100,000~~) (\$150,000), the procurement procedures of this subsection shall apply.

(a) The purchase or lease shall be made pursuant to an open competitive sealed bid process with the procurement to be made from the qualified bidder submitting the lowest bid price complying with bidding procedures and meeting the specifications for the goods and/or services sought to be procured.

(b) The request for bids shall set a date, time and place for the opening of bids. Two (2) notices soliciting bids shall be published in the official newspaper of the political subdivision. The first notice shall be published at least two (2) weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. The notice shall succinctly describe the personal property and/or service to be procured. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request by any interested bidder.

(c) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened.

(d) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

- (i) Cash;
 - (ii) A cashier's check made payable to the political subdivision;
 - (iii) A certified check made payable to the political subdivision;
- or
- (iv) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(e) Any bid received by the political subdivision may not be withdrawn after the time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award or, if a designee is authorized, for approval of the award.

(f) If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision at the sole discretion of the governing board and thereafter the proceeds may be deposited in a designated fund out of which the reasonable expenses for procuring substitute performance are paid.

(g) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest qualified bidder. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security.

(h) In its discretion, the governing board or its designee may reject all bids presented and re-bid or, after finding it to be a fact, the governing board may pass a resolution declaring that the subject goods or services can be procured more economically on the open market. If two (2) or more bids are the same and the lowest responsive bids, the governing board or its designee may accept the one (1) it chooses. In its discretion, the governing board of a political subdivision may preauthorize the purchase of equipment at a public auction.

(i) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of personal property or services to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all who have submitted a competing bid.

(j) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

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

Approved March 28, 2023

CHAPTER 166
(S.B. No. 1143)

AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 5, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-507, IDAHO CODE, TO PROVIDE FOR THE IMPOSITION OF SEASONAL RESTRICTIONS ON THE POSSESSION, TRANSPORTATION, AND COLLECTION OF ANTLERS AND HORNS TO PROTECT WINTERING BIG GAME, TO PROVIDE CONDITIONS, TO PROVIDE AN EXCLUSION, AND TO PROVIDE FOR THE PROMULGATION OF RULES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-507, Idaho Code, and to read as follows:

36-507. SEASONAL RESTRICTIONS ON POSSESSION, TRANSPORTATION, AND COLLECTION OF ANTLERS AND HORNS TO PROTECT WINTERING BIG GAME. (1) Notwithstanding any other provision of law to the contrary, the commission may, by rule or proclamation embodying its findings in respect to a need for activity restrictions by time and place and in accordance with season setting provisions identified in section 36-104(b), Idaho Code, provide seasonal restrictions on the possession and transportation of shed antlers or horns from deer, elk, moose, and pronghorn and antlers or horns from deer, elk, moose, bighorn sheep, and pronghorn that have died from natural causes. The commission may restrict the acts of searching for, locating, or gathering antlers or horns under this section. Such seasonal restrictions shall be intended to protect wintering big game.

(2) These restrictions shall not apply to a person who is a private landowner or his designee on land leased or owned by that person.

(3) The commission may promulgate rules to implement the provisions of this section.

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

Approved March 28, 2023

CHAPTER 167
(S.B. No. 1174)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; PROVIDING LEGISLATIVE INTENT REGARDING SEASONAL HOUSING; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; PROVIDING LEGISLATIVE INTENT REGARDING PREVENTATIVE FIRE MEASURES AND REQUIRING A REPORT; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BUSINESS SERVICES:					
FROM:					
General					
Fund	\$460,300	\$283,100	\$90,400		\$833,800
Indirect Cost Recovery					
Fund	74,200	128,200			202,400
Department of Lands					
Fund	831,900	438,500	179,900		1,450,300
Endowment Earnings Administrative					
Fund	<u>3,314,300</u>	<u>1,835,700</u>	<u>630,200</u>		<u>5,780,200</u>
TOTAL	\$4,680,700	\$2,685,500	\$900,500		\$8,266,700
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$1,194,400	\$724,700	\$77,800	\$20,000	\$2,016,900
Indirect Cost Recovery					
Fund	140,500	319,800			460,300
Department of Lands					
Fund	2,725,000	3,459,300	183,800	1,000,000	7,368,100
Endowment Earnings Administrative					
Fund	359,200	79,600			438,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Community Forestry					
Fund		20,000		20,000	40,000
Federal Grant					
Fund	<u>1,386,600</u>	<u>5,349,000</u>	<u>3,000</u>	<u>2,915,400</u>	<u>9,654,000</u>
TOTAL	\$5,805,700	\$9,952,400	\$264,600	\$3,955,400	\$19,978,100
III. TRUST LAND MANAGEMENT:					
FROM:					
General					
Fund	\$140,700	\$1,900			\$142,600
Department of Lands					
Fund	161,100	277,500			438,600
Endowment Earnings Administrative					
Fund	<u>15,414,900</u>	<u>14,213,100</u>	<u>\$612,900</u>		<u>30,240,900</u>
TOTAL	\$15,716,700	\$14,492,500	\$612,900		\$30,822,100
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$4,673,700	\$463,800	\$1,500	\$1,330,800	\$6,469,800
Department of Lands					
Fund	4,848,000	529,500	593,400	873,000	6,843,900
Fire Suppression Deficiency					
Fund	167,600	22,100			189,700
Endowment Earnings Administrative					
Fund				3,100	3,100
Federal Grant					
Fund	<u>797,800</u>	<u>1,305,000</u>	<u>0</u>	<u>450,000</u>	<u>2,552,800</u>
TOTAL	\$10,487,100	\$2,320,400	\$594,900	\$2,656,900	\$16,059,300
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$246,400	\$57,200	\$1,500		\$305,100
VI. MINERALS, PUBLIC TRUST, OIL AND GAS:					
FROM:					
General					
Fund	\$817,400	\$134,300			\$951,700
Department of Lands					
Fund	397,100	1,266,800			1,663,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Oil and Gas Conservation					
Fund	128,200	86,900			215,100
Navigable Waterways					
Fund	853,000	90,900			943,900
Federal Grant					
Fund	<u>0</u>	<u>7,000,000</u>			<u>7,000,000</u>
TOTAL	\$2,195,700	\$8,578,900			\$10,774,600
GRAND TOTAL	\$39,132,300	\$38,086,900	\$2,374,400	\$6,612,300	\$86,205,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than three hundred fifty-five and twenty-seven hundredths (355.27) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Department of Lands is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between expense classes for all moneys appropriated to the Forest and Range Fire Protection Program for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Lands any unexpended and unencumbered balances appropriated to the Department of Lands for the Trust Land Management Program and the Forest and Range Fire Protection Program not to exceed \$3,200,000 for fiscal year 2023 to be used for nonrecurring expenditures in capital outlay for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Lands for the Trust Land Management Program \$1,250,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for seasonal housing.

SECTION 6. SEASONAL HOUSING. The moneys provided in Section 5 of this act for seasonal housing shall be used solely for the purpose of acquiring a property in the Maggie Creek Supervisory Area and refurbishing it to be used for seasonal housing. Any unexpended and unencumbered funds that have been appropriated for this purpose are to be reverted at the end of fiscal year 2024 or as soon thereafter as practicable.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Lands for the Forest and Range Fire Protection Program \$750,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for equipment for statewide fire protection.

SECTION 8. PREVENTATIVE FIRE MEASURES. The moneys provided in Section 7 of this act for fire prevention measures shall be used for phosphate-based, ground-applied, long-term retardants to prevent wildfire in critical and strategic areas in accordance with Chapter 4, Title 38, Idaho Code. The Department of Lands shall select areas for application of such retardants in conjunction with GIS data and other prevention efforts, including work done by other agencies, local governments, and timber protective associations. At the close of the 2023 fire season, the Department shall evaluate the use of these products as an effective means in preventing and containing wildfires. The Department shall provide a report to the Joint Finance-Appropriations Committee, the Senate Resources and Environment Committee, and the House Resources and Conservation Committee, no later than January 8, 2024, on the utilization of phosphate-based, ground-applied, long-term retardants, an evaluation of its usefulness in preventing wildfires during the 2023 fire season, and its effectiveness as a tool to prevent the start and spread of wildfires.

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

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

Approved March 28, 2023

CHAPTER 168
(S.B. No. 1152)

AN ACT

RELATING TO THE MULTISTATE TAX COMPACT ADVISORY COMMITTEE; AMENDING SECTION 63-3706, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPOINTMENT OF MEMBERS TO THE MULTISTATE TAX COMPACT ADVISORY COMMITTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3706, Idaho Code, be, and the same is hereby amended to read as follows:

63-3706. MULTISTATE TAX COMPACT ADVISORY COMMITTEE -- COMPOSITION -- MEETINGS -- PURPOSE. There is hereby established the Multistate Tax Compact advisory committee composed of the member of the multistate tax commission representing this state, any alternate designated by him, the attorney general or his designee, two members of the senate appointed by the lieutenant ~~governor~~ president pro tempore of the senate, and two members of the house of representatives appointed by the speaker thereof. The chairman shall be the member of the commission representing this state. The committee shall meet on the call of its chairman or at the request of a majority of its members, but in any event it shall meet not less than once in each year. The committee may consider any and all matters relating to recommendations of the multistate tax commission as raised by any of its members.

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

Approved March 28, 2023

CHAPTER 169
(S.B. No. 1177)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$1,429,100	\$170,400			\$1,599,500
II. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund	\$1,255,300	\$38,700			\$1,294,000
III. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund	\$713,600	\$4,200	\$4,900		\$722,700
IV. SCHOLARSHIPS AND GRANTS:					
FROM:					
General					
Fund	\$105,400			\$24,163,700	\$24,269,100
Miscellaneous Revenue					
Fund				1,000,000	1,000,000
Federal Grant					
Fund	<u>23,100</u>	<u>\$1,000</u>		<u>4,504,600</u>	<u>4,528,700</u>
TOTAL	\$128,500	\$1,000		\$29,668,300	\$29,797,800
V. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund	\$832,000				\$832,000
American Rescue Plan					
Fund	<u>108,700</u>	<u>\$110,200</u>			<u>218,900</u>
TOTAL	\$940,700	\$110,200			\$1,050,900
VI. TECHHELP:					
FROM:					
General					
Fund	\$413,200	\$7,500			\$420,700
GRAND TOTAL	\$4,880,400	\$332,000	\$4,900	\$29,668,300	\$34,885,600

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

Forest Utilization Research	12.78
Geological Survey	12.28
Museum of Natural History	8.20
Scholarships and Grants	1.35
Small Business Development Centers	10.83
TechHelp	3.35

SECTION 3. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT. Moneys appropriated from the General Fund to the Scholarships and Grants Program for fiscal year 2023 that are unexpended and unencumbered on June 30, 2023, are hereby appropriated and shall be transferred by the Office of the State Controller to the Opportunity Scholarship Program Account created in Section 33-4303, Idaho Code.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 28, 2023

CHAPTER 170
(S.B. No. 1176)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2024; PROVIDING REAPPROPRIATION AUTHORITY; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR SYSTEMWIDE NEEDS; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2024; PROVIDING FOR THE USE OF APPROPRIATED FUNDS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$112,276,400	\$9,220,700	\$3,757,800		\$125,254,900
Unrestricted					
Fund	<u>109,846,500</u>	<u>45,078,400</u>	<u>2,362,000</u>		<u>157,286,900</u>
TOTAL	\$222,122,900	\$54,299,100	\$6,119,800		\$282,541,800
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$92,742,500	\$2,238,000			\$94,980,500
Charitable Institutions Endowment Income					
Fund	1,868,800				1,868,800
Normal School Endowment Income					
Fund	3,284,400				3,284,400
Unrestricted					
Fund	<u>32,403,400</u>	<u>23,280,900</u>	<u>\$3,666,700</u>		<u>59,351,000</u>
TOTAL	\$130,299,100	\$25,518,900	\$3,666,700		\$159,484,700
III. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$18,912,900	\$2,422,300	\$425,300		\$21,760,500
Normal School Endowment Income					
Fund		3,284,400			3,284,400
Unrestricted					
Fund	<u>14,046,200</u>	<u>1,402,200</u>	<u>23,800</u>		<u>15,472,200</u>
TOTAL	\$32,959,100	\$7,108,900	\$449,100		\$40,517,100
IV. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$95,764,700	\$6,248,300	\$3,491,500		\$105,504,500
Agricultural College Endowment Income					
Fund	940,100	740,500	246,900		1,927,500
Scientific School Endowment Income					
Fund	3,468,500	3,204,200			6,672,700
University Endowment Income					
Fund		5,199,300	680,600		5,879,900
Unrestricted					
Fund	<u>53,400,900</u>	<u>16,179,600</u>	<u>0</u>		<u>69,580,500</u>
TOTAL	\$153,574,200	\$31,571,900	\$4,419,000		\$189,565,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund	\$251,300	\$2,112,700	\$3,000	\$4,074,800	\$6,441,800
GRAND TOTAL	\$539,206,600	\$120,611,500	\$14,657,600	\$4,074,800	\$678,550,500

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education from dedicated funds for fiscal year 2023 to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education are hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to them for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. Of the amount appropriated in Section 1, Subsection V. of this act, the following amounts may be used as follows: (1) an amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions, including but not limited to projects to promote accountability and information transfer throughout the higher education system; and (2) an amount of approximately \$1,960,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education Policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2024. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated state funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2024. Each of the institutions' budget requests for fiscal year 2025 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 6. USE OF APPROPRIATED FUNDS. The college and universities shall verify no state appropriated funds are used to support diversity, equity, inclusion, or social justice ideology as part of any student activities, clubs, events, or organizations on campus. Each college and

university shall submit a written report of its expenditures related to these activities to the Joint Finance-Appropriations Committee no later than January 14, 2024.

