

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED BY
THE FIRST REGULAR SESSION OF THE
SIXTY-FIRST IDAHO LEGISLATURE

Convened January 10, 2011
Adjourned April 7, 2011

Volume 2

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

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

BEN YSURSA
Secretary of State
Boise, Idaho

CHAPTER 192
(H.B. No. 276)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2011; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS FOR FISCAL YEAR 2012; 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 4, Chapter 201, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the Department of Correction, the following amounts to be expended for the designated programs and expense classes, from the listed funds for the period July 1, 2010, through June 30, 2011:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
Federal Grant				
Fund		\$249,200		\$249,200
II. STATE PRISONS:				
A. PRISONS ADMINISTRATION:				
FROM:				
Federal Grant				
Fund			\$73,300	\$73,300
III. PRIVATE PRISONS:				
FROM:				
General				
Fund	\$1,108,400			\$1,108,400
IV. CORRECTIONAL ALTERNATIVE PLACEMENT:				
FROM:				
General				
Fund	\$963,000			\$963,000
V. COMMUNITY CORRECTIONS:				
A. COMMUNITY SUPERVISION:				
FROM:				
Federal Grant				
Fund	\$50,800	\$73,800		\$124,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
VI. EDUCATION & TREATMENT:				
FROM:				
Federal Grant				
Fund	\$70,600	\$84,200		\$154,800
VII. MEDICAL SERVICES:				
FROM:				
General				
Fund		\$694,500		\$694,500
GRAND TOTAL	\$121,400	\$3,173,100	\$73,300	\$3,367,800

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2011, the Department of Correction 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, 2010, through June 30, 2011. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. 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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$6,724,900	\$2,907,600		\$9,632,500
Inmate Labor				
Fund	33,200			33,200
Parolee Supervision				
Fund	151,600	92,300		243,900
Miscellaneous Revenue				
Fund	266,300	93,200		359,500
Federal Grant				
Fund	0	414,000		414,000
TOTAL	\$7,176,000	\$3,507,100		\$10,683,100

II. STATE PRISONS:

A. PRISONS ADMINISTRATION:

FROM:

General

Fund	\$640,700	\$72,700		\$713,400
------	-----------	----------	--	-----------

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Miscellaneous Revenue				
Fund	156,600	53,900		210,500
Federal Grant				
Fund	<u>0</u>	<u>0</u>	<u>\$73,300</u>	<u>73,300</u>
TOTAL	\$797,300	\$126,600	\$73,300	\$997,200
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
General				
Fund	\$16,867,900	\$3,446,900		\$20,314,800
Inmate Labor				
Fund		47,200		47,200
Miscellaneous Revenue				
Fund	510,700	138,400		649,100
Penitentiary Endowment Income				
Fund		728,500	\$231,300	959,800
Federal Grant				
Fund	<u>134,000</u>	<u>0</u>	<u>0</u>	<u>134,000</u>
TOTAL	\$17,512,600	\$4,361,000	\$231,300	\$22,104,900
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:				
FROM:				
General				
Fund	\$5,918,100	\$1,467,100		\$7,385,200
Inmate Labor				
Fund	848,100	684,800		1,532,900
Miscellaneous Revenue				
Fund	<u>49,800</u>	<u>53,000</u>		<u>102,800</u>
TOTAL	\$6,816,000	\$2,204,900		\$9,020,900
D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:				
FROM:				
General				
Fund	\$3,762,400	\$994,500		\$4,756,900
Inmate Labor				
Fund		32,600		32,600
Miscellaneous Revenue				
Fund	44,000	141,100		185,100
Penitentiary Endowment Income				
Fund	<u>0</u>	<u>0</u>	<u>\$118,500</u>	<u>118,500</u>
TOTAL	\$3,806,400	\$1,168,200	\$118,500	\$5,093,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
General				
Fund	\$5,080,100	\$1,507,700		\$6,587,800
Inmate Labor				
Fund	853,300	452,500		1,305,800
Miscellaneous Revenue				
Fund	85,100	47,600		132,700
Federal Grant				
Fund	<u>54,000</u>	<u>0</u>		<u>54,000</u>
TOTAL	\$6,072,500	\$2,007,800		\$8,080,300

F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:				
FROM:				
General				
Fund	\$7,689,200	\$1,837,700		\$9,526,900
Inmate Labor				
Fund		23,600		23,600
Miscellaneous Revenue				
Fund	53,700	50,300		104,000
Penitentiary Endowment Income				
Fund	<u>0</u>	<u>0</u>	<u>\$21,500</u>	<u>21,500</u>
TOTAL	\$7,742,900	\$1,911,600	\$21,500	\$9,676,000

G. ST. ANTHONY WORK CAMP:				
FROM:				
General				
Fund	\$1,741,100	\$411,700		\$2,152,800
Inmate Labor				
Fund	756,000	512,900	\$71,200	1,340,100
Miscellaneous Revenue				
Fund		16,000		16,000
Penitentiary Endowment Income				
Fund			38,000	38,000
Federal Grant				
Fund	<u>0</u>	<u>0</u>	<u>23,000</u>	<u>23,000</u>
TOTAL	\$2,497,100	\$940,600	\$132,200	\$3,569,900

H. POCATELLO WOMEN'S CORRECTIONAL CENTER:				
FROM:				
General				
Fund	\$4,161,400	\$894,100		\$5,055,500
Inmate Labor				
Fund	239,700	74,700		314,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Miscellaneous Revenue				
Fund	209,300	20,500	\$13,300	243,100
Penitentiary Endowment Income				
Fund	<u>0</u>	<u>0</u>	<u>32,000</u>	<u>32,000</u>
TOTAL	\$4,610,400	\$989,300	\$45,300	\$5,645,000
 I. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:				
FROM:				
General				
Fund	\$2,499,400	\$663,600		\$3,163,000
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,200</u>		<u>5,200</u>
TOTAL	\$2,499,400	\$668,800		\$3,168,200
 DIVISION TOTAL				
	\$52,354,600	\$14,378,800	\$622,100	\$67,355,500
 III. PRIVATE PRISONS:				
FROM:				
General				
Fund		\$28,853,500		\$28,853,500
 IV. COUNTY & OUT-OF-STATE PLACEMENT:				
FROM:				
General				
Fund		\$5,600,000		\$5,600,000
Federal Grant				
Fund		<u>83,700</u>		<u>83,700</u>
TOTAL		\$5,683,700		\$5,683,700
 V. CORRECTIONAL ALTERNATIVE PLACEMENT:				
FROM:				
General				
Fund		\$7,703,900	\$683,200	\$8,387,100
Miscellaneous Revenue				
Fund		<u>90,000</u>	<u>0</u>	<u>90,000</u>
TOTAL		\$7,793,900	\$683,200	\$8,477,100
 VI. COMMUNITY CORRECTIONS:				
A. COMMUNITY SUPERVISION:				
FROM:				
General				
Fund	\$11,023,800	\$1,371,800		\$12,395,600
Parolee Supervision				
Fund	5,076,400	1,154,800	\$207,400	6,438,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Drug and Mental Health Court Supervision				
Fund	380,900	27,200		408,100
Federal Grant				
Fund	<u>50,800</u>	<u>73,800</u>	<u>0</u>	<u>124,600</u>
TOTAL	\$16,531,900	\$2,627,600	\$207,400	\$19,366,900
B. COMMUNITY WORK CENTERS:				
FROM:				
General				
Fund	\$2,972,700	\$1,900		\$2,974,600
Inmate Labor				
Fund	560,600	1,555,800	\$328,400	2,444,800
Miscellaneous Revenue				
Fund	<u>0</u>	<u>29,700</u>	<u>0</u>	<u>29,700</u>
TOTAL	\$3,533,300	\$1,587,400	\$328,400	\$5,449,100
DIVISION TOTAL	\$20,065,200	\$4,215,000	\$535,800	\$24,816,000
VII. EDUCATION & TREATMENT:				
FROM:				
General				
Fund	\$1,237,300	\$538,300		\$1,775,600
Inmate Labor				
Fund		84,100		84,100
Miscellaneous Revenue				
Fund	84,800	59,500		144,300
Federal Grant				
Fund	<u>376,400</u>	<u>852,700</u>		<u>1,229,100</u>
TOTAL	\$1,698,500	\$1,534,600		\$3,233,100
VIII. MEDICAL SERVICES:				
FROM:				
General				
Fund		\$24,306,500		\$24,306,500
Miscellaneous Revenue				
Fund		<u>81,000</u>		<u>81,000</u>
TOTAL		\$24,387,500		\$24,387,500
GRAND TOTAL	\$81,294,300	\$90,354,100	\$1,841,100	\$173,489,500

SECTION 4. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand five hundred fifty-six and ninety-three hundredths (1,556.93) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The

Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the Department of Correction 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, 2011, through June 30, 2012. 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, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 5, 2011.

CHAPTER 193
(S.B. No. 1049)

AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING SECTION 56-227D, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A DEFINITION.

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

SECTION 1. That Section 56-227D, Idaho Code, be, and the same is hereby amended to read as follows:

56-227D. FEDERAL FOOD STAMPS -- UNAUTHORIZED USE -- EXCEPTION -- DEFINITION. (1) It is a misdemeanor for any person to buy, receive, sell, give away, dispose of, exchange or barter any federal food stamps benefits of a value of one hundred fifty dollars (\$150) or less, except for the eligible foods for which they are issued.

(2) It is a felony for any person to buy, receive, sell, give away, dispose of, exchange or barter any federal food stamps benefits of a value exceeding one hundred fifty dollars (\$150), except for the eligible foods for which they are issued.

(3) This section does not apply to any person buying, receiving, selling, giving away, disposing of, exchanging or bartering any federal food stamps benefits subsequent to the redemption of such stamps in the manner provided by state or federal law.

(4) As used in this section, federal food stamps benefits refers to food stamps benefits issued for food in any form by the United States department of agriculture or its duly authorized agent for the sole purpose of purchasing food.

(5) This section shall be enforced by the director of the department of health and welfare in cooperation with local law enforcement and prosecuting agencies. Such enforcement shall not be the responsibility of the medicaid fraud control unit as provided in section 56-226, Idaho Code.

Approved April 5, 2011.

CHAPTER 194
(S.B. No. 1070, As Amended)

AN ACT

RELATING TO HOMICIDE; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4017, IDAHO CODE, TO PROVIDE FOR A FELONY RELATING TO THE CAUSING OF OR ASSISTING IN A SUICIDE, TO PROVIDE PENALTIES, TO PROVIDE FOR THE REVOCATION OF A CERTAIN LICENSE OR CERTIFICATION, TO PROVIDE INJUNCTIVE RELIEF, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 40, 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 18-4017, Idaho Code, and to read as follows:

18-4017. CAUSING A SUICIDE -- ASSISTING IN A SUICIDE -- INJUNCTIVE RELIEF -- REVOCATION OF LICENSE -- EXCEPTIONS. (1) A person is guilty of a felony if such person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly and intentionally either:

- (a) Provides the physical means by which another person commits or attempts to commit suicide; or
- (b) Participates in a physical act by which another person commits or attempts to commit suicide.

(2) Any person convicted of or who pleads guilty to a violation of the provisions of subsection (1) of this section shall be sentenced to the custody of the state board of correction for a period not to exceed five (5) years.

(3) The licensing authority that issued a license or certification to a health care professional who is convicted of or who pleads guilty to a violation of the provisions of subsection (1) of this section, or who has had a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (4) of this section, may revoke the license or certification of such health care professional upon receipt of:

- (a) A copy of the record of the criminal conviction or plea of guilty for a felony in violation of the provisions of subsection (1) of this section; or
- (b) A copy of the record of a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (4) of this section.

(4) Upon proper application to the court, injunctive relief against any person who is reasonably believed to be about to violate, or who is in the course of violating, the provisions of subsection (1) of this section may be obtained by any person who is:

- (a) The spouse, parent, child or sibling of the person who would commit suicide;
- (b) A court appointed guardian of the person who would commit suicide;
- (c) Entitled to inherit from the person who would commit suicide;
- (d) A health care provider of the person who would commit suicide; or
- (e) A public official with appropriate jurisdiction to prosecute or enforce the laws of this state.

(5) The following shall not be deemed a violation of the provisions of this section:

- (a) A health care professional who administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort, even if any such medication or procedure may hasten or increase the risk of death, unless such medications or procedures are

knowingly and intentionally administered, prescribed or dispensed to cause death.

(b) A health care professional who withholds or withdraws treatment or procedures in compliance with a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment form or any other similar document that satisfies the elements set forth in chapter 45, title 39, Idaho Code, or upon a refusal to consent or withdrawal of consent by the patient, or if the patient is unable to give or refuse consent, and does not have a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment form or any other similar document that satisfies the elements set forth in chapter 45, title 39, Idaho Code, by a person authorized to refuse or withdraw consent pursuant to section 39-4504, Idaho Code, shall not be deemed to have violated the provisions of this section.

(6) As used in this section:

(a) "Health care professional" means any person licensed, certified or registered by the state of Idaho to deliver health care.

(b) "Suicide" means the act or instance of taking one's own life.

Approved April 5, 2011.

CHAPTER 195
(S.B. No. 1087)

AN ACT

RELATING TO TITLE INSURANCE; AMENDING SECTION 41-2705, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE FILING OF ESCROW FEES OF TITLE INSURERS AND TITLE INSURANCE AGENTS; AND AMENDING SECTION 41-2706, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE FILING OF CERTAIN FEES BY A TITLE INSURER OR AGENT.

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

SECTION 1. That Section 41-2705, Idaho Code, be, and the same is hereby amended to read as follows:

41-2705. SUPERVISION -- POLICY FORMS -- PREMIUMS. (1) The business of title insurance shall operate in Idaho under the control and supervision of the director of the department of insurance as to the premium rates for basic classifications of policy and underwriting contracts in relation thereto, escrow fee, rates, tract indexes and abstract records, and insurability as provided in title 41, Idaho Code, and under such uniform rules and regulations as may be from time to time prescribed by the director of the department of insurance. No title insurer shall engage in the title insurance business with respect to any interest in Idaho property other than under the applicable laws of the state of Idaho and under such rules and regulations as may be issued by the director of the department of insurance. No policy of title insurance or guarantee of any character on Idaho property shall be issued unless written by a title insurer complying with all the provisions of the laws of the state of Idaho, holding a certificate of authority under chapter 3, title 41, Idaho Code, and under such rules and regulations as may be issued by the director of the department of insurance.

(2) The rates for the premiums for title insurance, the proportion of the premium for title insurance which is retained by a title insurance agent and the portion which is retained by a title insurer, and ~~the escrow fees of title insurers and title insurance agents~~ shall be determined within the provisions of sections 41-2706, 41-2707 and 41-2708, Idaho Code, and the

general provisions of title 41, Idaho Code; provided, not later than the effective date hereof each title insurer shall file its premium rates and basic policy classification in relation thereto, and each title insurer and title insurance agent shall file its escrow fee, in effect on January 1, 1973, and the said rate and fee so filed shall continue until changed as herein provided.

(3) The escrow fees of title insurers and title insurance agents shall be filed in accordance with rules promulgated by the director of the department of insurance.

(4) A title insurer shall file each form of certificate, policy, preliminary report, binder, guaranty or other underwriting contract of title insurance prior to the delivery or issuance thereof in Idaho. The filing of the form of policies and contracts of title insurance and the approval of the same shall be in accordance with sections 41-1812 and 41-1813, Idaho Code, as well as in conformance with chapter 27, title 41, Idaho Code.

(5) The provisions of sections 41-2705 through 41-2708, Idaho Code, shall not apply to a title insurer contracting as a reinsurer of a title insurance policy on Idaho property where no primary liability is assumed.

(6) The director of the department of insurance, for the purpose of carrying out this chapter shall have the right to require title insurers issuing policies in Idaho and title insurance agents to submit such information as needed as to expense of operations, loss experience, underwriting risks and other material matters.

(7) Any person aggrieved by any order, act or regulation of the director hereunder shall have the rights and remedies set forth in chapter 52, title 67, Idaho Code.

SECTION 2. That Section 41-2706, Idaho Code, be, and the same is hereby amended to read as follows:

41-2706. TITLE INSURANCE RATES -- JUSTIFICATION. Title insurance premium rates for the basic classification of policies and underwriting contracts shall be those filed by a title insurer or a title insurance rating organization with justification and approved by order of the director of the department of insurance, or, those filed by the director of the department of insurance with his justification therefor, hearing thereon and order of the director, both as more particularly hereinafter set forth. The division of the total premium between a title insurer and a title insurance agent shall be filed by the title insurer, and the escrow, closing or settlement fees shall be filed by the title insurer or agent as applicable and approved in the same manner as title insurance premiums. The insurance premium rates on basic classification of policies, and said division of total premium and said escrow fees shall be deemed fixed by the director of the department of insurance upon the director's order approving the same (i) as filed and justified by a title insurer, or title insurance rating organization or title insurance agent, with or without hearing, or (ii) following a hearing on the same as filed and justified by the director of the department of insurance.

(1) Justification of title insurance rates proposed by a title insurer, a title insurance rating organization, or the director of the department of insurance shall be filed with any proposed change of rate, and the filing shall be justified by:

(a) the experience or judgment of the title insurer or title insurance rating organization or the director proposing the rates; or

(b) its interpretation of any statistical data relied upon; or

(c) the experience of other title insurers or title insurance rating organizations; or

(d) any other factors which the title insurer or rating organization or director deems relevant.