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

Approved March 28, 2023

CHAPTER 171
(S.B. No. 1178)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON HISPANIC AFFAIRS; APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$185,900	\$86,300	\$272,200
Miscellaneous Revenue			
Fund	<u>71,600</u>	<u>160,900</u>	<u>232,500</u>
TOTAL	\$257,500	\$247,200	\$504,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 28, 2023

CHAPTER 172
(S.B. No. 1179)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL; APPROPRIATING MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING AGENCY DIRECTION; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Workforce Development Council the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Workforce Development Training				
Fund	\$509,100	\$405,400	\$7,684,500	\$8,599,000
ARPA State Fiscal Recovery				
Fund	339,100	651,000	39,043,900	40,034,000
Federal Grant				
Fund	<u>216,300</u>	<u>80,000</u>	<u>636,500</u>	<u>932,800</u>
TOTAL	\$1,064,500	\$1,136,400	\$47,364,900	\$49,565,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Workforce Development Council is authorized no more than eleven (11.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

SECTION 4. CNA CERTIFICATION STUDY. The Workforce Development Council shall continue evaluating the certification pipeline for certified nursing assistants (CNAs) and provide a report to the Joint Finance-Appropriations Committee by December 1, 2023. The report shall include at a minimum: recommendations to provide an effective regulatory process such that a pipeline of CNAs are developed in alignment with the needs of employers; recommendations to provide readily accessible education for the profession statewide; and recommendations as to how a uniform disciplinary process could be implemented for reports of abuse and neglect.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balances appropriated or reappropriated to the Workforce Development Council from the ARPA State Fiscal Recovery Fund for fiscal year 2023, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balances appropriated or reappropriated to the Workforce Development Council from the General Fund for fiscal year 2023, not to exceed \$125,000, to be used for nonrecurring expenditures for a CNA study for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 28, 2023

CHAPTER 173
(S.B. No. 1180)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE INDIRECT COST RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE DATA PROCESSING SERVICES FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; PROVIDING AN EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION:			
FROM:			
General			
Fund	\$1,275,300	\$1,954,600	\$3,229,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
Federal COVID-19 Relief			
Fund	<u>0</u>	<u>2,041,800</u>	<u>2,041,800</u>
TOTAL	\$1,275,300	\$3,996,400	\$5,271,700
II. STATEWIDE ACCOUNTING:			
FROM:			
General			
Fund	\$1,172,500	\$452,700	\$1,625,200
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$1,172,500	\$457,700	\$1,630,200
III. COMPUTER CENTER:			
FROM:			
Data Processing Services			
Fund	\$5,824,300	\$2,897,100	\$8,721,400
IV. ENTERPRISE BUSINESS OPERATIONS:			
FROM:			
General			
Fund	\$2,882,400	\$6,108,200	\$8,990,600
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$2,882,400	\$6,113,200	\$8,995,600
GRAND TOTAL	\$11,154,500	\$13,464,400	\$24,618,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Controller is authorized no more than one hundred fifteen (115.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. INDIRECT COST RECOVERY. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for the Office of the State Controller services shall be placed in the Indirect Cost Recovery Fund.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE DATA PROCESSING SERVICES FUND. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Controller from the Data Processing Services Fund for fiscal year 2023 in an amount not to exceed \$2,500,000 to be used for non-recurring expenditures related to the Computer Service Center for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances reappropriated to the Office of the State Controller from the General Fund for the behavioral health reporting data system for fiscal year 2023, to be used for nonrecurring expenditures related to the behavioral health reporting data system for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS. The Office of the State Controller is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs within the Office of the State Controller for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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

Approved March 28, 2023

CHAPTER 174
(H.B. No. 24)

AN ACT

RELATING TO THE WORKFORCE DEVELOPMENT COUNCIL; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 12, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1204, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 12, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1205, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE IDAHO LAUNCH GRANT PROGRAM; AMENDING SECTION 33-4305, IDAHO CODE, TO PROVIDE FOR APPROPRIATIONS TO THE IN-DEMAND CAREERS FUND, TO PROVIDE FOR THE USAGE OF EXCESS FUNDS, AND TO REDESIGNATE THE SECTION; AMENDING SECTION 33-4602, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF EXCESS FUNDS TO THE IN-DEMAND CAREERS FUND; AMENDING SECTION 33-4605, IDAHO CODE, TO PROVIDE SUNSET DATES FOR THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM; AMENDING SECTION 33-4303, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. The purpose of this act is to enable the Workforce Development Council to coordinate the state's policy to match Idaho students with Idaho jobs in in-demand fields. The Legislature finds that there are many pathways to a successful career, including workforce training, career technical programs, community colleges, and colleges. The Legislature further finds that an educated workforce is an enormous asset for the state's economy. With unemployment at record lows and inflation at record highs, the need for skilled workers is critical for our state's continued economic prosperity.

SECTION 2. That Chapter 12, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1204, Idaho Code, and to read as follows:

72-1204. IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND -- DEFINITIONS. As used in this section through section 72-1206, Idaho Code:

- (1) "Board" means the state board of education.
- (2) "Council" means the workforce development council established in this chapter.
- (3) "Eligible adult learner" means an Idaho resident who is pursuing education or training for an in-demand career.
- (4) "Eligible education expenses" means:
 - (a) Student tuition and fees at an eligible institution;
 - (b) Room and board for the eligible institution, not to exceed actual cost; or
 - (c) Fees for national standardized assessments or industry-recognized certification examinations.
- (5) "Eligible institution" means a training provider as recognized by the council under the workforce innovation and opportunity act or the workforce development training fund. Eligible institution also means a public postsecondary organization governed or supervised by the board, a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, or any educational organization located in Idaho that is:
 - (a) Operated privately;
 - (b) Classified as not-for-profit under state law;
 - (c) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
 - (d) Accredited by an organization recognized by the board as provided in section 33-2402, Idaho Code.
- (6) "Eligible student" means a student who:
 - (a) Is an Idaho resident;
 - (b) Will graduate from an accredited high school or its equivalent in Idaho as determined by the board beginning with the spring 2024 graduating class;
 - (c) Has enrolled in or applied to an eligible institution and begins enrollment in the fall semester following graduation, unless the council grants an extension for extenuating circumstances such as those outlined in section 72-1205, Idaho Code; and
 - (d) Has used next steps Idaho or an equivalent career exploration program accepted by the council and has completed a career pathway plan that meets the minimum requirements established by the council.
- (7) "Grant" means an amount to be determined annually by the council that shall not be set lower than eight thousand five hundred dollars (\$8,500) per eligible student.
- (8) "Grant distribution platform" means a digital platform through which grant funds are transferred from the council to the account of a participant to be used for eligible education expenses.
- (9) "In-demand careers" means careers that have a high number of openings in Idaho or an expected high rate of growth in Idaho. In-demand careers are to be determined annually by the council based on job market data.
- (10) "Participant" means an Idaho resident for whom a grant is awarded under section 72-1205, Idaho Code.
- (11) "Program" means the Idaho launch grant program established by section 72-1205, Idaho Code.
- (12) "Resident" means an individual meeting legal residency requirements as defined in section 33-3717B, Idaho Code.

SECTION 3. That Chapter 12, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1205, Idaho Code, and to read as follows:

72-1205. IDAHO LAUNCH GRANT PROGRAM. (1) There is hereby established the Idaho launch grant program to be administered by the council according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the council shall consult with necessary agencies to:

(a) Create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Establish a grant application process for eligible students. To ensure eligible students receive notification prior to postsecondary institution enrollment deadlines, the council may stagger applications so that initial grant awards are announced by December 31 in the year preceding an eligible student's graduation from high school and that additional grant awards be made no later than June 1 of the academic year the eligible student graduates from high school;

(c) Award grants to eligible students, subject to legislative appropriation and to the following conditions:

(i) If eligible student applications exceed available funding in a fiscal year, grant awards shall be prioritized first based on the pursuit of in-demand careers. If additional funds remain, prioritization shall then be based on financial need; and

(ii) If available funding in a fiscal year exceeds eligible students, any unused appropriations may be used in accordance with section 72-1206(4), Idaho Code; and

(d) Take other such actions as are necessary to implement and enforce the provisions of this section.

(3) Participants must expend all grant funds within four (4) years of the award date. Any remaining funds after a break in enrollment exceeding six (6) months or unused funds at the end of the four (4) year period shall revert to the in-demand careers fund established in section 72-1206, Idaho Code. The council or its designated staff may grant an extension or exception by demonstrating to the council an extenuating circumstance, including but not limited to religious service, military service, structured volunteer service, or health or medical issues.

(4) No more than one half (1/2) of the initial grant award may be expended by a participant in any academic year; provided, however, that this subsection shall not apply:

(a) To a participant in a program that is less than twelve (12) months in length; or

(b) In other extenuating circumstances as determined by the council.

(5) Grant awards shall be capped at one (1) grant per eligible student.

(6) The council shall adopt policies outlining triggering events that may lead to earlier reversion of student grants or repayment grants, including but not limited to unsatisfactory academic progress, expulsion, or transfer to an out-of-state program prior to attainment of a credential or degree. Any reverted or repaid grants shall be paid to the in-demand careers fund established in section 72-1206, Idaho Code.

SECTION 4. That Section 33-4305, Idaho Code, be, and the same is hereby amended to read as follows:

33-4305 72-1206. IN-DEMAND CAREERS FUND. (1) There is hereby established in the state treasury the in-demand careers fund.

(2) Moneys in the in-demand careers fund are subject to legislative appropriation and shall consist of the following:

- (a) Legislative appropriations;
- (b) Donations and contributions made to the fund; and
- (c) Interest earned on idle moneys in the fund-;
- (d) Moneys transferred pursuant to section 63-3638(17), Idaho Code;
- (e) Moneys reverted or repaid to the fund pursuant to section 72-1205, Idaho Code; and
- (f) Moneys transferred pursuant to section 33-4602(14), Idaho Code.

(3) The in-demand careers fund shall be used to award grants as outlined in section 72-1205, Idaho Code.

(4) When the available appropriation in a fiscal year exceeds participants, the council may use excess moneys as follows:

(a) Up to ten million dollars (\$10,000,000) of the remaining appropriation may be used to provide enhanced grant funding to either eligible students or eligible adult learners based upon the following conditions:

(i) If potential awards from the council exceed available funding from the enhanced grants, awards shall be prioritized first based on the pursuit of in-demand careers; and

(ii) If, following the prioritization provided for in subparagraph (i) of this paragraph, additional moneys remain for awards, prioritization shall then be based on financial need.

(b) In cases in which the demand for enhanced grants as provided for in this subsection exceeds the available appropriation, the council may give preference to eligible students who pursue programs that offer a money-back guarantee if the program's graduates do not find work in their chosen field within a certain time period after graduation.

(c) The remaining appropriation shall be retained in the fund and be subject to legislative appropriation in subsequent legislative sessions for the purposes of expanding in-demand career training opportunities.

SECTION 5. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) to use toward overload courses, dual credits, postsecondary credit-bearing examinations, career technical certificate examinations, career technical education workforce training courses, college entrance examinations, and preliminary college entrance examinations. Students may access these funds in grades 7 through 12 for:

(a) Overload courses, the distribution of which may not exceed two hundred twenty-five dollars (\$225) per overload course. A student must take and successfully be completing a full credit load within a given school year to be eligible for funding of an overload course. An overload course must be taken for high school credit to be eligible for funding. To qualify as an eligible overload course for the program, the course must:

(i) Be offered by a provider accredited by the organization that accredits Idaho public schools; and

(ii) Be taught by an individual certified to teach the grade and subject area of the course in Idaho.

(b) Eligible dual credits, the distribution of which may not exceed seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit courses must be offered by a regionally accredited postsecondary institution. To qualify as an eligible dual credit course, the course must be a credit-bearing 100 level course or higher.

(c) Eligible postsecondary credit-bearing or career technical certificate examinations. The state department of education shall

maintain a list of eligible exams and costs. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include:

- (i) Advanced placement (AP);
- (ii) International baccalaureate (IB);
- (iii) College-level examination program (CLEP); and
- (iv) Career technical education examinations that lead to an industry-recognized certificate, license, or degree.

(d) CTE workforce training courses, such as federally registered apprenticeships, the distribution of which may not exceed five hundred dollars (\$500) per course and one thousand dollars (\$1,000) per year. The state department of education shall collaborate with the division of career technical education to maintain a list of eligible training courses and costs. Eligible training courses must:

- (i) Be provided by an Idaho public technical college;
- (ii) Lead to an industry-recognized certificate, license, or degree;
- (iii) Be required training for occupations deemed regionally in demand;
- (iv) Be courses that are not otherwise available at the student's high school; and
- (v) Allow high school-aged students to participate.

(e) College entrance examinations and preliminary college entrance examinations. The state department of education shall maintain a list of eligible examinations and costs, provided that a student may not use funds provided under this section to take the same examination more than once. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include the SAT, the PSAT, the ACT, and other similar examinations identified by the department.

(2) A student who has earned fifteen (15) postsecondary credits using the advanced opportunities program and who wishes to earn additional credits must first identify his postsecondary goals. Advisors shall counsel any student who wishes to take dual credit courses that the student should ascertain for himself whether the particular postsecondary institution that he desires to attend will accept the transfer of coursework credits under this section.

(3) These moneys may be used to pay an amount not to exceed the price to the student of such courses and examinations pursuant to the limitations stated in this section. These moneys shall not supplant existing program funds. Payments made under this section shall be made from the moneys appropriated for the educational support program. No later than January 15, the state department of education shall annually report to the education committees of the senate and the house of representatives details regarding the number of students benefiting from assistance with the cost of overload courses, dual credit courses and examinations, the number of credits awarded and amounts paid pursuant to this section during the previous school year.

(4) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.

(5) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The

amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from that public school. Students must apply for the scholarship within two (2) years of graduating from a public school.

(6) The state department of education shall reimburse public schools or public postsecondary educational institutions, as applicable, for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. The submission method and timelines of reimbursement data shall be determined by the state department of education. Payments will be made only for activity occurring and reported within each fiscal year.

(7) For public funding purposes, average daily attendance shall be counted as normal for students participating in dual credit courses pursuant to this section.

(8) If a student fails to earn credit or successfully complete a course for which the department has paid a reimbursement, the student must pay for and successfully earn credit or complete one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

(9) The state department of education shall reimburse community colleges or counties, as applicable, for any out-of-district county tuition pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual credit courses taken pursuant to this section.

(10) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program, and schools shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout the student's involvement in the program.

(11) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state department of education reporting. Participation in this program requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements.

(12) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school in which the student is enrolled. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's high school transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload or dual credit courses taken pursuant to this section. For an eligible course to be transcribed as meeting the

requirements of a core subject as identified in administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

(13) Participating public schools shall collaborate with Idaho public postsecondary educational institutions to assist students who seek to participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

(14) If actual expenditures for the program pursuant to this section are less than the appropriation for the year, excess funds shall be transferred to the in-demand careers fund established in section 72-1206, Idaho Code, to further workforce training for in-demand careers.

~~(14)~~ (15) The state board of education may promulgate rules to implement the provisions of this chapter.

SECTION 6. That Section 33-4605, Idaho Code, be, and the same is hereby amended to read as follows:

33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, beginning with the spring 2016 graduating class and concluding with the summer 2023 graduating class:

(a) Any student who has earned at least ten (10) postsecondary semester credits upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in an amount of up to two thousand dollars (\$2,000) that shall be used for tuition and fees at any eligible institution.

(b) Any student who has earned at least twenty (20) postsecondary semester credits upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in an amount of up to four thousand dollars (\$4,000) that shall be used for tuition and fees at any eligible institution.

(c) Any student who has earned an associate degree from an accredited institution upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in the amount of eight thousand dollars (\$8,000) that shall be used for tuition and fees at any eligible institution.

(2) For subsection (1)(a) and (b) of this section, the award amount shall be limited by the number of credits accepted by the eligible institution where the scholarship is to be applied. For subsection (1)(a) through (c) of this section, the awards shall be annual awards and one-quarter (1/4) of the scholarship amount the student is entitled to shall be distributed in each semester of full-time attendance until the total scholarship is expended or expires.