(2) Rates made hereunder shall not be excessive, nor inadequate for the safety and soundness of the title insurer and title insurance agent, and shall not be unfairly discriminatory, and shall be adopted giving due consideration to:

(a) desirability of stability of rate structures;

(b) necessity of assuring the financial solvency of a title insurer and title insurance agent in periods of economic depression by encouraging growth in assets of title insurers and title insurance agents in periods of high business and activity; and

(c) necessity for assuring a reasonable margin of underwriting profit sufficient to induce capital to be invested therein.

(3) Every title insurer and every title insurance rating organization shall adopt basic classifications of policies and contracts of title insurance which shall be used as the basis for rates. Rates for each classification may, at the discretion of the title insurer, or the title insurance rating organization filing the rate, be less than the cost of the expense elements in the case of smaller insurances, and the excess may be charged against larger insurances without rendering the rate unfairly discriminatory.

(4) When the director finds upon application by a title insurer that any rate for a particular kind or class of risk cannot practicably be filed before it is used, or any contract or kind of title insurance, by reason of rarity or peculiar circumstances, does not lend itself to advance determination and filing of rates, he may, under such rules and regulations as he may prescribe, permit such rate or contract or kind of title insurance to be used without a previous notice and thirty (30) day waiting period.

Approved April 5, 2011.

CHAPTER 196
(S.B. No. 1090)

AN ACT

RELATING TO THE IDAHO LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT; REPEALING CHAPTER 43, TITLE 41, IDAHO CODE, RELATING TO THE IDAHO LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT; AND AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 43, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE PURPOSE, TO PROVIDE FOR COVERAGE AND LIMITATIONS, TO PROVIDE FOR HOW THE CHAPTER IS TO BE CONSTRUED, TO DEFINE TERMS, TO PROVIDE FOR THE CREATION OF THE IDAHO LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION, TO PROVIDE FOR THE ASSOCIATION'S BOARD OF DIRECTORS, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ASSOCIATION, TO PROVIDE FOR ASSESSMENT OF MEMBER INSURERS, TO PROVIDE FOR A PLAN OF OPERATION, TO PROVIDE FOR THE DUTIES AND POWERS OF THE ASSOCIATION'S DIRECTOR, TO PROVIDE FOR THE DETECTION AND PREVENTION OF INSURER INSOLVENCIES OR IMPAIRMENTS, TO PROVIDE CREDITS FOR ASSESSMENTS PAID, TO PROVIDE FOR CERTAIN MISCELLANEOUS PROVISIONS, TO PROVIDE FOR THE EXAMINATION AND REGULATION OF THE ASSOCIATION AND FOR AN ANNUAL REPORT, TO PROVIDE FOR SPECIFIED TAX EXEMPTIONS, TO PROVIDE FOR CERTAIN IMMUNITIES, TO PROVIDE FOR A STAY OF PROCEEDINGS UNDER SPECIFIED CONDITIONS, TO PROVIDE FOR THE SETTING ASIDE OF CERTAIN JUDGMENTS, TO PROVIDE FOR THE PROHIBITION OF ADVERTISEMENT OF THE ACT AND FOR EXCEPTIONS, TO PROVIDE FOR APPLICATION OF THE CHAPTER TO CERTAIN MEMBER INSURERS.

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

SECTION 1. That Chapter 43, Title 41, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 43, Title 41, Idaho Code, and to read as follows:

CHAPTER 43

IDAHO LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT

41-4301. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Life and Health Insurance Guaranty Association Act."

41-4302. PURPOSE. (1) The purpose of this chapter is to protect, subject to certain limitations, the persons specified in section 41-4303(1), Idaho Code, against failure in the performance of contractual obligations under life and health insurance policies and annuity contracts specified in section 41-4303(2), Idaho Code, because of the impairment or insolvency of the member insurer that issued the policies or contracts.

(2) To provide the protection stated in subsection (1) of this section, an association of insurers will pay benefits and continue coverages as provided for and limited by this chapter. Members of the association are subject to assessment to provide funds to carry out the purpose of this chapter.

41-4303. COVERAGE AND LIMITATIONS. (1) This chapter shall provide coverage for the policies and contracts specified in subsection (2) of this section:

(a) To persons, except for nonresident certificate holders under group policies or contracts who, regardless of where they reside, are the beneficiaries, assignees or payees of the persons covered under paragraph (b) of this subsection.

(b) To persons who are owners of or certificate holders under the policies or contracts, other than structured settlement annuities, and in each case who:

(i) Are residents; or

(ii) Are not residents, but only under all of the following conditions:

1. The insurer that issued the policies or contracts is domiciled in this state;

2. The states in which the persons reside have associations similar to the association created by this chapter; and

3. The persons are not eligible for coverage by an association in any other state due to the fact that the insurer was not licensed in the state at the time specified in the state's guaranty association law.

(c) For structured settlement annuities specified in subsection (2) of this section, paragraphs (a) and (b) of this subsection shall not apply, and this chapter shall, except as provided in paragraphs (d) and (e) of this subsection, provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(i) Is a resident, regardless of where the contract owner resides; or

(ii) Is not a resident, but only under both of the following conditions:

1. (A) The contract owner of the structured settlement annuity is a resident; or

(B) The contract owner of the structured settlement annuity is not a resident; but the insurer that issued the structured settlement annuity is domiciled in this state; and the state in which the contract owner

resides has an association similar to the association created in this chapter; and

2. Neither the payee or beneficiary nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides.

(d) The provisions of this chapter shall not provide coverage to a person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded any coverage by the association of another state.

(e) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of the provisions of this paragraph in situations where a person could be covered by the association of more than one (1) state, whether as an owner, payee, beneficiary or assignee, the provisions of this chapter shall be construed in conjunction with other state laws to result in coverage by only one (1) association.

(2) (a) The provisions of this chapter shall provide coverage to the persons specified in subsection (1) of this section for direct, non-group life, health or annuity policies or contracts and for certificates under direct group policies and contracts and for supplemental contracts to any of these, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include allocated funding agreements, structured settlement annuities and any immediate or deferred annuity contracts.

(b) The provisions of this chapter shall not provide coverage for:

(i) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract owner;

(ii) A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(iii) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

1. Averaged over the period of four (4) years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two (2) percentage points from Moody's corporate bond yield average averaged for that same four (4) year period or for such lesser period if the policy or contract was issued less than four (4) years before the member insurer becomes an impaired or insolvent insurer under the provisions of this chapter, whichever is earlier; and

2. On and after the date on which the member insurer becomes an impaired or insolvent insurer under the provisions of this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three (3) percentage points from Moody's corporate bond yield average as most recently available;

(iv) A portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health or annuity benefits to its employees, members or others, to

the extent that the plan or program is self-funded or uninsured including, but not limited to, benefits payable by an employer, association or other person under:

1. A multiple employer welfare arrangement as defined in section 3(40) of the employee retirement income security act of 1974, 29 U.S.C. section 1002(40);
 2. A minimum premium group insurance plan;
 3. A stop-loss group insurance plan; or
 4. An administrative services only contract;
- (v) A portion of a policy or contract to the extent that it provides for:
1. Dividends or experience rating credits;
 2. Voting rights; or
 3. Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;
- (vi) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;
- (vii) A portion of a policy or contract to the extent that the assessments required in section 41-4309, Idaho Code, with respect to the policy or contract are preempted by federal or state law;
- (viii) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:
1. Claims based on marketing materials;
 2. Claims based on side letters, riders or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;
 3. Misrepresentations of or regarding policy benefits;
 4. Extra-contractual claims; or
 5. A claim for penalties or consequential or incidental damages;
- (ix) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;
- (x) An unallocated annuity contract;
- (xi) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under the provisions of this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subparagraph, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture; and
- (xii) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to 42 U.S.C.

part C or 42 U.S.C. part D, commonly known as medicare parts C and D, or any regulations issued pursuant thereto.

(3) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(b) Subject to the aggregate per life limitation in paragraph (c) of this subsection with respect to one (1) policy or contract:

(i) Three hundred thousand dollars (\$300,000) in life insurance death benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values for life insurance;

(ii) Three hundred thousand dollars (\$300,000) in health insurance claims or benefit payments or one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values for health benefits, except for major medical insurance as defined in section 41-4305, Idaho Code, and as provided for in subparagraph (iii) of this paragraph;

(iii) Five hundred thousand dollars (\$500,000) for major medical insurance as defined in section 41-4305, Idaho Code;

(iv) Two hundred fifty thousand dollars (\$250,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

(v) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, two hundred fifty thousand dollars (\$250,000) in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values;

(c) However, in no event shall the association be obligated to cover more than:

(i) An aggregate of three hundred thousand dollars (\$300,000) in benefits with respect to any one (1) life under paragraph (b) of this subsection, except with respect to benefits for major medical insurance as provided in paragraph (b) (iii) of this subsection, in which case the aggregate liability of the association shall not exceed five hundred thousand dollars (\$500,000) with respect to any one (1) life; or

(ii) With respect to one (1) owner of multiple non-group policies of life insurance, whether the policy owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, more than five million dollars (\$5,000,000) in benefits, regardless of the number of policies and contracts held by the owner; or

(d) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under the provisions of this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights.