(3) In order to be eligible for a full postsecondary credit scholarship set forth in subsection (1) of this section:

(a) The student must be awarded a postsecondary matching scholarship in an amount at least equal to the postsecondary credit scholarship amount awarded in the same school year, provided that the matching funds for each scholarship must come from a business or industry, or entities representing business or industry, and may not be from appropriated or non-appropriated funds of the postsecondary institution or from a foundation affiliated with the postsecondary institution, unless the funds were donated to the postsecondary institution specifically as a match for the postsecondary credit scholarship program;

(b) The student must have graduated from an accredited high school in Idaho, or its equivalent; and

(c) Except for the first semester in which the postsecondary credit scholarship amount is distributed, in order to receive the scholarship distribution in a given semester, the student must have successfully earned at least twelve (12) credits during the immediately preceding semester in which the scholarship was distributed.

(4) Eligible students will be awarded the postsecondary credit scholarship based on grade point average rank subject to annual legislative appropriation.

(5) A student shall use the postsecondary credit scholarship within four (4) years of his or her high school graduation date, at which time the scholarship shall expire and may no longer be used.

(6) A student is entitled to only one (1) of the postsecondary credit scholarship amounts set forth in subsection (1) of this section.

(7) If a student has been awarded scholarships that pay for one hundred percent (100%) of the cost of tuition and fees, then part or all of the remaining postsecondary credit scholarship moneys may be used for room and board at the discretion of the eligible institution where the student will attend.

(8) This section shall be funded from the advanced opportunities program within the educational support program. The state department of education shall pass through to the office of the state board of education the necessary amount for distribution not to exceed one million dollars (\$1,000,000) in fiscal year 2017, and not to exceed two million dollars (\$2,000,000) in fiscal year 2018 ~~and every fiscal year thereafter~~ through fiscal year 2024.

(9) No later than January 15 of each year, the state board of education shall report to the senate and the house of representatives education committees the number of scholarships awarded pursuant to this section during the previous school year. The report shall include the total amount of moneys distributed for the scholarships.

(10) For the purposes of this section, "eligible institution" has the same meaning as provided in section 33-4303(2) (b) , Idaho Code.

(11) Matching business or industry scholarships must be competitively awarded, must be available to all eligible students, and may not be awarded by a relative or a business owned or administered by a relative. As used in this section, "relative" shall mean any person related to the student by blood or marriage within the second degree of affinity or consanguinity.

(12) No new postsecondary credit scholarships may be awarded by the board on or after July 1, 2023.

(13) The provisions of this section shall be null, void, and of no force and effect on and after December 31, 2027.

SECTION 7. That Section 33-4303, Idaho Code, be, and the same is hereby amended to read as follows:

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

(a) Recognize that all Idaho citizens benefit from an educated citizenry;

(b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;

(c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;

(d) Increase the opportunity for economically disadvantaged Idaho students; and

(e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means a public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, or the state board for career technical education or any educational organization located in Idaho that is:

(i) Operated privately;

(ii) Classified as not-for-profit under state law;

(iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and

(iv) Accredited by an organization recognized by the state board as provided in section 33-2402, Idaho Code.

(c) "Eligible student" means a student who:

(i) Is an Idaho resident as defined in section 33-3717B, Idaho Code;

(ii) Has graduated or will graduate prior to July 1, 2023, from an accredited high school or its equivalent in Idaho as determined by the state board;

(iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;

(iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and

(v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) Up to twenty percent (20%) of funds that are available for the opportunity scholarship program may be used for awards to adult students who have earned at least twenty-four (24) credits toward a postsecondary degree or certificate and who return to an eligible Idaho postsecondary educational institution to complete a certificate or degree.

(7) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(8) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(9) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(10) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in paragraph (b) of this subsection. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer or endowment fund investment board in the same manner as provided under section 67-1210 or 68-501, Idaho Code, as applicable. Interest earned on the investments shall be returned to the account.

(11) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

(12) No new opportunity scholarships, excluding renewals, may be awarded by the board on or after July 1, 2023.

SECTION 8. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or

the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

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

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

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

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

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

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

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

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

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

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

(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

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

(iii) Following the distribution required by subparagraph (i) of this paragraph, forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

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

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

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

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

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

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection ex-

isted immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

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

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

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

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

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

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

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county

commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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

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

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

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

(16) (a) Four and five-tenths percent (4.5%), but not less than eighty million dollars (\$80,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

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

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

(17) Beginning in fiscal year 2024 and each fiscal year thereafter, three hundred thirty million dollars (\$330,000,000) shall be distributed annually to the public school income fund created in section 33-903, Idaho Code, and eighty million dollars (\$80,000,000) shall be distributed annually to the in-demand careers fund established in section 33-4305 72-1206, Idaho Code. The state tax commission shall make such transfers in quarterly installments. The distributions required by this subsection must immediately follow the distributions provided for in subsection (16) of this section.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 28, 2023

CHAPTER 175
(S.B. No. 1069)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1201, IDAHO CODE, TO PROVIDE FOR TEACHER APPRENTICESHIPS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1203, IDAHO CODE, TO PROVIDE FOR A TEACHER APPRENTICESHIP PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1201, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201. CERTIFICATE REQUIRED. (1) Every person who is employed to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian shall be required to have and to hold a certificate issued under authority of the state board of education, valid for the service being rendered; except that the state board of education may authorize endorsement for use in Idaho, for not more than five (5) years, certificates valid in other states when the qualifications therefor are not lower than those required for an Idaho certificate.

(2) No certificate shall be required of a student who is attending any teacher-training institution, ~~who shall serve and serving as a practice teacher or teacher apprentice in a state board of education-approved registered apprenticeship program for teachers in a classroom under the supervision of a certificated teacher,~~ and who is jointly assigned by such teacher-training institution and the governing board of a district or a public institution to perform practice teaching ~~in a non-salaried status. Those students attending a teacher-training institution of another state and who serve as a non-salaried practice teacher in an Idaho school district shall be registered by that school district.~~

(3) A student, while serving in a practicum, internship, apprenticeship, or student teaching position under the supervision of a person certificated pursuant to this section, shall be accorded the same liability insurance coverage by the school district being served as that accorded such

certificated person in the same district, and such student shall comply with all rules and regulations of the school district or public institution while serving in such a capacity.

SECTION 2. That Section 33-1203, Idaho Code, be, and the same is hereby amended to read as follows:

33-1203. ACCREDITED TEACHER TRAINING REQUIREMENTS. Except in the limited fields of trades and industries, and specialists certificates of school librarians and school nurses, the state board shall not authorize the issuance of any standard certificate premised upon less than four (4) years of accredited college training, including such professional training as the state board may require, or the successful completion of a state board of education-approved registered apprenticeship program for teachers; but in emergencies, which must be declared, the state board may authorize the issuance of provisional certificates based on not less than two (2) years of college training.

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

Approved March 29, 2023

CHAPTER 176
(S.B. No. 1112)

AN ACT

RELATING TO BEAR LAKE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4313, IDAHO CODE, TO RECOGNIZE BEAR LAKE AS A HIGHLY VALUED RESOURCE AND TO RECOGNIZE ITS UNIQUE CHARACTERISTICS, TO PROVIDE FOR BEAR LAKE'S PRESERVATION FOR FUTURE GENERATIONS, TO PROVIDE THAT THE STATE DESIRES TO PREVENT DEGRADATION OF BEAR LAKE, TO PROVIDE THAT THE STATE SUPPORTS ENHANCEMENT OF THE OPERATIONAL UTILITY OF BEAR LAKE FOR IRRIGATION STORAGE PURPOSES, TO ENCOURAGE COLLABORATION AMONG AGENCIES AND STAKEHOLDERS, AND TO PROVIDE THAT PROVISIONS SHALL NOT CHANGE ANY WATER RIGHTS OR APPROPRIATE ANY WATER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4313, Idaho Code, and to read as follows:

67-4313. BEAR LAKE. The legislative intent of this section is to recognize the following:

(1) Bear Lake was a natural lake at the time Idaho gained its statehood and remains a highly valued resource for its native fisheries, recreation, and distinctive characteristics, including its water clarity and mineral and chemical uniqueness, giving it the intense turquoise blue color for which it is known all over the world.

(2) While serving as a reservoir, Bear Lake retains its basic native form and character, preserving much of its valued scenic beauty, navigability, and lake-related recreation opportunities. It is the desire and expectation of the state of Idaho that Bear Lake and its inherent qualities and characteristics be preserved for future generations.

(3) The state of Idaho desires to prevent the lake's degradation in quality and functions and to preserve and enhance the lake's unique characteristics, including but not limited to native fish and wildlife, unique water quality, native lake bed, navigation, littoral rights, lake-related recreation, and irrigation storage.

(4) Bear Lake has been operated as a reservoir since the early 1900s to store water for irrigation, flood control, and incidental power generation, which has enhanced agricultural productivity and prosperity in the Bear River basin and will remain an essential irrigation water supply into the future. The state of Idaho supports enhancement of the operational utility of Bear Lake for irrigation storage purposes.

(5) To achieve the goals of this section, the state of Idaho encourages collaboration among agencies and stakeholders to help preserve and enhance such interests.

(6) Nothing in this section is intended to impair or constrain the operation of Bear Lake, to interfere with or change any water rights, or to appropriate any water.

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

Approved March 29, 2023

CHAPTER 177
(S.B. No. 1159)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE IDAHO BROADBAND FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA CAPITAL PROJECTS FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE FEDERAL GRANT FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND; DIRECTING THE USE OF BROADBAND GRANTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,914,600	\$1,504,400	\$2,250,000	\$6,669,000
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fund	1,282,000	14,170,400	12,288,600	27,741,000
Miscellaneous Revenue				
Fund		157,500		157,500
Seminars and Publications				
Fund		378,400		378,400
ARPA Capital Projects				
Fund	303,100			303,100
Federal Grant				
Fund	<u>753,800</u>	<u>1,923,300</u>	<u>163,620,800</u>	<u>166,297,900</u>
TOTAL	\$5,253,500	\$18,134,000	\$181,159,400	\$204,546,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-eight (48.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE IDAHO BROADBAND FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated or reappropriated to the Department of Commerce from the Idaho Broadband Fund for fiscal year 2023, not to exceed \$35,000,000, to be used for nonrecurring expenditures for broadband infrastructure for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE ARPA CAPITAL PROJECTS FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated or reappropriated to the Department of Commerce from the ARPA Capital Projects Fund for fiscal year 2023, not to exceed \$124,100,000, to be used for nonrecurring expenditures for broadband infrastructure for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE FEDERAL GRANT FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated or reappropriated to the Department of Commerce from the Federal Grant Fund for fiscal year 2023, not to exceed \$50,000,000, to be used for nonrecurring expenditures for broadband infrastructure for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated or reappropriated to the Department of Commerce from the American Rescue Plan Fund for fiscal year 2023, not to exceed \$1,000,000, to be used for nonrecurring expenditures for economic planning for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. BROADBAND GRANTS. Notwithstanding any law to the contrary, all moneys appropriated from the American Rescue Plan Act Capital Projects Fund and Federal Grant Fund to the Department of Commerce for the purpose of broadband grants shall be allocated at the direction of the Idaho Broadband Advisory Board.

SECTION 8. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.

Approved March 29, 2023

CHAPTER 178
(S.B. No. 1086)

AN ACT

RELATING TO TORT CLAIMS AGAINST GOVERNMENTAL ENTITIES; AMENDING SECTION 6-906A, IDAHO CODE, TO PROVIDE FOR A TIME FOR FILING CLAIMS BY A MINOR IN A CHILD ABUSE CASE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 6-906A, Idaho Code, be, and the same is hereby amended to read as follows:

6-906A. TIME FOR FILING CLAIMS BY MINORS. No (1) Except as provided in subsection (2) of this section, no person who is a minor shall be required to present and file a claim against a governmental entity or its employee under this chapter until one hundred eighty (180) days after said person reaches the age of majority or six (6) years from the date the claim arose or should reasonably have been discovered, whichever is earlier.

(2) For any claim filed by or on behalf of a minor against a governmental entity or its employee in a child abuse case, as described in section 6-1701, Idaho Code, such claim shall be filed in accordance with the provisions of section 6-1704, Idaho Code.

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

Approved March 29, 2023

CHAPTER 179
(S.B. No. 1059)

AN ACT

RELATING TO ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 60, TITLE 19, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT THE DISCLOSURE OF A RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL OFFICER, TO PROVIDE EXCEPTIONS, TO PROVIDE ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS, TO PROVIDE ELIGIBILITY REQUIREMENTS, AND TO PROVIDE IMMUNITY FROM LIABILITY FOR PUBLIC AGENCIES AND THEIR EMPLOYEES IN CERTAIN INSTANCES; AMENDING SECTION 34-704, IDAHO CODE, TO PROVIDE THAT THE RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL OFFICER SHALL BE EXEMPT FROM DISCLOSURE; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE THAT THE RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL OFFICER SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 60, Title 19, Idaho Code, and to read as follows:

CHAPTER 60
ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS

19-6001. DEFINITIONS. As used in this chapter:

(1) "Alternative Idaho mailing address" means the address of a judicial officer's chambers.

(2) "Application" means a written form prescribed and made available by the Idaho supreme court. Such application shall contain, at a minimum, all of the following:

(a) A sworn statement by the judicial officer's employing entity that the applicant is in fact a judicial officer as defined in subsection (4) of this section;

(b) A sworn statement by the judicial officer that names such officer's residing household members, if any, as defined in subsection (6) of this section;

(c) The alternative Idaho mailing address as defined in subsection (1) of this section, and the telephone number or numbers where the judicial officer and such officer's residing household members can be contacted by the public agency; and

(d) A sworn statement by the judicial officer that such officer knowingly and voluntarily designates his employing entity as agent for pur-

poses of service of process and receipt of first class, certified, or registered mail.

(3) "Custodian" is as defined in section 74-101, Idaho Code.

(4) "Judicial officer" means a justice, judge, or magistrate judge with chambers in the state of Idaho.

(5) "Public agency" is as defined in section 74-101, Idaho Code.

(6) "Residing household member" means a judicial officer's spouse and any child or children who currently reside at the same residential street address as such officer.

19-6002. DISCLOSURE OF RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER PROHIBITED -- EXCEPTIONS. Notwithstanding any other provision of state law, a public agency shall not disclose to any person or entity the Idaho residential street address and telephone number of a judicial officer and such officer's residing household members upon submission of an application and fee consistent with the provisions of section 19-6003, Idaho Code, except under any of the following circumstances:

(1) If directed by a court order, to a person identified in the court order;

(2) If requested by a law enforcement agency, to the law enforcement agency;

(3) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(4) If the judicial officer provides written permission for disclosure of such information.

19-6003. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Judicial officers desiring that their Idaho residential street address and telephone number and the Idaho residential street address and telephone number of their residing household members be exempt from disclosure pursuant to this chapter and sections 34-704(4) and 74-106(30), Idaho Code, may submit an application and a fee, if any, to the custodian of the public record that contains such information. Upon receipt of such application and fee, the public agency shall comply with the provisions of this chapter for a period of four (4) years. Thereafter, judicial officers may renew the exemption by submitting a new application and fee, if any. The public agency may establish a fee schedule not to exceed the actual cost to the agency of complying with the provisions of this chapter.