(4) In performing its obligations to provide coverage under section 41-4308, Idaho Code, the association shall not be required to guarantee, assume, reinsure or perform, or cause to be guaranteed, assumed, reinsured or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

41-4304. CONSTRUCTION. The provisions of this chapter shall be construed to effect the purpose under section 41-4302, Idaho Code.

41-4305. DEFINITIONS. As used in this chapter:

(1) "Account" means any of the three (3) accounts maintained pursuant to section 41-4306, Idaho Code.

(2) "Association" means the Idaho life and health insurance guaranty association.

(3) "Authorized assessment" or "authorized," when used in the context of assessments, means a resolution by the board of directors has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

(4) "Benefit plan" means a specific employee, union or association of natural persons benefit plan.

(5) "Called assessment" or "called," when used in the context of assessments, means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers.

(6) "Contractual obligation" means an obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under section 41-4303, Idaho Code.

(7) "Covered policy" means a policy or contract or portion of a policy or contract for which coverage is provided under section 41-4303, Idaho Code.

(8) "Director" means the director of the Idaho department of insurance.

(9) "Extra-contractual claims" shall include, for example, claims relating to bad faith in the payment of claims, punitive or exemplary damages or attorney's fees and costs.

(10) "Impaired insurer" means a member insurer:

(a) Deemed by the director after the effective date of this chapter to be potentially unable to fulfill its contractual obligations and not an insolvent insurer; or

(b) Which, after the effective date of this chapter, is not an insolvent insurer and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(11) "Insolvent insurer" means a member insurer which, after the effective date of this chapter, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

(12) (a) "Major medical insurance" means, solely for purposes of this chapter, health insurance policies, contracts or certificates that are issued to provide hospital and medical-surgical coverage.

(b) "Major medical insurance" shall not include insurance policies, contracts or certificates:

(i) Issued by an insurer providing only accident-only, credit, dental, vision, long-term care or disability income insurance or specified disease or hospital confinement indemnity insurance; or

(ii) For medicare supplement insurance or for coverage supplemental to the coverage provided under the civilian health and medical program of the uniformed services (CHAMPUS).

(13) (a) "Member insurer" means an insurer licensed or that holds a certificate of authority to transact in this state any kind of insurance for which coverage is provided under section 41-4303, Idaho Code, and includes an insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn.

(b) "Member insurer" does not include:

- (i) A hospital or medical service corporation or organization, whether profit or nonprofit;
- (ii) A fraternal benefit society;
- (iii) A mandatory state pooling plan;
- (iv) A mutual assessment company or other person that operates on an assessment basis;
- (v) An insurance exchange;
- (vi) An organization that issues charitable gift annuities under section 41-120, Idaho Code;
- (vii) A mutual benefit association;
- (viii) A reciprocal insurer;
- (ix) A limited managed care plan; or
- (x) A self-funded health care plan.

(14) "Moody's corporate bond yield average" means the monthly average corporates as published by Moody's investors service, inc., or any successor thereto.

(15) "Owner," "policy owner" or "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. The terms owner, contract owner and policy owner do not include persons with a mere beneficial interest in a policy or contract.

(16) "Person" means an individual, corporation, limited liability company, partnership, association, governmental body or entity or voluntary organization.

(17) (a) "Premiums" means amounts or considerations, by whatever name called, received on covered policies or contracts less returned premiums, considerations and deposits and less dividends and experience credits.

(b) "Premiums" does not include amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under section 41-4303(2), Idaho Code, except that assessable premium shall not be reduced on account of section 41-4303(2)(b)(iii), Idaho Code, relating to interest limitations and section 41-4303(3)(b), (c) and (d), Idaho Code, relating to limitations with respect to one (1) individual, one (1) participant and one (1) contract owner. "Premiums" shall not include:

- (i) Premiums on an unallocated annuity contract; or
- (ii) With respect to multiple non-group policies of life insurance owned by one (1) owner, whether the policy owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, premiums in excess of five million dollars (\$5,000,000) with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

(18) (a) "Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction, control and coordination of the operations of the entity as a whole primarily exercise that function, determined by the association in its reasonable judgment by considering the following factors:

- (i) The state in which the primary executive and administrative headquarters of the entity is located;
- (ii) The state in which the principal office of the chief executive officer of the entity is located;
- (iii) The state in which the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(iv) The state in which the executive or management committee of the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(v) The state from which the management of the overall operations of the entity is directed; and

(vi) In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using the factors contained in subparagraphs (i) through (v) of this paragraph.

However, in the case of a plan sponsor, if more than fifty percent (50%) of the participants in the benefit plan are employed in a single state, that state shall be deemed to be the principal place of business of the plan sponsor.

(b) "Principal place of business" of a plan sponsor of a benefit plan shall be deemed to be the principal place of business of the association, committee, joint board of trustees or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

(19) "Receivership court" means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation or liquidation of the insurer.

(20) "Resident" means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer. A person may be a resident of only one (1) state, which in the case of a person other than a natural person shall be its principal place of business. Citizens of the United States that are either (a) residents of foreign countries, or (b) residents of United States possessions, territories or protectorates that do not have an association similar to the association created in this chapter, shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts.

(21) "State" means a state or a commonwealth of the United States, the District of Columbia, Puerto Rico, and a United States possession, territory or protectorate.

(22) "Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

(23) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health or annuity policy or contract.

(24) "Unallocated annuity contract" means an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under the contract or certificate.

41-4306. CREATION OF THE ASSOCIATION. (1) This chapter continues the existence of the nonprofit legal entity known as the Idaho life and health insurance guaranty association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under the plan of operation established and approved under section 41-4310, Idaho Code, and shall exercise its powers through a board of directors provided for under section 41-4307, Idaho Code. For purposes of administration and

assessment, the association shall continue the existence and maintenance of three (3) accounts:

- (a) Life insurance account;
- (b) Health insurance account, formerly designated the "disability insurance account"; and
- (c) Annuity account.

(2) The association shall come under the immediate supervision of the director and shall be subject to the applicable provisions of the insurance laws of this state.

41-4307. BOARD OF DIRECTORS. (1) The board of directors of the association shall consist of not fewer than five (5) nor more than nine (9) member insurers serving terms as established in the plan of operation. The members of the board of directors shall be selected by member insurers subject to the approval of the director. Vacancies on the board of directors shall be filled for the remaining period of the term by a majority vote of the remaining board members subject to the approval of the director.

(2) In approving selections, the director shall consider, among other things, whether all member insurers are fairly represented.

(3) Members of the board of directors may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors, but members of the board of directors shall not otherwise be compensated by the association for their services.

41-4308. POWERS AND DUTIES OF THE ASSOCIATION. (1) If a member insurer is an impaired insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the director:

- (a) Guarantee, assume or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the policies or contracts of the impaired insurer; and
- (b) Provide such moneys, pledges, loans, notes, guarantees or other means as are proper to effectuate paragraph (a) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (a) of this subsection.

(2) If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

- (a) (i) 1. Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer; or
- 2. Assure payment of the contractual obligations of the insolvent insurer; and
- (ii) Provide moneys, pledges, loans, notes, guarantees, or other means reasonably necessary to discharge the association's duties; or
- (b) Provide benefits and coverages in accordance with the following provisions:
 - (i) With respect to life and health insurance policies and annuities, assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred:

- 1. With respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five (45) days, but in no event less than thirty (30) days, after the date on which the association becomes obligated with respect to the policies and contracts;

2. With respect to non-group policies, contracts, and annuities not later than the earlier of the next renewal date, if any, under the policies or contracts or one (1) year, but in no event less than thirty (30) days, from the date on which the association becomes obligated with respect to the policies or contracts;

(ii) Make diligent efforts to provide all known insureds or annuitants, for non-group policies and contracts, or group policy owners with respect to group policies and contracts, thirty (30) days' notice of the termination, pursuant to subparagraph (i) of this paragraph, of the benefits provided;

(iii) With respect to non-group life and health insurance policies and annuities covered by the association, make available to each known insured or annuitant, or owner if other than the insured or annuitant, and with respect to an individual formerly insured or formerly an annuitant under a group policy who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of subparagraph (iv) of this paragraph, if the insureds or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy or annuity in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or annuity or had a right only to make changes in premium by class:

(iv) 1. In providing the substitute coverage required under subparagraph (iii) of this paragraph, the association may offer either to reissue the terminated coverage or to issue an alternative policy;

2. Alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy; and

3. The association may reinsure any alternative or reissued policy;

(v) 1. Alternative policies adopted by the association shall be subject to the approval of the domiciliary insurance director. The association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency;

2. Alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten; and

3. Any alternative policy issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association;

(vi) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the domiciliary insurance director;

(vii) The association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date the coverage or policy is replaced by another similar policy by the policy owner, the insured or the association; and

(viii) When proceeding under this paragraph (b) of this subsection with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 41-4303(2) (b) (iii), Idaho Code.

(3) Nonpayment of premiums within thirty-one (31) days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under the policy or coverage under this chapter with respect to the policy or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this chapter.

(4) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association. If the liquidator of an insolvent insurer requests, the association shall provide a report to the liquidator regarding such premium collected by the association. The association shall be liable for unearned premiums due to policy or contract owners arising after the entry of the order.

(5) The protection provided by this chapter shall not apply where any guarantee protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(6) In carrying out its duties under subsection (2) of this section, the association may:

(a) Subject to approval by a court in this state, impose permanent policy or contract liens in connection with a guarantee, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the association's duties under this chapter, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens, to be in the public interest; or

(b) Subject to approval by a court in this state, impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

(7) A deposit in this state, held pursuant to law or required by the director for the benefit of creditors, including policy owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of an insurer domiciled in this state or in a reciprocal state, pursuant to chapter 8, title 41, Idaho Code, shall be promptly paid to the association. The association shall be entitled to retain a portion of any amount so paid to it equal to the per-

centage determined by dividing the aggregate amount of policy owners' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this subsection. Any amount so paid to the association and retained by it shall be treated as a distribution of state assets pursuant to applicable state receivership law dealing with early access disbursements.

(8) If the association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in subsection (2) of this section, the director shall have the powers and duties of the association under this chapter with respect to the insolvent insurer.

(9) The association may render assistance and advice to the director, upon the director's request, concerning rehabilitation, payment of claims, continuance of coverage or the performance of other contractual obligations of an impaired or insolvent insurer.

(10) The association shall have standing to appear or intervene before a court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the association including, but not limited to, proposals for reinsuring, modifying or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

(11) (a) A person receiving benefits under this chapter shall be deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from or otherwise relating to the covered policy or contract to the association to the extent of the benefits received because of this chapter, whether the benefits are payments of, or on account of, contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require a written instrument of assignment to it of such rights and cause of action by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this chapter upon the person.

(b) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

(c) In addition to paragraphs (a) and (b) of this subsection, the association shall have all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, beneficiary or payee of a policy or contract with respect to the policy or contract, including without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary or payee of the annuity, to the extent of benefits received pursuant to this chapter, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under Internal Revenue Code, section 130.

(d) If the preceding provisions of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount

payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies, or portion thereof, covered by the association.

(e) If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in paragraphs (a) through (d) of this subsection, the person shall pay to the association the portion of the recovery attributable to the policies, or portion thereof, covered by the association.

(12) In addition to the rights and powers elsewhere in this chapter, the association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(b) Sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under section 41-4309, Idaho Code, and to settle claims or potential claims against it;

(c) Borrow money to effect the purposes of this chapter; any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(d) Employ or retain such persons as are necessary or appropriate to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this chapter;

(e) Take such legal action as may be necessary or appropriate to avoid or recover payment of improper claims;

(f) Exercise, for the purposes of this chapter and to the extent approved by the director, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this chapter;

(g) Reorganize itself with the prior written approval of the director from a nonprofit association into a corporation or other legal form of nonprofit entity permitted by the laws of the state of Idaho;

(h) Request information from a person seeking coverage from the association in order to aid the association in determining its obligations under this chapter with respect to the person, and the person shall promptly comply with the request; and

(i) Take other necessary or appropriate action to discharge its duties and obligations under this chapter or to exercise its powers under this chapter.

(13) The association may join an organization of one (1) or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association.

(14) With respect to covered policies for which the association becomes obligated after an entry of an order of liquidation, the association may elect to succeed to the rights of the insolvent insurer arising after the order of liquidation under any contract of reinsurance to which the insolvent insurer was a party, to the extent that such contract provides coverage for losses occurring after the date of the order of liquidation. As a condition to making this election, the association must pay all unpaid premiums due under the contract for coverage relating to periods before and after the date of the order of liquidation.

(15) The board of directors of the association shall have discretion and may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of this chapter in an economical and efficient manner.

(16) Where the association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that

fulfills the association's obligations under this chapter, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

(17) Venue in a suit against the association arising under this chapter shall be in Ada county. The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under the provisions of this chapter.

(18) In carrying out its duties in connection with guaranteeing, assuming or reinsuring policies or contracts under subsection (1) or (2) of this section, the association may, subject to approval of the receivership court, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(a) In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for:

- (i) A fixed interest rate;
- (ii) Payment of dividends with minimum guarantees; or
- (iii) A different method for calculating interest or changes in value;

(b) There is no requirement for evidence of insurability, waiting period or other exclusion that would not have applied under the replaced policy or contract; and

(c) The alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

41-4309. ASSESSMENTS. (1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board of directors finds necessary. Assessments shall be due not less than thirty (30) days after prior written notice to the member insurers and shall accrue interest at eight percent (8%) per annum on and after the due date.

(2) There shall be two (2) classes of assessments:

(a) Class A assessments shall be authorized and called for the purpose of meeting administrative and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer.

(b) Class B assessments shall be authorized and called to the extent necessary to carry out the powers and duties of the association under section 41-4308, Idaho Code, with regard to an impaired or an insolvent insurer.

(3) (a) The amount of a class A assessment shall be determined by the board of directors and may be authorized and called on a pro rata or non-pro rata basis. If pro rata, the board of directors may provide that it be credited against future class B assessments. The total of all non-pro rata assessments shall not exceed three hundred dollars (\$300) per member insurer in any one (1) calendar year. The amount of a class B assessment shall be allocated for assessment purposes among the accounts pursuant to an allocation formula, which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board of directors in its sole discretion as being fair and reasonable under the circumstances.

(b) Class B assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessments bears to

such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under this subsection and subsection (2) of this section and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty (180) days after the assessment is authorized.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board of directors, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.

(5) (a) The total of all class B assessments authorized by the association with respect to a member insurer for each account shall not in one (1) calendar year exceed two percent (2%) of such insurer's premiums received in this state during the calendar year preceding the assessment on the policies covered by the account. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one (1) year in an account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(b) The board of directors may provide in the plan of operation a method of allocating funds among claims, whether relating to one (1) or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(6) The board of directors may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board of directors finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments.

A reasonable amount, as determined by the board of directors in its discretion, may be retained by the association in any account to provide funds for the continuing and future expenses of the association and for future loss claims.

(7) It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(8) The association shall issue to each insurer paying an assessment under this chapter, other than a class A assessment, a certificate of contribution in a form prescribed by the director for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the director may approve.

(9) (a) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment shall be available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

(b) Within sixty (60) days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

(c) Within thirty (30) days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty (60) days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the director.

(d) In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the director for a final decision, with or without a recommendation from the association.

(e) If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member insurer.

(10) The association may request information of member insurers in order to aid in the exercise of its power under this section, and member insurers shall promptly comply with the request.

41-4310. PLAN OF OPERATION. (1) The association shall submit to the director a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon the director's written approval or unless it has not been disapproved within thirty (30) days.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall, in addition to requirements enumerated elsewhere in this chapter:

(a) Establish procedures for handling the assets of the association;

(b) Establish the amount and method of reimbursing members of the board of directors under section 41-4307, Idaho Code;

(c) Establish regular places and times for meetings including telephone conference calls of the board of directors;

(d) Establish procedures for records to be kept of all financial transactions of the association, its agents and the board of directors;

(e) Establish the procedures whereby selections for the board of directors will be made and submitted to the director;

(f) Establish any additional procedures for assessments under section 41-4309, Idaho Code; and

(g) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under section 41-4308(12) (c), Idaho Code, and section 41-4309, Idaho Code, are delegated to a corporation, association or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two (2) or more states. Such a corporation, association or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the director, and may be made only to a corporation, association or organi-

zation which extends protection not substantially less favorable and effective than that provided by this chapter.

41-4311. DUTIES AND POWERS OF THE DIRECTOR. In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The director shall:

(a) Upon request of the board of directors, provide the association with a statement of the premiums in this and any other appropriate states for each member insurer; and

(b) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this chapter.

(2) The director may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer that fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the director may levy a forfeiture on any member insurer that fails to pay an assessment when due. The forfeiture shall not exceed five percent (5%) of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars (\$100) per month.

(3) A final action of the board of directors or the association may be appealed to the director by a member insurer if the appeal is taken within sixty (60) days of its receipt of notice of the final action being appealed. A final action or order of the director shall be subject to judicial review in a court of competent jurisdiction in accordance with the laws of this state that apply to the actions or orders of the director.

(4) The liquidator, rehabilitator or conservator of an impaired or insolvent insurer may notify all interested persons of the effect of this chapter.

41-4312. PREVENTION OF INSOLVENCIES. (1) To aid in the detection and prevention of insurer insolvencies or impairments, it shall be the duty of the director to:

(a) Notify the insurance directors or commissioners of all the other states, territories of the United States and the District of Columbia within thirty (30) days following the action taken or the date the action occurs, when the director takes any of the following actions against a member insurer:

(i) Revokes a license;

(ii) Suspends a license; or

(iii) Makes a formal order that the company restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policy owners or creditors.