(2) Judicial officers may submit an application to a public agency requesting that the public agency use an alternative Idaho mailing address rather than the Idaho residential street address of any such officer and of any such officer's residing household members on all applications and on all identification cards, licenses, certificates, permits, tags, and other similar documents that are issued to the officer or to such officer's residing household members by the public agency. A public agency receiving such application shall comply with the request.

(3) A person shall cease to be eligible for an exemption under this chapter if such person ceases to be a judicial officer or a residing household member. Within thirty (30) days of such cessation, the person shall notify, in writing, every public agency to which the person has made an application stating that he is no longer eligible for such exemption. If a judicial officer changes employment but is still eligible for an exemption under this chapter, such judicial officer shall, within thirty (30) days of changing employment, submit a new application to every public agency to which such officer has made an application.

(4) Nothing in this chapter shall prevent a public agency from obtaining the Idaho residential street address and telephone number of a judicial officer and of any residing household member. A judicial officer who has submitted an application pursuant to the provisions of this chapter shall

provide his current Idaho residential street address to his employing entity. The judicial officer's employing entity, or any public agency that has obtained the Idaho residential street address of a judicial officer, shall upon request identify the county in which the judicial officer's Idaho residential street address is situated.

19-6004. IMMUNITY FROM LIABILITY. Neither a public agency nor its employees, while acting within the course and scope of their employment and without malice or criminal intent, shall be liable under the Idaho tort claims act, chapter 9, title 6, Idaho Code, for any injury resulting from the release of confidential information under this chapter.

SECTION 2. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8:00 a.m. on the twelfth Monday preceding the primary election and 5:00 p.m. on the tenth Friday preceding the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy and shall be affiliated with a party at the time of filing. A candidate shall be deemed affiliated with the political party if the candidate submits a party affiliation form along with the declaration of candidacy to the filing official. The filing official shall reject any declaration of candidacy for partisan office in a primary election from candidates who are not affiliated with a political party. Candidates for nonpartisan office shall file during the period provided for in this section.

(2) Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

(3) Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.

(4) All information in declarations of candidacy shall be made publicly available upon request, except that the Idaho residential street address and telephone number of a judicial officer may be exempt from disclosure pursuant to sections 19-6002 and 74-106(30), Idaho Code.

SECTION 3. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall

not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; and active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; and business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;

(d) Records with regard to the ownership of or security interests in registered public obligations;

(e) Vital statistics records;

(f) Military records as described in and pursuant to section 65-301, Idaho Code;

(g) Social security numbers; and

(h) The following personal data identifiers for an individual may be disclosed only in the following redacted format:

(i) The initials of any minor children of the individual;

(ii) A date of birth in substantially the following format: "XX/XX/birth year";

(iii) The last four (4) digits of a financial account number in substantially the following format: "XXXXX1234";

(iv) The last four (4) digits of a driver's license number or state-issued personal identification card number in substantially the following format: "XXXXX350F"; and

(v) The last four (4) digits of an employer identification number or business's taxpayer identification number.

(5) Information in an income or other tax return measured by items of income or sales, which that is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons

applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), ~~(3)(b)~~ or ~~(3)(d)~~ of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency that has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section that specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

(a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;

(b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time-sensitive emergency registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the department of health and welfare under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement or judicial officer and such officer's residing household ~~member(s)~~ members as provided for in chapters 58 and 60, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;

(b) If requested by a law enforcement agency, to the law enforcement agency;

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement or judicial officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code, except campaign contact phone numbers for candidates or committees, which shall be publicly available upon request; and any notification email addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

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

Approved March 29, 2023

CHAPTER 180
(S.B. No. 1087)

AN ACT

RELATING TO CRIMINAL FORFEITURE; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1507B, IDAHO CODE, TO PROVIDE FOR CRIMINAL FORFEITURE FOR CERTAIN CRIMES AGAINST CHILDREN AND VULNERABLE ADULTS, TO DEFINE A TERM, TO PROVIDE FOR A FORFEITURE REQUEST, TO PROVIDE FOR PRESERVATION OF PROPERTY, TO PROVIDE FOR AN INSTITUTION OF PROCEEDINGS, TO PROVIDE FOR RIGHTS OF THIRD PARTIES, TO PROVIDE FOR PROPORTIONALITY, TO PROVIDE FOR AUTHORITY OF THE PROSECUTING ATTORNEY, TO PROHIBIT INTERVENTION IN CERTAIN INSTANCES, TO PROVIDE FOR JURISDICTION AND DEPOSITIONS IN CERTAIN INSTANCES, TO PROVIDE FOR THE SALE OF PROPERTY, AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1507B, Idaho Code, and to read as follows:

18-1507B. CRIMINAL FORFEITURE. (1) Any person who enters a plea of guilty or is convicted of a felony violation of section 18-1507, 18-1507A, 18-1509, or 18-1509A, Idaho Code, no matter the form of the judgment or order withholding judgment, shall forfeit to the state of Idaho:

(a) Any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of such violation. Such proceeds shall also include any virtual or cryptocurrency; and

(b) Any property, used in any manner or part, to commit or to facilitate the commission of such violation.

(2) The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 18-1507, 18-1507A, 18-1509, or 18-1509A, Idaho Code, that the person forfeit to the state of Idaho all property described in this section. The issue of criminal forfeiture shall be for the court alone, without submission to a jury, as a part of the sentencing procedure within the criminal action.

(3) "Property" subject to criminal forfeiture under this section means personal property, including but not limited to vehicles, real property, computer files, computer hardware and software, and electronic data employed in any manner or part in the commission of the violation.

(4) Any peace officer of this state seizing property subject to forfeiture under the provisions of this section shall cause a written inventory to be made and shall maintain custody of the same until all legal actions have been exhausted.

(5) Property subject to criminal forfeiture under this section shall not be ordered forfeited unless the prosecuting attorney has filed a separate allegation within the criminal proceeding seeking forfeiture of specific property. The prosecuting attorney shall file, within fourteen (14) days of the filing of the criminal information or indictment, a forfeiture request and notice with the trial court. Any property of a person subject to the provisions of this section shall be subject to forfeiture under this section if the state of Idaho establishes by a preponderance of the evidence that:

(a) The property was acquired or used by a person during the period of the violation of section 18-1507, 18-1507A, 18-1509, or 18-1509A, Idaho Code, or within a reasonable time after such violation; and

(b) The property was used in the commission of the violation of section 18-1507, 18-1507A, 18-1509, or 18-1509A, Idaho Code.

(6) (a) Upon application of the state of Idaho, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (3) of this section for forfeiture under this section upon the filing of an indictment or information charging a violation of sexual exploitation of a minor for which criminal forfeiture may be ordered and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section.

(b) The state may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (2) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property by the appropriate law enforcement agency upon such terms and conditions as the court shall deem proper.

(c) The court may, upon application of the state of Idaho, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the state of Idaho in the property subject to forfeiture. Any income accruing to or derived from property subject to forfeiture under this section may be used to offset ordinary and necessary expenses to the property that are required by law or that are necessary to protect the interests of the state of Idaho or third parties.

(7) Upon the filing of a forfeiture request pursuant to subsection (5) of this section, or in the event of seizure pursuant to a warrant of seizure, or upon entry of an order of forfeiture, the prosecuting attorney shall, if appropriate, institute proceedings pursuant to subsection (8) of this section within twenty (20) days of such event.

(8) (a) Within twenty (20) days of an institution of proceedings as provided in subsection (7) of this section, notice, including a copy of the request for forfeiture, shall be given to each co-owner or party in interest who has or claims any right, title, or interest in any of such personal property according to one (1) of the following methods:

(i) Upon each co-owner or party in interest in a titled motor vehicle, aircraft, or other conveyance, by mailing notice by certified mail to the last known address of each co-owner and party in interest as given upon the records of the appropriate department of state or federal government where records relating to such conveyances are maintained;

(ii) Upon each secured party and assignee designated as such in any UCC-1 financing statement on file in an appropriate filing office covering any personal property sought to be forfeited, by mailing notice by certified mail to the secured party and the assignee, if any, at their respective last known addresses as shown on such financing statement; or

(iii) Upon each co-owner or party in interest whose name and last known address is known, by mailing notice by certified mail to the last known address of such person.

(b) Within twenty (20) days after the mailing of the notice, the co-owner or party in interest shall file a verified answer and claim to the property described in the notice.

(c) If a verified answer is filed within twenty (20) days after mailing of the notice, the forfeiture proceeding against all co-owners and parties in interest who have filed verified answers shall be set for hearing before the court without a jury on a day not less than sixty (60) days after the mailing of the notice, and the proceeding shall have priority over other civil cases, except as provided in chapter 28, title 37, Idaho Code.

(i) At a hearing held pursuant to this subsection, any co-owner or party in interest who has a verified answer on file may show by competent evidence that his interest in the titled motor vehicle, aircraft, or other conveyance is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the titled motor vehicle, aircraft, or other conveyance was being used, had been used, or was intended to be used for the purposes described in subsection (1) of this section;

(ii) A co-owner or claimant of any right, title, or interest in the property may prove that his right, title, or interest, whether under a lien, mortgage, security agreement, conditional sales contract, or otherwise, was created without any knowledge or reason to believe that the property was being used, had been used, or was intended to be used for the purpose alleged;

1. In the event of such proof, the court shall order that portion of the property or interest released to the bona fide or innocent co-owner, purchaser, lienholder, mortgagee, secured party, or conditional sales vendor;

2. If the amount due to such person is less than the value of the property, the property may be sold at public auction or in another commercially reasonable method by the prosecuting attorney. If sold at public auction, the prosecuting attorney shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place at least one (1) week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:

(A) To the bona fide or innocent co-owner, purchaser, conditional sales vendor, lienholder, mortgagee, or secured party of the property, if any, up to the value of his interest in the property.

(B) The balance, if any, in the following order:

a. To the prosecuting attorney, for all expenditures made or incurred by him in connection with the sale, including expenditure for any necessary repairs, storage, or transportation of the property, and for all expenditures made or incurred by him in connection with the forfeiture proceedings, including but not limited to expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling, and investigation; and

b. To the law enforcement agency of this state that seized the property for all expenditures for traveling, investigation, storage, and other expenses made or incurred after the seizure and in connection with the forfeiture of any property seized under this chapter.

(C) Notwithstanding any other provision of this section, upon being satisfied that the interest of a co-owner or claimant should not be subject to forfeiture because he neither knew nor should have known that the personal property was being used or had been used for the purposes alleged, or that due to preexisting security interests in such property there is no equity that may be forfeited, the prosecuting attorney may release the property to the co-owner, holder of the security interest, or other claimant.

(D) In any case, the prosecuting attorney, may, within thirty (30) days after order of forfeiture, pay the balance due to the bona fide lienholder, mortgagee, secured party, or conditional sales vendor and thereby purchase the property for use to enforce the provisions of this section.

(d) The provisions of this subsection shall not apply to any seized electronic or computer hardware, and the seizing law enforcement agency shall destroy such property upon exhaustion of all legal actions.

(9) In issuing any order under the provisions of this section, the court shall make a determination that the property, or a portion thereof in the case of real property, was actually used in the violation. The property forfeited shall not be unfairly disproportionate to the property actually used in violation of the provisions of this chapter.

(10) With respect to property ordered forfeited under this section, the prosecuting attorney is authorized to:

(a) Restore forfeited property to victims of a violation of this section or take any other action to protect the rights of innocent persons that is in the interest of justice and that is not inconsistent with the provisions of this section;

(b) Compromise claims arising under this section;

(c) Award compensation to persons providing information resulting in a forfeiture under this section; and

(d) Take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

(11) Except as provided in subsection (8) of this section and notwithstanding any other provision of law, no party claiming an interest in property subject to forfeiture under this section may:

(a) Intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(b) Commence an action at law or equity against the state of Idaho concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

(12) (a) The district courts of the state of Idaho shall have jurisdiction over:

(i) Property for which forfeiture is sought that is within the state at the time the action is filed; and

(ii) The interest of a co-owner or interest holder in the property if the co-owner or interest holder is subject to personal jurisdiction in this state.

(b) In order to facilitate the identification and location of property declared forfeited after the entry of an order declaring property forfeited to the state of Idaho, the court may, upon application of the state of Idaho, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place and in the same manner as provided for the taking of depositions under rule 26 of the Idaho rules of civil procedure.

(13) (a) On the motion of a party and after notice to any persons who are known to have an interest in the property and an opportunity to be heard, the court may order property that has been seized for forfeiture sold, leased, rented, or operated to satisfy an interest of any interest holder who has timely filed a proper claim or to preserve the interests of any party. The court may order a sale or any other disposition of the property if the property may perish, waste, be foreclosed on, or otherwise be significantly reduced in value or if the expenses of maintaining the property are or will become greater than its fair market value. If the court orders a sale, the court shall designate a third party or state property manager to dispose of the property by public sale or other commercially reasonable method and shall distribute the proceeds in the following order of priority:

(i) Payment of reasonable expenses incurred in connection with the sale;

(ii) Satisfaction of exempt interests in the order of their priority; and

(iii) Preservation of the balance, if any, in the actual or constructive custody of the court in an interest-bearing account, subject to further proceedings under this section.

(b) When property is forfeited under this section, the prosecuting attorney may:

- (i) Retain it for official use by law enforcement; or
- (ii) Sell that which is not required to be destroyed by law and that is not harmful to the public.

(14) The provisions of this section shall be liberally construed to effectuate its purposes.

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

Approved March 29, 2023

CHAPTER 181
(S.B. No. 1105)

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The provisions of this chapter shall apply to any person who:

- (a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-925 (aggravated sexual battery), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), felony violations of 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), 18-6110 (sexual contact with a prisoner), 18-6601 (incest), 18-6602 (sexual abuse of an animal), 18-6603 (sexual abuse of human remains), 18-6604 (forcible penetration by use of a foreign object), 18-6605 (video voyeurism where the victim is a minor or upon a second

or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1)(a)(i) (sex trafficking), Idaho Code.

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) and or (f) of this subsection and enters this state to establish residence or for employment purposes or to attend, on a full-time or part-time basis, any public or private educational institution including any secondary school, trade or professional institution or institution of higher education.

(c) Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) and or (f) of this subsection and was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(f) On or after July 1, 1993, is convicted of the crime or an attempt, solicitation, or conspiracy to commit the infamous crime against nature, a felony offense formerly codified in chapter 66, title 18, Idaho Code, and whose conviction is entered before July 1, 2022.

(2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) The department shall have authority to promulgate rules to implement the provisions of this chapter.