(b) Report to the board of directors when the director has taken any of the actions set forth in paragraph (a) of this subsection or has received a report from any other director indicating that any such action has been taken in another state. The report to the board of directors shall contain all significant details of the action taken or the report received from another director.

(c) Report to the board of directors when the director has reasonable cause to believe from an examination, whether completed or in process, of any member insurer that the insurer may be an impaired or insolvent insurer.

(d) Furnish to the board of directors the national association of insurance commissioners (NAIC) insurance regulatory information system (IRIS) ratios and listings of companies not included in the ratios developed by the NAIC, and the board of directors may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the director or other lawful authority.

(2) The director may seek the advice and recommendations of the board of directors concerning any matter affecting the duties and responsibilities of the director regarding the financial condition of member insurers and companies seeking admission to transact insurance business in this state.

(3) The board of directors may, upon majority vote, make reports and recommendations to the director upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any company seeking to do an insurance business in this state. The reports and recommendations shall not be considered public documents.

(4) The board of directors may, upon majority vote, notify the director of any information indicating a member insurer may be an impaired or insolvent insurer.

(5) The board of directors may, upon majority vote, make recommendations to the director for the detection and prevention of insurer insolvencies.

41-4313. CREDITS FOR ASSESSMENTS PAID. (1) A member insurer may offset against its premium tax liability to this state an assessment described in section 41-4309(8), Idaho Code, to the extent of twenty percent (20%) of the amount of the assessment for each of the five (5) calendar years following the year in which the assessment was paid. An allowable offset, or portion thereof, not used in any calendar year cannot be carried over or back to any other year.

(2) Any sums acquired by refund, pursuant to section 41-4309(6), Idaho Code, from the association which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (1) of this section, and are not then needed for purposes of this chapter, shall be paid by the association to the director and by him deposited with the state treasurer for credit to the general account of the state operating fund.

(3) Any sums acquired by refund, pursuant to section 41-4309(6), Idaho Code, from the association which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (1) of this section, and are not then needed for purposes of this chapter, shall be paid by the association to the director and by him deposited with the state treasurer for credit to the general account of the state operating fund.

41-4314. MISCELLANEOUS PROVISIONS. (1) This chapter shall not be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(2) Records shall be kept of all meetings of the board of directors to discuss the activities of the association in carrying out its powers and duties under section 41-4308, Idaho Code. The records of the association with respect to an impaired or insolvent insurer shall not be disclosed prior to the termination of a liquidation, rehabilitation or conservation proceeding involving the impaired or insolvent insurer, except upon the:

- (a) Termination of the impairment or insolvency of the insurer; or
- (b) Order of a court of competent jurisdiction.

Nothing in this subsection shall limit the duty of the association to render a report of its activities under section 41-4315, Idaho Code.

(3) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to section 41-4308(11), Idaho Code. Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. Assets attributable to covered policies, as used in this subsection, are that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(4) As a creditor of the impaired or insolvent insurer, as established in subsection (3) of this section and consistent with section 41-3334, Idaho Code, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty (120) days of a final determination of insolvency of an insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

(5) (a) Prior to the termination of any liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination, consideration shall be given to the welfare of the policy owners of the continuing or successor insurer.

(b) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under section 41-4308, Idaho Code, with respect to the insurer have been fully recovered by the association.

(6) (a) If an order for liquidation or rehabilitation of an insurer domiciled in this state has been entered, the receiver appointed under the order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five (5) years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (b), (c) and (d) of this subsection.

(b) No such distribution shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(c) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions which would have been received if they had been paid immediately. If two (2) or more persons are liable with

respect to the same distributions, they shall be jointly and severally liable.

(d) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(e) If any person liable under paragraph (c) of this subsection is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

41-4315. EXAMINATION OF THE ASSOCIATION -- ANNUAL REPORT. The association shall be subject to examination and regulation by the director. The board of directors shall submit to the director each year, not later than May 1 of each year, a financial report in a form approved by the director and a report of its activities during the preceding fiscal year. Upon the request of a member insurer, the association shall provide the member insurer with a copy of the report.

41-4316. TAX EXEMPTIONS. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

41-4317. IMMUNITY. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors or the director or the director's representatives, for any action or omission by them in the performance of their powers and duties under this chapter. This immunity shall extend to the participation in any organization of one (1) or more other state associations of similar purposes and to any such organization and its agents or employees.

41-4318. STAY OF PROCEEDING -- REOPENING DEFAULT JUDGMENTS. All proceedings in which the insolvent insurer is a party in any court in this state shall be stayed one hundred eighty (180) days from the date an order of liquidation, rehabilitation or conservation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to judgment under any decision, order, verdict or finding based on default, the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

41-4319. PROHIBITED ADVERTISEMENT OF INSURANCE GUARANTY ASSOCIATION ACT IN COMMERCIAL SALES. No person, including an insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation or inducement to purchase any form of insurance covered by the Idaho life and health insurance guaranty association act. Provided however, that this section shall not apply to the Idaho life and health insurance guaranty association or any other entity which does not sell or solicit insurance. This section shall also not prohibit the furnishing of written information that is in a form prepared by the association and approved by the director upon request of the policy owner.

41-4320. APPLICATION. This chapter shall apply to coverage the guaranty association provides in connection with any member insurer that was first placed under an order of liquidation on or after January 1, 2011.

Approved April 5, 2011.

CHAPTER 197
(S.B. No. 1132)

AN ACT

RELATING TO THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 6-903, IDAHO CODE, TO PROVIDE THAT A CERTAIN BOARD AND ITS MEMBER DISTRICTS SHALL BE CONSIDERED A SINGLE GOVERNMENTAL UNIT AND CERTAIN CLAIMS MAY BE BROUGHT AND PURSUED ONLY AGAINST THE OPERATING UNIT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 6-926, IDAHO CODE, TO PROVIDE FOR THE COMBINED AGGREGATE LIMIT OF LIABILITY FOR A CERTAIN OPERATING AGENCY, ITS MEMBER IRRIGATION DISTRICTS AND THEIR RESPECTIVE EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 6-903, Idaho Code, be, and the same is hereby amended to read as follows:

6-903. LIABILITY OF GOVERNMENTAL ENTITIES -- DEFENSE OF EMPLOYEES. (a₁) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho, provided that the governmental entity is subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the negligent or otherwise wrongful acts or omissions of the governmental entity or its employees. When the claim for damages arises from construction, operation or maintenance of an impoundment, canal, lateral, drain or associated facilities that are under the supervision or control of the operating agency of irrigation districts whose board consists of directors of its member districts, then such board and its member districts shall be considered a single governmental unit and the claim may be brought and pursued only against the operating unit.

(b₂) (i) A governmental entity shall provide a defense to its employee, including a defense and indemnification against any claims brought against the employee in the employee's individual capacity when the claims are related to the course and scope of employment, and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the course and scope of his employment; provided that the governmental entity and its employee shall be subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the act or omission of the employee; (ii) provided further, that to the extent there is valid and collectible, applicable insurance or any other right to defense or indemnification legally available to and for the protection of an employee, while operating or using an automobile, aircraft or other vehicle not owned or leased by the governmental entity and while acting within the course and scope of his/her employment or duties, the governmental entity's duty hereunder to indemnify the employee and/or defend any such claim or lawsuit arising out of the operation or use of such personal automobile, aircraft or ve-

hicle, shall be secondary to the obligation of the insurer or indemnitor of such automobile, aircraft or vehicle, whose obligation shall be primary; and (iii) provided further, this paragraph subsection shall not be construed to alter or relieve any such indemnitor or insurer of any legal obligation to such employee or to any governmental entity vicariously liable on account of or legally responsible for damages due to the allegedly wrongful error, omissions, conduct, act or deed of such employee.

(e3) The defense of its employee by the governmental entity shall be undertaken whether the claim and civil lawsuit is brought in Idaho district court under Idaho law or is brought in a United States court under federal law. The governmental entity may refuse a defense or disavow and refuse to pay any judgment for its employee if it is determined that the act or omission of the employee was not within the course and scope of his employment or included malice or criminal intent.

(d4) A governmental entity shall not be entitled to contribution or indemnification, or reimbursement for legal fees and expenses from its employee unless a court shall find that the act or omission of the employee was outside the course and scope of his employment or included malice or criminal intent. Any action by a governmental entity against its employee and any action by an employee against the governmental entity for contribution, indemnification, or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the governmental entity or its employee.

(e5) For the purposes of this act and not otherwise, it shall be a rebuttable presumption that any act or omission of an employee within the time and at the place of his employment is within the course and scope of his employment and without malice or criminal intent.

(f6) Nothing in this act shall enlarge or otherwise adversely affect the liability of an employee or a governmental entity. Any immunity or other bar to a civil lawsuit under Idaho or federal law shall remain in effect. The fact that a governmental entity may relieve an employee from all necessary legal fees and expenses and any judgment arising from the civil lawsuit shall not under any circumstances be communicated to the trier of fact in the civil lawsuit.

(g7) When a claim asserted against an employee in the employee's individual capacity is dismissed by the court, the dismissed party shall have the right to a hearing pursuant to the provisions of section 12-123, Idaho Code.

SECTION 2. That Section 6-926, Idaho Code, be, and the same is hereby amended to read as follows:

6-926. JUDGMENT OR CLAIMS IN EXCESS OF COMPREHENSIVE LIABILITY PLAN -- REDUCTION BY COURT -- LIMITS OF LIABILITY. (1) The combined, aggregate liability of a governmental entity and its employees for damages, costs and attorney's fees under this chapter, on account of bodily or personal injury, death, or property damage, or other loss as the result of any one (1) occurrence or accident regardless of the number of persons injured or the number of claimants, shall not exceed and is limited to five hundred thousand dollars (\$500,000), unless the governmental entity has purchased applicable, valid, collectible liability insurance coverage in excess of said limit, in which event the controlling limit shall be the remaining available proceeds of such insurance. For claims arising from construction, operation or maintenance of impoundments, canals, laterals, drains or associated facilities that are under the supervision or control of the operating agency of irrigation districts whose board consists of directors of its member districts, the combined aggregate limit of liability for the operating agency, its member irrigation districts and their respective employees shall be the combined aggregate limit of a single governmental entity under this section. If any judgment or judgments, including costs and attorney's fees that may be

awarded, are returned or entered, and in the aggregate total more than five hundred thousand dollars (\$500,000), or the limits provided by said valid, collectible liability insurance, if any, whether in one (1) or more cases, the court shall reduce the amount of the award or awards, verdict or verdicts, or judgment or judgments in any case or cases within its jurisdiction so as to reduce said aggregate loss to said applicable statutory limit or to the limit or limits provided by said valid, collectible insurance, if any, whichever was is greater.

(2) Limits of liability above specified in this section shall not be increased or altered by the fact that a decedent, on account of whose death a wrongful death claim is asserted hereunder, left surviving him or her more than one (1) person entitled to make claim therefor, nor shall the aggregate recovery exceed the single limit provided for injury or death to any one (1) person in those cases in which there is both an injury claim and a death claim arising out of the injury to one (1) person, the intent of this section being to limit such liabilities and recoveries in the aggregate to one (1) limit only.

(3) The entire exposure of the entity and its employee or employees hereunder shall not be enlarged by the number of liable employees or the theory of concurrent or consecutive torts or tortfeasors or of a sequence of accidents or incidents if the injury or injuries or their consequences stem from one (1) occurrence or accident.

(4) In no case shall any court enter judgment, or allow any judgment to stand, which results in the limit of liability ~~herein~~ provided in this section to be exceeded in any manner or respect. If any court has jurisdiction of two (2) or more such claims in litigation in which the adjudication is simultaneous and, in the aggregate, exceeds the limits ~~above~~ provided in this section, the reduction shall be pro rata in a proportion consistent with the relative amounts of loss of the claimants before the court; otherwise, the reduction shall be determined and made in view of limits remaining after the prior settlement of any other such claims or the prior satisfaction of any other such judgments, and no consideration shall be given to other such outstanding claims, if any, which have not been settled or satisfied prior thereto.

(5) The court shall reduce any judgment in excess of the limits provided by this act in any matter within its jurisdiction, whether by reason of the adjudication in said proceedings alone or of the total or aggregate of all such awards, judgments, settlements, voluntary payments or other such loss relevant to the limits ~~above~~ provided in this section.

Approved April 5, 2011.

CHAPTER 198
(S.B. No. 1139)

AN ACT

RELATING TO SECURITY FOR COMPENSATION; AMENDING SECTION 72-301, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO CERTAIN MONEY AND BOND REQUIREMENTS FOR INSURERS TRANSACTING WORKER'S COMPENSATION INSURANCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-301, Idaho Code, be, and the same is hereby amended to read as follows:

72-301. SECURITY FOR PAYMENT OF COMPENSATION. Every employer shall secure the payment of compensation under this law in one (1) of the following ways:

(1) By insuring and keeping insured with a policy of workmen's worker's compensation insurance as defined by in section 41-506(d), Idaho Code, the payment of compensation with any surety insurer, as defined in section 41-103, Idaho Code, authorized by the director of the department of insurance to transact such insurance, provided, that every public employer shall insure its liability for payment of compensation with the state insurance fund unless such fund shall refuse to accept the risk when the application for insurance is made; or

(2) An employer may become self-insured by obtaining the approval of the industrial commission, and by depositing and maintaining with the commission security satisfactory to the commission securing the payment by said employer of compensation according to the terms of this law. Such security may consist of a surety bond or guaranty contract with any company authorized to transact surety insurance in Idaho. The commission shall adopt rules and regulations governing the qualifications of self-insured employers, the nature and amount of security to be deposited with the commission, and the conditions under which an employer may continue to be self-insured.

No surety insurer shall be permitted to transact workmen's worker's compensation insurance covering the liability of employers under this law unless it shall have been authorized to do business under the laws of this state and until it shall have received the approval of the commission. To the end that the workmen workers secured under this act law shall be adequately protected, the commission shall require such sureties insurer to deposit and maintain with the treasurer of the state money or bonds of the United States or of this state, or interest-paying bonds when they are at or above par, or any other state of the United States or the District of Columbia, or the bonds of any county or municipal corporation of this or any other state of the United States or the District of Columbia in an amount equal to the total amounts of all outstanding and unpaid compensation awards against such surety insurer. In lieu of such money or bonds the commission may allow or require such surety insurer to file or maintain with the treasurer of the state a surety bond of some company or companies authorized to do business in this state for and in the amounts equaling the total unpaid compensation awards against such surety insurer. The approval by the commission of any surety insurer or self-insured employer may be withdrawn if it shall appear to the commission that workmen workers secured thereby under this law are not fully protected.

Approved April 5, 2011.

CHAPTER 199
(S.B. No. 1147)

AN ACT

RELATING TO EMPLOYMENT; AMENDING SECTION 44-1301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RESTRICTIONS ON EMPLOYMENT OF CERTAIN CHILDREN.

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

SECTION 1. That Section 44-1301, Idaho Code, be, and the same is hereby amended to read as follows:

44-1301. RESTRICTIONS ON EMPLOYMENT OF CHILDREN UNDER FOURTEEN. No child under fourteen (14) years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop,

mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen (14) years of age in any business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of six o'clock in the morning, or after the hour of nine o'clock in the evening: provided, that any child over the age of twelve (12) years may be employed at any of the occupations mentioned in this chapter during the regular vacations of two (2) weeks or more of the public schools of the district in which such child resides. Provided however, a student may be employed by the public schools of the district for a maximum of ten (10) hours per week provided such employment is voluntary and with the consent of the student's legal guardian.

Approved April 5, 2011.

CHAPTER 200
(S.B. No. 1164)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM;
AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho Educational Public Broadcasting System, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$711,000	\$666,000	\$1,377,000
Miscellaneous Revenue			
Fund	<u>916,200</u>	<u>10,000</u>	<u>926,200</u>
TOTAL	\$1,627,200	\$676,000	\$2,303,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Educational Public Broadcasting System is authorized no more than thirty-three (33) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 5, 2011.

CHAPTER 201
(S.B. No. 1167)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF 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 3, Chapter 241, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the Office of the State Board of Education \$38,300 from the Miscellaneous Revenue Fund to be expended for the period July 1, 2010, through June 30, 2011.

SECTION 2. There is hereby appropriated to the Office of the State Board of Education, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

General Fund	\$2,108,900
Indirect Cost Recovery Fund	112,300
Miscellaneous Revenue Fund	104,900
Federal Grant Fund	<u>1,996,400</u>
TOTAL	\$4,322,500

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-four and seventy-five hundredths (24.75) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved April 5, 2011.

CHAPTER 202
(S.B. No. 1168)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2012; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the Division of Professional-Technical Education, the following amounts to be expended according

to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$1,546,000	\$274,100			\$1,820,100
Federal Grant					
Fund	<u>247,900</u>	<u>102,700</u>			<u>350,600</u>
TOTAL	\$1,793,900	\$376,800			\$2,170,700
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund	\$191,200	\$22,000	\$10,279,600		\$10,492,800
Hazardous Materials/Waste Enforcement					
Fund			67,800		67,800
Federal Grant					
Fund	<u>164,700</u>	<u>23,700</u>	<u>4,600,400</u>		<u>4,788,800</u>
TOTAL	\$355,900	\$45,700	\$14,947,800		\$15,349,400
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund				\$33,233,100	\$33,233,100
Unrestricted					
Fund				<u>520,000</u>	<u>520,000</u>
TOTAL				\$33,753,100	\$33,753,100
IV. UNDERPREPARED ADULTS/DISPLACED HOMEMAKERS:					
FROM:					
Displaced Homemaker					
Fund			\$170,000		\$170,000
Federal Grant					
Fund			<u>1,975,700</u>		<u>1,975,700</u>
TOTAL			\$2,145,700		\$2,145,700
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$114,000	\$10,700	\$840,900		\$965,600
Miscellaneous Revenue					
Fund	188,300	46,500			234,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
Seminars and Publications					
Fund		140,000			140,000
Federal Grant					
Fund	<u>44,200</u>	<u>53,800</u>	<u>2,038,800</u>		<u>2,136,800</u>
TOTAL	\$346,500	\$251,000	\$2,879,700		\$3,477,200
GRAND TOTAL	\$2,496,300	\$673,500	\$19,973,200	\$33,753,100	\$56,896,100

SECTION 2. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education for the Division of Professional-Technical Education any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

Approved April 5, 2011.