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

Approved March 29, 2023

CHAPTER 182
(S.B. No. 1023)

AN ACT

RELATING TO THE OFFICE OF ADMINISTRATIVE HEARINGS; AMENDING SECTION 67-1406, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS MAY EMPLOY PRIVATE COUNSEL; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS IS UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5281, IDAHO CODE, TO PROVIDE THAT THE CHIEF ADMINISTRATIVE HEARING OFFICER SHALL BE COMPENSATED AS DETERMINED BY THE GOVERNOR; AMENDING SECTION 67-5282, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING SECTION 67-5283, IDAHO CODE, TO REVISE PROVISIONS REGARDING QUALIFICATIONS OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE THAT ALL HEARING OFFICERS AND ALL OTHER EMPLOYEES OF THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE NONCLASSIFIED EMPLOYEES AND TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 74-104, IDAHO CODE, TO PROVIDE THAT CERTAIN WRITINGS ASSOCIATED WITH THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE EXEMPT FROM DISCLOSURE AND THAT CERTAIN ORDERS ISSUED BY THE OFFICE OF ADMINISTRATIVE HEARINGS ARE NOT EXEMPT FROM DISCLOSURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-1406, Idaho Code, be, and the same is hereby amended to read as follows:

67-1406. EMPLOYMENT OF ATTORNEYS RESTRICTED -- EXEMPTIONS. Notwithstanding any other provision of law to the contrary, no department, agency, office, officers, board, commission, institution or other state entity shall be represented by or obtain its legal advice from an attorney at law other than the attorney general except as follows:

(1) The legislative and judicial branches of government and the governor may employ attorneys other than those under the supervision of the attorney general, and such attorneys may appear in any court. However, such entities may, upon request, utilize the attorney general's legal services.

(2) Those state entities within the department of self-governing agencies which are enumerated in section 67-2601(2) (a), (b), and (h), and (i), Idaho Code, and colleges and universities may employ private counsel to advise them and represent them before courts of the state of Idaho. Such entities may also obtain legal services from the attorney general on such terms as the parties may agree.

(3) Whenever the attorney general determines that it is necessary or appropriate in the public interest, the attorney general may authorize contracts for legal services pursuant to the provisions of section 67-1409, Idaho Code.

(4) The provisions of section 67-1401, Idaho Code, shall govern the normal relationship between the attorney general and the state entities in the executive branch of state government. However, if after consultation with the attorney general, the governor determines in his sole judgment, which shall not be subject to judicial review, that counsel assigned to represent or give legal advice to any state entity, other than the lieutenant governor, state controller, state treasurer, secretary of state, attorney general, and the superintendent of public instruction, cannot effectively advocate or pursue the policies of the governor, the governor shall request that other counsel be provided by the attorney general, and the attorney

general shall provide from within the office of the attorney general or obtain from outside the office of the attorney general, depending upon the request of the governor, qualified counsel acceptable to the governor to represent such state entity.

(5) Any separate counsel employed pursuant to the foregoing exceptions shall be compensated with funds appropriated to such state entity, unless such separate counsel shall have been employed at the request or convenience of the attorney general or because of a conflict in representation by the attorney general.

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

67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV₇ of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; ~~the~~ Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and ~~the~~ Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

(b) The board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of veterans services, to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(e) The board of library commissioners, pursuant to section 33-2502, Idaho Code.

(f) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

(g) The state public defense commission, pursuant to section 19-849, Idaho Code.

(h) The division of occupational and professional licenses, which is hereby created.

(i) The office of administrative hearings, pursuant to section 67-5280, Idaho Code.

(3) Notwithstanding any other provision of law to the contrary, the governor shall have the authority to assign entities listed in subsection (2) of this section to divisions, sections, or units in such a manner as will tend to provide an orderly arrangement in the administrative organization of state government.

SECTION 3. That Section 67-5281, Idaho Code, be, and the same is hereby amended to read as follows:

67-5281. CHIEF ADMINISTRATIVE HEARING OFFICER -- APPOINTMENT -- QUALIFICATIONS -- REMOVAL -- SALARY. (1) A chief administrative hearing officer shall be appointed by the governor and confirmed by the senate to serve a four (4) year term. A person may be reappointed to serve additional terms. Provided, however, there is no right to reappointment.

(2) The chief administrative hearing officer must meet the following qualifications on the effective date of his appointment:

- (a) Be at least thirty (30) years of age;
- (b) Be a citizen of the United States;
- (c) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions of the United States for at least five (5) continuous years immediately preceding such appointment; and
- (d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter.

(3) If the chief administrative hearing officer resigns, dies, or is removed from office as provided in this section, the governor shall appoint a person who meets the qualifications established in this section, subject to confirmation by the senate, to fill the unexpired term.

(4) The chief administrative hearing officer may be removed from office by the governor for failing to retain those qualifications of his office established in subsection (2) of this section, for engaging in prohibited conduct established in section 67-5282 (2), Idaho Code, or for good cause shown. Before such removal, the governor shall give the chief administrative hearing officer a written copy of the charges against him, provide him an opportunity to submit a response no fewer than fourteen (14) calendars days thereafter, and may provide him such other process as the governor deems appropriate. If the chief administrative hearing officer is removed, the governor shall provide the house of representatives and the senate written notice of the removal, the effective date of removal, and the reason or reasons therefor.

(5) The chief administrative hearing officer shall be compensated as determined by the governor.

SECTION 4. That Section 67-5282, Idaho Code, be, and the same is hereby amended to read as follows:

67-5282. DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER. (1) The chief administrative hearing officer shall:

- (a) Serve as the administrator of the office of administrative hearings;
- (b) Conduct such contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280 (2) (a) and (b), Idaho Code;
- (c) Devote full-time to the office of administrative hearings and his obligations as chief administrative hearing officer;
- (d) Subject to applicable law and regulation, appoint, supervise, and remove hearing officers and staff as he deems appropriate to the proper functioning of the office of administrative hearings, determine the duties of such appointees as he deems appropriate, and, from among the hearing officers employed by the office of administrative hearings, designate a deputy chief administrative hearing officer to act in place of the chief administrative hearing officer when the chief administrative hearing officer is unable to perform his duties;
- (e) Promulgate rules ~~Have the authority to promulgate rules, pursuant to the provisions of this chapter, to implement the provisions of sections 67-5280 through 67-5286, Idaho Code;~~
- (f) Establish a hearing officer code of conduct that shall, among other things, provide for independent and unbiased decision-making by hear-

ing officers both as perceived and in fact and provide for a system to monitor compliance with, and sanction violations of, the hearing officer code of conduct;

(g) Protect and ensure the decisional independence of hearing officers;

(h) Implement a system for monitoring the quality of contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280(2)(a) and (b), Idaho Code;

(i) At his discretion, unless otherwise prohibited by state or federal law, retain independent contractor hearing officers at reasonable and consistent rates of compensation; provided that an independent contractor hearing officer with specialized expertise may be compensated at a higher rate if such expertise is necessary to the proper adjudication of the case and such higher rate of compensation is necessary in order to obtain such expertise; and

(j) Contract with agencies to conduct such adjudicatory hearings, mediations, and arbitrations authorized by section 67-5280(2)(b), Idaho Code.

(2) The chief administrative hearing officer shall not:

(a) Engage in the practice of law outside of his role in the office of administrative hearings, except for the practice of law that is permitted for a judge by the Idaho code of judicial conduct and is not inconsistent with the code of conduct or his duties as chief administrative hearing officer;

(b) Hold, or be a candidate for, any federal, state, county, municipal, district, or other elective office;

(c) Serve as the agent, representative, officer, political treasurer, or employee, whether for profit or otherwise, of any political party, political committee, or candidate, ~~whether~~ as defined in either chapter 1, title 34, or chapter 66, title 67, Idaho Code, or otherwise; and

(d) Hold any other public or private-sector position, whether for profit or otherwise, except for volunteer positions that are not inconsistent with his duties as chief administrative hearing officer.

SECTION 5. That Section 67-5283, Idaho Code, be, and the same is hereby amended to read as follows:

67-5283. HEARING OFFICER QUALIFICATIONS -- POWERS -- DUTIES. (1) The chief administrative hearing officer and hearing officers appointed by the chief administrative hearing officer shall:

(a) On the effective date of their appointments and throughout their tenure, meet and retain all of the qualifications specified for the chief administrative hearing officer in section 67-5281(2), Idaho Code;

(b) Take the oath of office as prescribed in chapter 4, title 59, Idaho Code;

(c) Comply with the hearing officer code of conduct;

(d) Not engage in the conduct prohibited of the chief administrative hearing officer in section 67-5282(2), Idaho Code. Provided, however, to the extent that it does not create a conflict of interest, the code of conduct may be waived for some or all of these prohibitions for contractor hearing officers; and

(e) Be deemed the presiding officers of contested case proceedings and other proceedings conducted by the office of administrative hearings and assigned to them and have the power to issue subpoenas, administer oaths, control the course of the proceedings, order the use of alternative dispute resolution with the parties' consent, enter such awards for costs and attorney's fees as authorized by law, and perform other

necessary and appropriate acts in the performance of their duties with respect to such cases.

(2) (a) Independent contractors may be hired as hearing officers without the limitation on outside work or outside practice of law, provided that:

(i) A disclosure is filed with the chief administrative hearing officer that states in what other outside work the independent contractor is engaged;

(ii) The independent contractor does not engage in outside work presenting a conflict of interest; and

(iii) The independent contractor discloses such other information as required by the code of conduct.

(b) If a failure to comply with the requirements of this subsection by an independent contractor is brought to the attention of the chief administrative hearing officer within thirty (30) days of the issuance of the independent contractor hearing officer's order, the chief administrative hearing officer shall declare such order void and of no effect within fourteen (14) days. The chief administrative hearing officer shall be permitted to issue a stay while he investigates the issue of failure to comply if the order involves a financial transaction.

(3) Those individuals serving as hearing officers in the office of the attorney general for department of health and welfare contested case hearings on December 31, 2023, shall have the option to be appointed hearing officers when the office of administrative hearings begins conducting such hearings on or after January 1, 2024, as provided by section 67-5286, Idaho Code, if they meet the hearing officer qualifications requirements set forth in this section and if such hearing officer positions are available in the office of administrative hearings on an employment or independent contractor basis.

SECTION 6. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees who are subject to this chapter and to the system of personnel administration it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote and persons appointed to fill vacancies in elective offices and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service and who are not engaged in the performance of administrative duties for the state.

- (f) Judges, temporary referees, receivers and jurors.
- (g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.
- (h) All employees of the Idaho state bar.
- (i) Assistant attorneys general attached to the office of the attorney general.
- (j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code. ~~onetime~~
- (k) Employees of the military division.
- (l) Patients, inmates or students employed in a state institution.
- (m) Temporary employees.
- (n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.
- (o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.
- (p) All employees of correctional industries within the department of correction.
- (q) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.
- (r) All public information positions, with the exception of secretarial positions, in any department.
- (s) Any division administrator.
- (t) Any regional administrator or division administrator in the department of environmental quality.
- (u) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conser-

vation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(v) All employees of the Idaho food quality assurance institute.

(w) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(x) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(y) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(z) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at a state hospital or other treatment facility managed and operated by the department of health and welfare.

(aa) All hearing officers and all other employees of the office of administrative hearings, as provided for in chapter 52, title 67, Idaho Code.

SECTION 7. That Section 74-104, Idaho Code, be, and the same is hereby amended to read as follows:

74-104. RECORDS EXEMPT FROM DISCLOSURE -- EXEMPTIONS IN FEDERAL OR STATE LAW -- COURT FILES OF JUDICIAL PROCEEDINGS -- OFFICE OF ADMINISTRATIVE HEARINGS. The following records are exempt from disclosure:

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

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

(3) Any writings, drafts, notes, or working memoranda related to decision-making in any proceeding before the office of administrative hearings pursuant to sections 67-5280 through 67-5286, Idaho Code, as well as any records that are otherwise exempt from disclosure under this chapter that are filed or submitted to the office of administrative hearings in the course of any proceedings before it. Orders issued by the office of administrative hearings are not exempt from disclosure under this section, unless otherwise exempt from disclosure under this chapter.

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

Approved March 29, 2023

CHAPTER 183
(H.B. No. 117)

AN ACT

RELATING TO SEXUAL OFFENDER REGISTRATION; AMENDING SECTION 18-8310, IDAHO CODE, TO REVISE A PROVISION REGARDING RELEASE FROM REGISTRATION REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8310, Idaho Code, be, and the same is hereby amended to read as follows:

18-8310. RELEASE FROM REGISTRATION REQUIREMENTS -- EXPUNGEMENT. (1) Registration under this act is for life; however, any offender, other than a recidivist, an offender who has been convicted of an aggravated offense, or an offender designated as a violent sexual predator, may, after a period of ten (10) years from the date the offender was released from incarceration or placed on parole, supervised release or probation, whichever is greater, petition the district court for a show cause hearing to determine whether the offender shall be exempted from the duty to register as a sexual offender. If the offender was convicted in Idaho, the offender shall file his or her petition in the county in which he or she was convicted. If the offender was convicted in a jurisdiction other than Idaho, then the offender shall file his or her petition in the county in which he or she resides. In the petition the petitioner shall:

- (a) Provide clear and convincing evidence that the petitioner has completed any all periods of supervised release, probation, or parole for the conviction requiring registration without revocation;
- (b) Provide an affidavit indicating that the petitioner does not have a criminal charge pending nor is the petitioner knowingly under criminal investigation for any violent crime or crime identified in section 18-8304, Idaho Code;
- (c) Provide proof of service of such petition and supporting documents upon the county prosecuting attorney for the county in which the application is made and upon the central registry;
- (d) Provide a certified copy of the judgment of conviction which caused the petitioner to report as a sexual offender;
- (e) Provide clear and convincing evidence that the petitioner has successfully completed a sexual offender treatment program;
- (f) Provide an affidavit demonstrating that the petitioner has no felony convictions during the period for which the petitioner has been registered; and
- (g) Provide an affidavit demonstrating that the petitioner has committed no sex offenses during the period for which the petitioner has been registered.

(2) The county prosecuting attorney and the central registry may submit evidence, including by affidavit, rebutting the assertions contained within the offender's petition, affidavits or other documents filed in support of the petition.

(3) The district court may grant a hearing if it finds that the petition is sufficient. The court shall provide at least sixty (60) days' prior notice of the hearing to the petitioner, the county prosecuting attorney and the central registry. The central registry may appear or participate as a party.

(4) The court may exempt the petitioner from the registration requirement only after a hearing on the petition in open court and only upon proof by clear and convincing evidence and upon written findings of fact and conclusions of law by the court that:

(a) The petitioner has complied with the requirements set forth in subsection (1) of this section;

(b) The court has reviewed the petitioner's criminal history and has determined that the petitioner is not a recidivist, has not been convicted of an aggravated offense or has not been designated as a violent sexual predator; and

(c) It is highly probable or reasonably certain the petitioner is not a risk to commit a new violation for any violent crime or crime identified in section 18-8304, Idaho Code.

(5) Concurrent with the entry of any order exempting the petitioner from the registration requirement, the court may further order that any information regarding the petitioner be expunged from the central registry.

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

Approved March 29, 2023

CHAPTER 184
(H.B. No. 336)

AN ACT

RELATING TO THE APPROPRIATION TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE; APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2024; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service the following amounts to be expended according to the designated expense classes for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$32,547,200	\$3,601,100	\$650,000	\$36,798,300
ARPA State Fiscal Recovery				
Fund	<u>145,100</u>	<u>245,000</u>	<u>0</u>	<u>390,100</u>
TOTAL	\$32,692,300	\$3,846,100	\$650,000	\$37,188,400

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Agricultural Research and Cooperative Extension Service is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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

Approved March 29, 2023

CHAPTER 185
(H.B. No. 344)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR SUMMER PROGRAMS; PROVIDING REAPPROPRIATION AUTHORITY FOR DIGITAL ACCESS PLANNING; REAFFIRMING STATUTORY COMPLIANCE REGARDING TELEHEALTH FACILITIES; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
FROM:					
General					
Fund	\$2,252,800	\$1,873,400		\$492,600	\$4,618,800
Miscellaneous Revenue					
Fund		55,000	\$5,000	10,000	70,000
ARPA Capital Projects					
Fund		168,300		3,350,000	3,518,300
Federal Grant					
Fund	<u>984,500</u>	<u>1,938,600</u>	<u>25,000</u>	<u>660,000</u>	<u>3,608,100</u>
TOTAL	\$3,237,300	\$4,035,300	\$30,000	\$4,512,600	\$11,815,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than thirty-five and five-tenths (35.50) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR SUMMER PROGRAMS. There is hereby reappropriated to the Idaho Commission for Libraries any unexpended and unencumbered balances appropriated to the Idaho Commission for Libraries from the Miscellaneous Revenue Fund for the purpose of providing summer library reading programs as approved by the State Board of Education for fiscal year 2023, in an amount not to exceed \$625,000 from the Miscellaneous Revenue Fund, to be used for nonrecurring expenditures for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR DIGITAL ACCESS PLANNING. There is hereby reappropriated to the Idaho Commission for Libraries any unexpended and unencumbered balances appropriated to the Idaho Commission for Libraries from the Federal Grant Fund for the purpose of digital access planning for fiscal year 2023, in an amount not to exceed \$250,000 from the Federal Grant Fund, to be used for nonrecurring expenditures related to digital access planning for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. TELEHEALTH FACILITIES. Of the moneys appropriated in Section 1 of this act from the American Rescue Plan Fund for library facilities projects, no funds shall be expended for facility and technology projects that do not comply with Sections 18-608 and 18-617, Idaho Code.

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

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

Approved March 29, 2023

CHAPTER 186
(H.B. No. 345)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CHARTER SCHOOL REVOLVING LOAN FUND FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$50,000,000 from the General Fund to the Charter School Revolving Loan Fund on July 1, 2023, or as soon thereafter as practicable, for the period July 1, 2023, through June 30, 2024.

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

Approved March 29, 2023

CHAPTER 187
(H.B. No. 351)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE TREATMENT OF HEPATITIS C; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2023; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$9,864,700	\$9,620,800			\$19,485,500
Inmate Labor					
Fund	323,100	682,500			1,005,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parolee Supervision					
Fund	299,000	132,300			431,300
Miscellaneous Revenue					
Fund	<u>1,144,300</u>	<u>167,400</u>			<u>1,311,700</u>
TOTAL	\$11,631,100	\$10,603,000			\$22,234,100

II. STATE PRISONS:

A. PRISONS ADMINISTRATION:

FROM:

General

Fund	\$3,965,200	\$941,300	\$115,500		\$5,022,000
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Inmate Labor

Fund		46,000	17,000		63,000
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Miscellaneous Revenue

Fund	372,000	161,400			533,400
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Penitentiary Endowment Income

Fund		29,300	203,600		232,900
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ARPA State Fiscal Recovery

Fund		500,000			500,000
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Federal Grant

Fund	<u>725,000</u>	<u>770,300</u>	<u>0</u>		<u>1,495,300</u>
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TOTAL	\$5,062,200	\$2,448,300	\$336,100		\$7,846,600
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B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:

FROM:

General

Fund	\$30,332,200	\$3,858,000			\$34,190,200
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Inmate Labor

Fund		103,100	\$157,500		260,600
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Miscellaneous Revenue

Fund	833,400	224,000			1,057,400
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>1,210,000</u>	<u>432,400</u>		<u>1,642,400</u>
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TOTAL	\$31,165,600	\$5,395,100	\$589,900		\$37,150,600
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C. IDAHO STATE CORRECTIONAL CENTER - BOISE:

FROM:

General

Fund	\$29,630,400	\$5,934,500			\$35,564,900
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Inmate Labor

Fund		32,700			32,700
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Miscellaneous Revenue

Fund		462,300			462,300
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>89,900</u>			<u>89,900</u>
TOTAL	\$29,630,400	\$6,519,400			\$36,149,800
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$11,010,800	\$1,799,200			\$12,810,000
Inmate Labor					
Fund	1,136,300	523,300	\$42,000		1,701,600
Miscellaneous Revenue					
Fund	87,000	67,200			154,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>54,600</u>	<u>131,900</u>		<u>186,500</u>
TOTAL	\$12,234,100	\$2,444,300	\$173,900		\$14,852,300
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$14,841,400	\$1,790,700			\$16,632,100
Inmate Labor					
Fund		63,200	\$63,200		126,400
Miscellaneous Revenue					
Fund		71,100			71,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>102,800</u>	<u>150,300</u>		<u>253,100</u>
TOTAL	\$14,841,400	\$2,027,800	\$213,500		\$17,082,700
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$6,556,000	\$1,129,300			\$7,685,300
Inmate Labor					
Fund		96,500	\$57,300		153,800
Miscellaneous Revenue					
Fund	66,400	114,200			180,600
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>74,000</u>	<u>175,300</u>		<u>249,300</u>
TOTAL	\$6,622,400	\$1,414,000	\$232,600		\$8,269,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$10,399,200	\$2,408,400			\$12,807,600
Inmate Labor					
Fund	2,725,300	951,700	\$90,900		3,767,900
Miscellaneous Revenue					
Fund	171,700	109,400			281,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>24,400</u>	<u>291,900</u>		<u>316,300</u>
TOTAL	\$13,296,200	\$3,493,900	\$382,800		\$17,172,900
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$5,578,300	\$839,100			\$6,417,400
Inmate Labor					
Fund	1,956,700	878,800			2,835,500
Miscellaneous Revenue					
Fund		27,000			27,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,900</u>	<u>\$68,000</u>		<u>69,900</u>
TOTAL	\$7,535,000	\$1,746,800	\$68,000		\$9,349,800
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$7,735,200	\$1,006,900			\$8,742,100
Inmate Labor					
Fund	434,600	92,100	\$11,500		538,200
Miscellaneous Revenue					
Fund	298,400	120,400			418,800
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>47,500</u>	<u>3,400</u>		<u>50,900</u>
TOTAL	\$8,468,200	\$1,266,900	\$14,900		\$9,750,000
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$4,956,500	\$624,300			\$5,580,800
Inmate Labor					
Fund		12,300	\$21,200		33,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund		42,800			42,800
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>33,400</u>	<u>10,400</u>		<u>43,800</u>
TOTAL	\$4,956,500	\$712,800	\$31,600		\$5,700,900

K. CORRECTIONAL ALTERNATIVE PLACEMENT:

FROM:

General

Fund	\$6,124,200	\$1,864,800			\$7,989,000
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Miscellaneous Revenue

Fund	<u>0</u>	<u>300,000</u>			<u>300,000</u>
TOTAL	\$6,124,200	\$2,164,800			\$8,289,000

DIVISION

TOTAL	\$139,936,200	\$29,634,100	\$2,043,300		\$171,613,600
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III. COUNTY & OUT-OF-STATE PLACEMENT:

FROM:

General

Fund		\$29,932,800			\$29,932,800
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IV. COMMUNITY CORRECTIONS:

A. COMMUNITY SUPERVISION:

FROM:

General

Fund	\$25,915,500	\$9,934,800		\$1,000,000	\$36,850,300
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Inmate Labor

Fund		54,100			54,100
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Parolee Supervision

Fund	6,675,800	2,172,400	\$45,100		8,893,300
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Drug and Mental Health Court Supervision

Fund	626,800	27,200			654,000
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Miscellaneous Revenue

Fund	118,000				118,000
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Federal Grant

Fund	<u>87,000</u>	<u>595,300</u>	<u>0</u>	<u>400,000</u>	<u>1,082,300</u>
TOTAL	\$33,423,100	\$12,783,800	\$45,100	\$1,400,000	\$47,652,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. COMMUNITY REENTRY CENTERS:					
FROM:					
General					
Fund	\$5,913,100	\$43,500			\$5,956,600
Inmate Labor					
Fund	1,421,200	2,688,700	\$308,300		4,418,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>37,600</u>	<u>85,000</u>		<u>122,600</u>
TOTAL	\$7,334,300	\$2,769,800	\$393,300		\$10,497,400
DIVISION					
TOTAL	\$40,757,400	\$15,553,600	\$438,400	\$1,400,000	\$58,149,400
V. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,672,700	\$45,500		\$1,846,500	\$3,564,700
VI. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$68,528,100			\$68,528,100
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$68,663,100			\$68,663,100
GRAND TOTAL	\$193,997,400	\$154,432,100	\$2,481,700	\$3,246,500	\$354,157,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than two thousand one hundred seventy and eighty-five hundredths (2,170.85) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Department of Correction is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2023, through June 30, 2024; provided, however, moneys appropriated to the County and Out-of-State Placement Program and Medical Services Program may only be transferred between said programs. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Department of Correction from the Hepatitis-C Fund for the purpose of hepatitis-c treatment for fiscal year 2023, in an amount not to exceed \$9,673,900 from the Hepatitis-C Fund to be used for nonrecurring expenditures relating to hepatitis-c treatment for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the Medical Services Program in Section 1, Chapter 300, Laws of 2022, from the General Fund is hereby reduced by \$2,716,300 for operating expenditures for the period July 1, 2022, through June 30, 2023.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 300, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction the following amounts to be expended according to the designated programs for operating expenditures from the listed funds for the period July 1, 2022, through June 30, 2023:

FOR:

I. MANAGEMENT SERVICES:

FROM:

General	
Fund	\$163,400

II. STATE PRISONS:

A. PRISONS ADMINISTRATION:

FROM:

General	
Fund	\$557,000

B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:

FROM:

General	
Fund	\$765,400
Inmate Labor	
Fund	180,000
Penitentiary Endowment Income	
Fund	<u>172,800</u>
TOTAL	\$1,118,200

C. IDAHO STATE CORRECTIONAL CENTER - BOISE:

FROM:

General	
Fund	\$532,900
Inmate Labor	
Fund	<u>340,000</u>
TOTAL	\$872,900

D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:

FROM:

General

Fund	\$193,000
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Inmate Labor

Fund	600
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Penitentiary Endowment Income

Fund	<u>6,900</u>
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TOTAL	\$200,500
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E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:

FROM:

General

Fund	\$303,900
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Inmate Labor

Fund	60,000
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Penitentiary Endowment Income

Fund	<u>7,200</u>
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TOTAL	\$371,100
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F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:

FROM:

General

Fund	\$96,200
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Inmate Labor

Fund	<u>75,000</u>
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TOTAL	\$171,200
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G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:

FROM:

General

Fund	\$241,200
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Inmate Labor

Fund	6,600
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Penitentiary Endowment Income

Fund	<u>4,200</u>
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TOTAL	\$252,000
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H. ST. ANTHONY WORK CAMP:

FROM:

General

Fund	\$200,300
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Inmate Labor

Fund	<u>1,800</u>
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TOTAL	\$202,100
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I. POCATELLO WOMEN'S CORRECTIONAL CENTER:

FROM:

General

Fund	\$120,100
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Inmate Labor

Fund	62,700
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Penitentiary Endowment Income

Fund	<u>4,000</u>
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TOTAL	\$186,800
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J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:

FROM:

General

Fund	\$42,900
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Inmate Labor

Fund	7,000
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Penitentiary Endowment Income

Fund	<u>1,100</u>
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TOTAL	\$51,000
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DIVISION

TOTAL	\$3,982,800
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III. COMMUNITY CORRECTIONS:

A. COMMUNITY SUPERVISION:

FROM:

General

Fund	\$1,600,000
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Parolee Supervision

Fund	<u>86,800</u>
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TOTAL	\$1,686,800
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B. COMMUNITY REENTRY CENTERS:

FROM:

Inmate Labor

Fund	\$455,200
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DIVISION

TOTAL	\$2,142,000
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GRAND TOTAL	\$6,288,200
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SECTION 7. In addition to the appropriation made in Section 1, Chapter 300, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated from the General Fund to the Department of Correction in the Correctional Alternative Placement Program the following amounts to be expended for the designated expense classes for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$1,077,900
Operating Expenditures	922,100
Capital Outlay	<u>500,000</u>
TOTAL	\$2,500,000

SECTION 8. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 29, 2023

CHAPTER 188
(H.B. No. 352)

AN ACT

RELATING TO THE APPROPRIATION TO THE SOIL AND WATER CONSERVATION COMMISSION; APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION; APPROPRIATING ADDITIONAL MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR THE WATER QUALITY PROGRAM FOR AGRICULTURE; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,470,500	\$243,800	\$33,100	\$1,772,400	\$3,519,800
Administration and Accounting Services					
Fund		30,000			30,000
Resource Conservation and Rangeland Development					
Fund	202,500	162,800	200		365,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Clean Water Revolving Loan (SCC)					
Fund		30,000			30,000
Federal Grant					
Fund	<u>61,900</u>	<u>0</u>	<u>0</u>	<u>1,635,000</u>	<u>1,696,900</u>
TOTAL	\$1,734,900	\$466,600	\$33,300	\$3,407,400	\$5,642,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than eighteen and seventy-five hundredths (18.75) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION. Of the amount appropriated in Section 1 of this act for trustee and benefit payments, \$300,000 shall be distributed equally among the fifty soil and water conservation districts in addition to the amounts authorized pursuant to Section 22-2727, Idaho Code.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 197, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the Soil and Water Conservation Commission \$5,000,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023, for the purpose of funding the Water Quality Program for Agriculture in accordance with Sections 22-2733 and 22-2734, Idaho Code.

SECTION 5. WATER QUALITY PROGRAM FOR AGRICULTURE. Of the moneys appropriated in Section 4 of this act for trustee and benefit payments, \$5,000,000 shall be used for the Water Quality Program for Agriculture in accordance with Sections 22-2733 and 22-2734, Idaho Code, to provide cost-share financing for soil and water conservation projects, water delivery and drainage rehabilitation and improvement projects, implementation of agricultural best management practices, and other projects to enhance and restore the soil and water resources of the state. The commission shall administer this funding through existing grant procedures and personnel.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Soil and Water Conservation Commission any unexpended and unencumbered balances appropriated to the Soil and Water Conservation Commission from the General Fund for the Water Quality Program for Agriculture for fiscal year 2023, in an amount not to exceed \$5,000,000 from the General Fund, to be used for nonrecurring expenditures related to the Water Quality Program for Agriculture for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

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

Approved March 29, 2023

CHAPTER 189
(H.B. No. 353)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING AN ACQUISITIONS REPORT; PROVIDING FOR ACCOUNTABILITY REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR THE STUDENT SERVICES PROGRAM FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR THE STUDENT SERVICES PROGRAM FOR FISCAL YEAR 2023; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR FISCAL YEAR 2023; REQUIRING A REQUEST FOR PROPOSAL AND REPORT FOR DYSLEXIA TIER 2 MEASURES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$2,700,900	\$839,100	\$3,000	\$3,430,000	\$6,973,000
Indirect Cost Recovery					
Fund	780,900	157,500			938,400
Broadband Infrastructure					
Fund				1,900,000	1,900,000
Public Instruction					
Fund	552,700	198,200			750,900
Federal Grant					
Fund	<u>0</u>	<u>96,000</u>	<u>0</u>	<u>0</u>	<u>96,000</u>
TOTAL	\$4,034,500	\$1,290,800	\$3,000	\$5,330,000	\$10,658,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. STUDENT SERVICES:					
FROM:					
General					
Fund	\$2,905,100	\$4,120,300	\$6,000	\$774,100	\$7,805,500
Indirect Cost Recovery					
Fund	107,500	902,500			1,010,000
Driver's Training					
Fund	210,100	151,300		2,113,300	2,474,700
Public Instruction					
Fund	386,400	764,400		11,400	1,162,200
Miscellaneous Revenue					
Fund	357,300	184,900			542,200
Public Schools Other Income					
Fund	111,000	362,300			473,300
Cigarette, Tobacco and Lottery Income Taxes					
Fund	112,000				112,000
American Rescue Plan					
Fund	431,000	1,736,000			2,167,000
Federal COVID-19 Relief					
Fund	20,800			2,191,000	2,211,800
Federal Grant					
Fund	<u>4,962,300</u>	<u>12,139,000</u>	<u>0</u>	<u>82,200</u>	<u>17,183,500</u>
TOTAL	\$9,603,500	\$20,360,700	\$6,000	\$5,172,000	\$35,142,200
GRAND TOTAL	\$13,638,000	\$21,651,500	\$9,000	\$10,502,000	\$45,800,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred twenty-four (124.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the State Department of Education is encouraged to engage in open, competitive acquisition processes. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2023, on all contracts signed during fiscal year 2023 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 255, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated to the State Department of Education for the Student Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$38,300	\$403,000	\$441,300
Indirect Cost Recovery			
Fund	<u>35,000</u>	<u>0</u>	<u>35,000</u>
TOTAL	\$73,300	\$403,000	\$476,300

SECTION 6. Notwithstanding any other provision of law to the contrary, the appropriation made to the State Department of Education for the Student Services Program in Section 1, Chapter 255, Laws of 2022, from the Indirect Cost Recovery Fund, is hereby reduced by \$35,000 for operating expenditures for the period July 1, 2022, through June 30, 2023.

SECTION 7. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 255, Laws of 2022, the full-time equivalent position authorization provided to the State Department of Education is hereby increased by one (1.00) for the period July 1, 2022, through June 30, 2023.

SECTION 8. DYSLEXIA TIER 2 MEASURES. The State Department of Education shall issue a request for proposal for the tier 2 diagnostic screening measure required in Section 2, Chapter 169, Laws of 2022. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee on the progress of the request for proposal for the Joint Finance-Appropriations Committee fall interim tour and present the report at the State Department of Education's budget hearing in the 2024 legislative session.

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

Approved March 29, 2023

CHAPTER 190
(H.B. No. 228)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1609, IDAHO CODE, TO DEFINE A TERM AND TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1609, Idaho Code, be, and the same is hereby amended to read as follows:

33-1609. ~~"SEX EDUCATION" DEFINED~~ DEFINITIONS. For the purposes of this chapter:

(1) "Abstinence" means the absence of any sexual activity prior to marriage, which activity includes physical contact between individuals involving intimate or private areas of the body that can potentially:

(a) Result in pregnancy;

(b) Transmit sexually transmitted diseases and infections; or

(c) Present emotional risks.

(2) "Sex education" for the purpose of this act is defined as means the study of the anatomy and the physiology of human reproduction.

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

Approved March 29, 2023

CHAPTER 191
(H.B. No. 235)

AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2202, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-2205, IDAHO CODE, TO PROVIDE FOR CERTAIN RIGHTS OF UNDERGROUND FACILITY OWNERS, TO PROVIDE FOR EMERGENCY EXCAVATIONS, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2206, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ONE-NUMBER NOTIFICATION SERVICE; AMENDING SECTION 55-2207, IDAHO CODE, TO PROVIDE FOR LIABILITY FOR DAMAGE TO AN UNDERGROUND FACILITY AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-2202, Idaho Code, be, and the same is hereby amended to read as follows:

55-2202. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety.

(2) "Board" means the damage prevention board.

(3) "Business day" means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(4) "Damage" means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected underground facility owner determines that repairs are required.

~~(5) "Emergency" means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.~~

(5) "Emergency" means any sudden or unforeseen condition that compels immediate action to prevent or resolve:

(a) A clear and present danger to life, health, or property;

(b) An unplanned customer service outage; or

(c) The blockage of roads or transportation facilities.

(6) "Emergency excavation" means an excavation performed in response to an emergency.

~~(6) (7) "End user" means any customer or consumer of any utility service or commodity provided by an underground facility owner.~~

~~(7) (8) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.~~

~~(8) (9) "Excavator" means any person who engages directly in excavation.~~

~~(9) (10) "Excavator downtime" means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.~~

~~(10) (11) "Hand digging" means any excavation involving nonmechanized tools or equipment that when used properly will not damage underground facilities. Hand digging includes, but is not limited to, hand shovel digging, manual posthole digging, vacuum excavation, and soft digging.~~

~~(11) (12) "Identified but unlocatable underground facility" means an underground facility that has been identified but cannot be located with reasonable accuracy.~~

~~(12) (13) "Identified facility" means any underground facility that is indicated in the project plans as being located within the area of proposed excavation.~~

~~(13) (14) "Locatable underground facility" means an underground facility that can be field-marked with reasonable accuracy.~~

~~(14) (15) "Locator" means a person who identifies and marks the location of an underground facility owned or operated by an underground facility owner.~~

~~(15) (16) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.~~

(17) "Notice of emergency excavation" means an excavator call to a one-number notification service not less than two (2) hours prior to commencing the emergency excavation to provide a description of the emergency, the location of the emergency excavation area, contact information for an individual with the excavator who may be reached throughout the emergency, and expected time and date of the emergency excavation.

~~(16)~~ (18) "One-number notification service" means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

~~(17)~~ (19) "Person" means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~(18)~~ (20) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, lane, path, sidewalk, alley, or other right-of-way dedicated for compatible uses.

~~(19)~~ (21) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

~~(20)~~ (22) "Rural underground facility owner" means an underground facility owner that is a public utility or a member-owned cooperative that serves fewer than five thousand (5,000) total customers in a county or counties with populations that do not exceed fifty thousand (50,000) people.

~~(21)~~ (23) "Service lateral" means any underground facility located in a public right-of-way or underground facility easement that is used to convey water (unless being delivered primarily for irrigation), stormwater, or sewage and connects an end user's building or property to an underground facility owner's main utility line.

~~(22)~~ (24) "Soft digging" means any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.

~~(23)~~ (25) "Stakeholder" means any party with an interest in protecting underground facilities including, but not limited to, persons, property owners, underground facility owners, excavators, contractors, cities, counties, highway districts, railroads, public entities that deliver irrigation water and those engaged in agriculture.

~~(24)~~ (26) "Underground facility" means any item buried or placed below ground belowground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), stormwater, sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and ~~including, but not limited to,~~ includes but is not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors belowground.

~~(25)~~ (27) "Underground facility easement" means a nonpossessory right to operate, control, bury, install, maintain, or access an underground facility.

~~(26)~~ (28) "Underground facility owner" means any person who owns or operates an underground facility or who provides any utility service or commodity to an end user via an underground facility.

SECTION 2. That Section 55-2205, Idaho Code, be, and the same is hereby amended to read as follows:

55-2205. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NOTICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1) Before commencing excavation, the excavator shall:

(a) Comply with other applicable law or permit requirements of any public agency issuing permits;

(b) Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation. An excavator need not pre-mark as required in this subsection if:

(i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number notification service. If no one-number notification service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number notification service or, if no one-number notification service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities with reasonable accuracy, as defined in section 55-2202, Idaho Code, by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than ~~three (3)~~ four (4) consecutive weeks following the date of notification as long as it is reasonably apparent that site conditions have not changed so substantially as to invalidate the markings. If excavation has not commenced within three (3) weeks from the original notice to underground facility owners through the one-number notification service, the excavator shall reinitiate notice in accordance with this section.

(a) Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this chapter.

~~(b) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two (2) business days prior to the excavation except for notices given for discovered facilities after the owner has identified facilities.~~

(b) An owner of an underground facility shall have the right to receive compensation for costs incurred in responding to an excavation notice given less than two (2) business days prior to the excavation except for notices given for emergency excavations under subsection (4) of this section and unidentified facilities discovered under subsection (5) of this section.

(3) An end user shall not be required to locate or mark any service lateral. An underground facility owner who provides any utility service or commodity via a service lateral shall locate and mark the service lateral in accordance with the provisions of subsection (2) of this section. Nothing in this subsection shall be construed to impose an indemnification obligation prohibited by law on any public agency as defined in section 67-2327, Idaho Code, or to alter the liability of any public agency as provided by law, including article VIII of the constitution of the state of Idaho.

(4) (a) Emergency excavations are exempt from the time requirements for notification provided in this section notice as provided in this section when an excavator determines a delay caused by providing notice would cause an imminent risk to life, health, or property; however, an excavator is required to provide notice of emergency excavation in all other emergency situations.

(b) Upon receiving notice of an emergency excavation, an underground facility owner or its designated agent shall:

(i) Within one (1) hour of receiving the notice of emergency excavation, attempt to contact the excavator at the telephone number provided in the notice of emergency excavation to provide any information concerning underground facilities within the emergency excavation area and the anticipated response time of the underground facility owner or its designated agent; and

(ii) Unless the underground facilities owner informs the excavator that it is impossible or impracticable under the circumstances and provides the excavator with an expected arrival time that is as soon as reasonably feasible, or if the parties agree to a different arrival time, arrive at the emergency excavation site within two (2) hours of receiving the notice of emergency excavation to locate and mark underground facilities within the emergency excavation area.

(c) If an underground facility owner or its designated agent is unable to locate and mark underground facilities identified in the notice of emergency excavation, the underground facility owner shall immediately attempt to notify the excavator at the telephone number provided in the notice of emergency excavation.

(5) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) ~~which that~~ are not identified or were not located in accordance with subsection (2) of this section, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies the locate information required under subsection (2) of this section within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollars (\$2,000), whichever is less.

SECTION 3. That Section 55-2206, Idaho Code, be, and the same is hereby amended to read as follows:

55-2206. ONE-NUMBER NOTIFICATION SERVICE -- ESTABLISHMENT -- PARTICIPATION REQUIRED -- FUNDING. Two (2) or more persons who own or operate underground facilities in a county may voluntarily establish or contract with a third person to provide a one-number notification service to maintain information concerning underground facilities within a county. Upon the establishment of the first such one-number notification service, ~~all others operating and maintaining underground facility owners with~~ underground facilities within said county shall participate and cooperate with the service, and no duplicative service shall be established pursuant to this chapter. The activities of the one-number ~~locator~~ notification service shall be funded by all of the underground facility owners ~~or operators~~ required by the provisions of this section to participate in and cooperate with the service. ~~All~~ Each underground facility owners ~~or operators who are~~ required to participate in a one-number notification service ~~are~~ is subject to the jurisdiction of the damage prevention board established in section 55-2203, Idaho Code, and shall maintain accurate contact information, updated at least annually, with the one-number notification service for individuals responsible for the operation of the underground facilities of the underground facility owner, including contact information for individuals responsible for responding to an emergency.

SECTION 4. That Section 55-2207, Idaho Code, be, and the same is hereby amended to read as follows:

55-2207. EXCAVATION CONTRACTS -- LIMITATIONS -- PRECAUTIONS TO AVOID DAMAGE -- LIABILITY FOR DAMAGE. (1) Project owners shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation.

(2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:

(a) Determine by hand digging, in the area twenty-four (24) inches or less from the facilities, the precise actual location of underground facilities ~~which~~ that have been marked;

(b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and

(c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

(3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for ~~any damages~~ the damage to the underground facility ~~owner~~. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

(4) In any action brought under this section, the prevailing party is entitled to reasonable attorney's fees.

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

Approved March 29, 2023

CHAPTER 192
(H.B. No. 300)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION;
APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR
FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVA-
LENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN
EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. VOCATIONAL REHABILITATION:					
FROM:					
General					
Fund	\$2,424,600	\$343,300	\$55,500	\$1,797,400	\$4,620,800
Rehabilitation Revenue and Refunds					
Fund	72,900	41,500		1,040,000	1,154,400
Miscellaneous Revenue					
Fund	82,900	46,200		850,000	979,100
Federal Grant					
Fund	<u>9,500,100</u>	<u>1,630,400</u>	<u>372,900</u>	<u>7,729,700</u>	<u>19,233,100</u>
TOTAL	\$12,080,500	\$2,061,400	\$428,400	\$11,417,100	\$25,987,400
II. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General					
Fund	\$450,100	\$101,300			\$551,400
Miscellaneous Revenue					
Fund	<u>0</u>	<u>3,000</u>			<u>3,000</u>
TOTAL	\$450,100	\$104,300			\$554,400
GRAND TOTAL	\$12,530,600	\$2,165,700	\$428,400	\$11,417,100	\$26,541,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred forty-six (146.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 29, 2023

CHAPTER 193
(H.B. No. 304)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING DEDICATED FUND REAPPROPRIATION AUTHORITY; PROVIDING FEDERAL FUND REAPPROPRIATION AUTHORITY; DIRECTING ACQUISITION OF SHOOTING RANGE PROPERTY OWNED BY KOOTENAI COUNTY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game					
Fund	\$5,488,700	\$4,384,600	\$3,990,900		\$13,864,200
Fish and Game (Other)					
Fund	882,200	120,200			1,002,400
Fish and Game Set-Aside					
Fund		34,100			34,100
Fish and Game Set-Aside (Other)					
Fund		14,800			14,800
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,800			7,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>4,058,900</u>	<u>4,840,200</u>	<u>0</u>		<u>8,899,100</u>
TOTAL	\$10,429,800	\$9,408,200	\$3,990,900		\$23,828,900
II. ENFORCEMENT:					
FROM:					
Fish and Game					
Fund	\$12,466,800	\$2,407,200	\$690,000		\$15,564,000
Fish and Game (Other)					
Fund	172,900	77,000			249,900
Fish and Game Set-Aside (Other)					
Fund		20,600			20,600
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>9,600</u>	<u>6,700</u>	<u>0</u>		<u>16,300</u>
TOTAL	\$12,649,300	\$2,537,900	\$690,000		\$15,877,200
III. FISHERIES:					
FROM:					
Fish and Game					
Fund	\$4,648,400	\$7,293,600	\$392,000		\$12,334,000
Fish and Game (Other)					
Fund	3,319,000	11,470,600			14,789,600
Fish and Game Set-Aside					
Fund	384,900	577,500			962,400
Fish and Game Set-Aside (Other)					
Fund	62,300	100,700			163,000
Fish and Game Expendable Trust					
Fund	48,000	334,200	128,000		510,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>15,743,800</u>	<u>14,035,100</u>	<u>0</u>		<u>29,778,900</u>
TOTAL	\$24,206,400	\$33,844,900	\$520,000		\$58,571,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. WILDLIFE:					
FROM:					
Fish and Game					
Fund	\$6,954,400	\$6,523,200	\$41,000	\$174,800	\$13,693,400
Fish and Game (Other)					
Fund	498,600	937,300			1,435,900
Fish and Game Set-Aside					
Fund	158,500	3,666,000			3,824,500
Fish and Game Set-Aside (Other)					
Fund	690,400	325,300			1,015,700
Expendable Big Game Depredation					
Fund				1,800,000	1,800,000
Fish and Game Expendable Trust					
Fund	294,700	903,600			1,198,300
Fish and Game Nonexpendable Trust					
Fund	11,500	2,300			13,800
Fish and Game (Federal)					
Fund	<u>8,272,700</u>	<u>14,659,800</u>	<u>48,000</u>	<u>0</u>	<u>22,980,500</u>
TOTAL	\$16,880,800	\$27,017,500	\$89,000	\$1,974,800	\$45,962,100
V. COMMUNICATIONS:					
FROM:					
Fish and Game					
Fund	\$2,132,100	\$851,000			\$2,983,100
Fish and Game (Other)					
Fund	19,600	35,700			55,300
Fish and Game Expendable Trust					
Fund	30,100	80,300			110,400
Fish and Game (Federal)					
Fund	<u>1,651,300</u>	<u>892,900</u>			<u>2,544,200</u>
TOTAL	\$3,833,100	\$1,859,900			\$5,693,000
GRAND TOTAL	\$67,999,400	\$74,668,400	\$5,289,900	\$1,974,800	\$149,932,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred forty-seven (547.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR DEDICATED FUND. There is hereby reappropriated to the Department of Fish and Game any unexpended and unencumbered balances appropriated to the Department of Fish and Game for the Fish and Game Fund for fiscal year 2023, to be used for nonrecurring expenditures not to exceed \$2,600,000 from the Fish and Game Fund for the period July 1, 2023, through June 30, 2024, to address the maintenance backlog of the Department of Fish and Game. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR FEDERAL FUND. There is hereby reappropriated to the Department of Fish and Game any unexpended and unencumbered balances appropriated to the Department of Fish and Game for the Fish and Game (Federal) Fund for fiscal year 2023, to be used for nonrecurring expenditures not to exceed \$210,000 from the Fish and Game (Federal) Fund for the period July 1, 2023, through June 30, 2024, to address the maintenance backlog of the Department of Fish and Game. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. ACQUISITION OF SHOOTING RANGE PROPERTY OWNED BY KOOTENAI COUNTY. Of the appropriation made in Section 1 of this act, the Idaho Fish and Game Commission shall expend up to \$5,000,000 in federal funds received by apportionment under the Pittman-Robertson Wildlife Restoration Act and the minimum additional amount of non-federal funds as required for match of said federal funds for the acquisition of no fewer than approximately forty (40) and no more than approximately sixty (60) acres of land owned by Kootenai County adjacent to the Coeur d'Alene Airport to continue the land's use as a skeet and trap shooting range, subject to compliance with requirements of the Pittman-Robertson Wildlife Restoration Act, its implementing regulations, and Title 36, Idaho Code. At the direction of the Commission, the Department of Fish and Game shall initiate purchase negotiations as soon as practicable and the Commission may complete such purchase on behalf and in the name of the State of Idaho pursuant to Section 36-104, Idaho Code. By no later than December 10, 2023, the Department of Fish and Game shall provide a written report on any actions related to acquisition of this property to the Joint Finance-Appropriations Committee, the Senate Resources and Environment Committee, and the House Resources and Conservation Committee.

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

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

Approved March 29, 2023

CHAPTER 194
(H.B. No. 311)

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2107A, IDAHO CODE, TO ALLOW THE LEGISLATURE TO PROVIDE FUNDING FOR UPPER DIVISIONS IN COMMUNITY COLLEGE DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-2107A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107A. ESTABLISHMENT AND OPERATION OF THIRD AND FOURTH YEAR COLLEGE CURRICULUM IN COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of a community college district of an urban area, upon filing with the state board of education a notice of intent to exercise the powers herein granted, shall thereafter be authorized and empowered to organize and operate an upper division consisting of the third and fourth years of college curriculum with powers to grant baccalaureate degrees in liberal arts and sciences, business and education. Upper division courses and programs are subject to approval pursuant to section 33-107(8), Idaho Code. The operation of the community college and the upper division shall be kept separate; however, the joint use of facilities is authorized provided a proper cost allocation is made.

(2) The buildings and equipment for the use of said upper divisions may be purchased, leased, constructed, maintained, and administered from funds obtained by the board of trustees' levy. Such levy shall not exceed two hundredths percent (.02%) of the market value for assessment purposes on all taxable property within the taxing district. Said board under section 33-2113, Idaho Code, may obtain capital funds through issuance of general obligation bonds for such equipment and buildings, with the total tax levy for operation and bonds of the upper division not to exceed the levy limit authorized in this section. Such tax shall be certified and levied as provided for other taxes of the district. The legislature may appropriate funds for the cost of operations of upper divisions. All other costs of operation of said upper divisions shall be provided by tuition and fees paid by the student. Gifts and grants may be accepted by the board of trustees for this or other purposes.

(3) A student who has been a resident of the community college district pursuant to section 33-2110B, Idaho Code, for not less than one (1) year at time of admission to the upper division, or who has completed the first two (2) years in the college, shall be given preference for admission to the upper division.

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

Approved March 29, 2023

CHAPTER 195
(H.B. No. 319)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$454,900	\$351,300			\$806,200
Indirect Cost Recovery					
Fund	298,500	197,200			495,700
Parks and Recreation					
Fund	1,642,100	2,019,500	\$100,000	\$420,000	4,181,600
Recreational Fuels					
Fund	392,300	548,100		2,971,800	3,912,200
Parks and Recreation Registration					
Fund	287,800	145,100		9,650,000	10,082,900
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>3,000,000</u>	<u>3,002,600</u>
TOTAL	\$3,075,600	\$3,279,400	\$100,000	\$16,041,800	\$22,496,800
II. PARK OPERATIONS:					
FROM:					
General					
Fund	\$2,520,100	\$588,700			\$3,108,800
Indirect Cost Recovery					
Fund		2,400			2,400
Parks and Recreation					
Fund	8,377,900	2,898,300	\$2,000,000		13,276,200
Recreational Fuels					
Fund	272,200	469,600	1,228,000		1,969,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Registration					
Fund	1,132,100	1,106,300		\$200,000	2,438,400
Miscellaneous Revenue					
Fund	19,600	76,500			96,100
Public Recreation Enterprise					
Fund	864,700	1,429,000			2,293,700
Parks and Recreation Expendable Trust					
Fund	572,100	405,600			977,700
Federal Grant					
Fund	<u>1,245,100</u>	<u>628,600</u>	<u>260,000</u>	<u>1,227,500</u>	<u>3,361,200</u>
TOTAL	\$15,003,800	\$7,605,000	\$3,488,000	\$1,427,500	\$27,524,300
III. CAPITAL DEVELOPMENT:					
FROM:					
Parks and Recreation					
Fund			\$2,080,000		\$2,080,000
Recreational Fuels					
Fund			1,225,000		1,225,000
Parks and Recreation Expendable Trust					
Fund			575,000		575,000
ARPA State Fiscal Recovery					
Fund			<u>15,000,000</u>		<u>15,000,000</u>
TOTAL			\$18,880,000		\$18,880,000
GRAND TOTAL	\$18,079,400	\$10,884,400	\$22,468,000	\$17,469,300	\$68,901,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred eighty three and eighty-hundredths (183.80) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding the provisions of Section 67-3511(2), Idaho Code, trustee and benefit payments appropriated for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2023, through June 30, 2024. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2023 to be used for nonrecurring expenditures in the Capital Development Program for

the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 29, 2023

CHAPTER 196
(H.B. No. 322)

AN ACT

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

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Indirect Cost Recovery				
Fund		\$219,300		\$219,300
Public Utilities Commission				
Fund	\$4,809,400	1,701,500	\$73,600	6,584,500
Federal Grant				
Fund	<u>301,500</u>	<u>69,200</u>	<u>0</u>	<u>370,700</u>
TOTAL	\$5,110,900	\$1,990,000	\$73,600	\$7,174,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Utilities Commission is authorized no more than forty-eight (48.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 29, 2023

CHAPTER 197
(H.B. No. 325)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING THE WATERCRAFT INSPECTION PROGRAM; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$933,000	\$789,800			\$1,722,800
Administration and Accounting Services					
Fund	839,800	143,700	\$66,400		1,049,900
Facilities Maintenance					
Fund	<u>187,600</u>	<u>173,100</u>	<u>0</u>		<u>360,700</u>
TOTAL	\$1,960,400	\$1,106,600	\$66,400		\$3,133,400
II. ANIMAL INDUSTRIES:					
FROM:					
General					
Fund	\$2,096,900	\$246,800			\$2,343,700
Agricultural Inspection					
Fund	38,500	9,700			48,200
Agricultural Fees - Livestock Disease Control					
Fund	941,900	544,600	\$109,600		1,596,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Dairy Inspection					
Fund	1,924,400	477,700	95,600		2,497,700
Agricultural Fees - Egg Inspection					
Fund	189,500	61,400			250,900
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	36,000	17,500			53,500
Seminars and Publications					
Fund		58,300			58,300
Federal Grant					
Fund	<u>404,700</u>	<u>117,300</u>	<u>0</u>	<u>\$48,200</u>	<u>570,200</u>
TOTAL	\$5,637,600	\$1,537,500	\$205,200	\$48,200	\$7,428,500

III. AGRICULTURAL RESOURCES:

FROM:

General

Fund	\$142,400	\$127,200			\$269,600
Agricultural Fees - Pesticides					
Fund	2,544,900	894,500	\$97,000		3,536,400
Federal Grant					
Fund	<u>478,600</u>	<u>43,400</u>	<u>0</u>		<u>522,000</u>
TOTAL	\$3,165,900	\$1,065,100	\$97,000		\$4,328,000

IV. PLANT INDUSTRIES:

FROM:

General

Fund	\$2,042,900	\$1,380,300	\$15,900	\$3,016,500	\$6,455,600
Agricultural Inspection					
Fund	1,452,000	303,200	56,500	111,100	1,922,800
Invasive Species					
Fund	1,286,500	845,400	238,000	100,000	2,469,900
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,513,700	473,600	125,500	50,000	2,162,800
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Agricultural Fees - Hemp					
Fund	107,200	55,000			162,200
Quality Assurance Laboratory Services					
Fund	419,200	137,700	22,500		579,400
Federal Grant					
Fund	<u>1,306,100</u>	<u>1,098,300</u>	<u>0</u>	<u>946,700</u>	<u>3,351,100</u>
TOTAL	\$8,128,000	\$4,309,800	\$458,400	\$4,224,300	\$17,120,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General					
Fund	\$857,000	\$228,700	\$70,000		\$1,155,700
Weights and Measures Inspection					
Fund	526,600	205,300	115,600		847,500
Agricultural Fees - Organic Food Products					
Fund	635,100	109,900	31,500		776,500
Agricultural Fees - Fresh Fruit and Vegetable Inspection					
Fund	<u>8,262,600</u>	<u>2,761,400</u>	<u>201,900</u>		<u>11,225,900</u>
TOTAL	\$10,281,300	\$3,305,300	\$419,000		\$14,005,600
VI. MARKET DEVELOPMENT:					
FROM:					
General					
Fund	\$522,900	\$364,600			\$887,500
Agricultural Inspection					
Fund	84,600	74,100	\$4,000		162,700
Seminars and Publications					
Fund		245,600			245,600
Rural Economic Development Integrated Freight Transportation					
Fund	10,000	20,000		\$140,000	170,000
Revolving Loans					
Fund	12,300	15,300			27,600
Federal Grant					
Fund	<u>250,100</u>	<u>628,100</u>	<u>0</u>	<u>2,167,500</u>	<u>3,045,700</u>
TOTAL	\$879,900	\$1,347,700	\$4,000	\$2,307,500	\$4,539,100
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General					
Fund		\$4,000		\$156,700	\$160,700
Animal Damage Control					
Fund				100,000	100,000
Agricultural Fees - Sheep and Goat Health					
Fund		<u>7,200</u>		<u>160,200</u>	<u>167,400</u>
TOTAL		\$11,200		\$416,900	\$428,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$89,300				\$89,300
Agricultural Fees - Sheep and Goat Health					
Fund	<u>72,500</u>	<u>\$38,300</u>			<u>110,800</u>
TOTAL	\$161,800	\$38,300			\$200,100
GRAND TOTAL	\$30,214,900	\$12,721,500	\$1,250,000	\$6,996,900	\$51,183,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred twenty-five (225.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. WATERCRAFT INSPECTION PROGRAM. The Department of Agriculture shall maximize the use of the appropriation provided for the watercraft inspection program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and nighttime transport of watercraft across Idaho's borders. The department shall also seek to secure federal funding to further enhance invasive species detection and prevention efforts. The department shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee, and the House Agricultural Affairs Committee during the 2024 legislative session regarding the results of the data gathering, attainment of federal funds, and an operational review of the boat stations.

SECTION 4. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

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

Approved March 29, 2023

CHAPTER 198
(H.B. No. 327)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS; APPROPRIATING MONEYS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of Administrative Hearings the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2023, through June 30, 2024:

FOR:

Personnel Costs	\$567,200
Operating Expenditures	<u>249,700</u>
TOTAL	\$816,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Administrative Hearings is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 29, 2023

CHAPTER 199
(H.B. No. 335)

AN ACT

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

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$3,306,800	\$711,500	\$4,018,300
Miscellaneous Revenue			
Fund		70,700	70,700
ARPA State Fiscal Recovery			
Fund	<u>0</u>	<u>50,000</u>	<u>50,000</u>
TOTAL	\$3,306,800	\$832,200	\$4,139,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission of Pardons and Parole is authorized no more than thirty-seven (37.00) full-time equivalent positions at any point during the period July 1, 2023, through June 30, 2024, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

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

Approved March 29, 2023