CHAPTER 203
(S.B. No. 1169)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2012.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:	
General Fund	\$22,559,000
Equine Education Fund	<u>50,000</u>
TOTAL	\$22,609,000

Approved April 5, 2011.

CHAPTER 204
(S.B. No. 1171)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE GENERAL FUND.

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

SECTION 1. There is hereby appropriated to the Department of Commerce, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,130,900	\$850,400	\$950,000	\$3,931,300
Business & Job Development				
Fund			250,000	250,000
Tourism and Promotion				
Fund	638,300	3,898,200	3,764,900	8,301,400
Miscellaneous Revenue				
Fund	121,700	157,400		279,100
Seminars and Publications				
Fund		378,400		378,400
Federal Grant				
Fund	<u>473,400</u>	<u>256,500</u>	<u>15,620,800</u>	<u>16,350,700</u>
TOTAL	\$3,364,300	\$5,540,900	\$20,585,700	\$29,490,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than fifty-three (53) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated and the State Controller shall transfer \$282,500 from the Business and Jobs Development Fund to the General Fund on July 1, 2011, or as soon thereafter as is practicable.

Approved April 5, 2011.

CHAPTER 205
(S.B. No. 1173)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTION 2, CHAPTER 233, LAWS OF 2010; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 233, Laws of 2010, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education the following amounts to be ex-

pended according to the designated expense classes from the listed funds for the period July 1, 2010, through June 30, 2011:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$3,359,700	\$3,173,800		\$24,600	\$6,558,100
Indirect Cost Recovery					
Fund	558,100	278,100			836,200
Driver's Training					
Fund	154,200	151,400	\$3,900	2,113,300	2,422,800
Public Instruction					
Fund	606,200	829,000	10,500	11,400	1,457,100
Miscellaneous Revenue					
Fund	252,100	185,100	5,700		442,900
Federal Grant					
Fund	<u>3,724,700</u>	<u>18,091,500</u>	<u>15,600</u>	<u>82,200</u>	<u>21,914,000</u>
	<u>4,374,700</u>	<u>17,441,500</u>			
TOTAL	<u>\$8,655,000</u>	<u>\$22,708,900</u>	\$35,700	\$2,231,500	\$33,631,100
	<u>\$9,305,000</u>	<u>\$22,058,900</u>			

SECTION 2. There is hereby appropriated to the Superintendent of Public Instruction, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$3,877,900	\$3,335,800	\$8,000	\$24,600	\$7,246,300
Indirect Cost Recovery					
Fund	558,100	513,100			1,071,200
Driver's Training					
Fund	154,200	150,700	3,400	2,113,300	2,421,600
Public Instruction					
Fund	606,200	849,900	19,800	11,400	1,487,300
Miscellaneous Revenue					
Fund	252,100	184,300	5,400		441,800
Federal Grant					
Fund	<u>4,374,700</u>	<u>17,442,100</u>	<u>19,200</u>	<u>82,200</u>	<u>21,918,200</u>
TOTAL	\$9,823,200	\$22,475,900	\$55,800	\$2,231,500	\$34,586,400

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred thirty-three (133) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved April 5, 2011.

CHAPTER 206
(S.B. No. 1174)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$85,600	\$4,500		\$90,100
Miscellaneous Revenue				
Fund	49,700	37,700		87,400
Federal Grant				
Fund	<u>46,300</u>	<u>43,300</u>	<u>\$19,200</u>	<u>108,800</u>
TOTAL	\$181,600	\$85,500	\$19,200	\$286,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 5, 2011.

CHAPTER 207
(S.B. No. 1175)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2012; AND
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$287,600	\$137,300	\$249,700	\$674,600
Miscellaneous Revenue				
Fund		85,900	16,300	102,200
Federal Grant				
Fund	<u>327,000</u>	<u>209,200</u>	<u>450,200</u>	<u>986,400</u>
TOTAL	\$614,600	\$432,400	\$716,200	\$1,763,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 5, 2011.

CHAPTER 208
(S.B. No. 1176)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF 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 2, Chapter 314, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated \$65,200 from the Federal Grant Fund to the Commission on Aging, to be expended for personnel costs, for the period July 1, 2010, through June 30, 2011.

SECTION 2. There is hereby appropriated to the Commission on Aging, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$450,700	\$36,500	\$3,959,100	\$4,446,300
Miscellaneous Revenue				
Fund	47,000	85,000		132,000
Federal Grant				
Fund	<u>525,500</u>	<u>392,700</u>	<u>7,187,700</u>	<u>8,105,900</u>
TOTAL	\$1,023,200	\$514,200	\$11,146,800	\$12,684,200

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than fifteen and thirty-five hundredths (15.35) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved April 5, 2011.

CHAPTER 209
(S.B. No. 1071, As Amended)

AN ACT

RELATING TO THE POW/MIA FLAG; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2303, IDAHO CODE, TO PROVIDE FOR THE DISPLAY OF THE POW/MIA FLAG.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2303, Idaho Code, and to read as follows:

67-2303. DISPLAY OF POW/MIA FLAG. (1) The POW/MIA flag may be displayed on or in front of the locations prescribed in subsection (2) of this section on any day when the United States flag is displayed.

(2) The locations for the display of the POW/MIA flag pursuant to subsection (1) of this section are the following:

- (a) The state capitol building;
- (b) The building that serves as the location of a district court;
- (c) The building that serves as the city or town hall of each incorporated city or town; and
- (d) The building that serves as the main administrative building of each county.

Law without signature.

CHAPTER 210
(H.B. No. 22)

AN ACT

RELATING TO WATER RIGHT LICENSES; AMENDING SECTION 42-219, IDAHO CODE, TO DELETE THE REQUIREMENT THAT LICENSES BE ISSUED UNDER THE SEAL OF THE OFFICE OF THE DEPARTMENT OF WATER RESOURCES, TO DELETE THE REQUIREMENT THAT LICENSES BEAR THE CAPACITY OF THE DIVERTING WORKS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 42-219, Idaho Code, be, and the same is hereby amended to read as follows:

42-219. ISSUANCE OF LICENSE -- PRIORITY. (1) Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use. ~~Such license shall be issued under the seal of the office of the department of water resources,~~ and shall state the name and post-office address of such user, the purpose for which such water is used, ~~and the quantity of water which may be used,~~ which in no case shall be an amount in excess of the amount that has been beneficially applied. A license may be issued to a municipal provider for an amount up to the full capacity of the system constructed or used in accordance with the original permit provided that the director determines that the amount is reasonably necessary to provide for the existing uses and reasonably anticipated future needs within the service area and otherwise satisfies the definitions and requirements specified in this chapter for such use. The director shall condition the license to prohibit any transfer of the place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use of amounts held for reasonably anticipated future needs together with such other conditions as the director may deem appropriate.

(2) If such use is for irrigation, such license shall give a description, by legal subdivisions, of the land which is irrigated by such water, except that the general description of a place of use described in accordance with subsection (5) or (6) of this section may be described using a digital boundary, as defined in section 42-202B, Idaho Code. If the use is for municipal purposes, the license shall describe the service area and shall state the planning horizon for that portion of the right, if any, to be used for reasonably anticipated future needs.

(3) Such license shall bear the date of the application for, and the number of, the permit under which the works from which such water is taken were constructed, ~~the capacity of such works,~~ the date when proof of beneficial use of such water was made, and also the date of the priority of the right confirmed by such license.

(4) The date of priority confirmed by the license shall be the date of the application for the permit for the construction of the works from which the water is taken, and to which the right relates, provided there has been no loss of priority under the provisions of this chapter. Whenever proof of the beneficial application of water shall be offered subsequent to the date stated in the permit, or in any authorized extension thereof, when such beneficial application shall be made, the proof shall be taken, if received by the department within the sixty (60) days prescribed in the preceding section. If the proof taken is satisfactory to the department of water

resources, a license shall be issued by the department the same as though proof had been made before the date fixed for such beneficial application. The priority of the right established by the proof shall not date back to the date of the application for the permit to which the right would relate under the provisions of this chapter, but shall bear a date which shall be subsequent to the date of the application, a time equal to the difference between the date set in the permit, or extension thereof, for such beneficial application of water and the date of proof.

(5) For irrigation projects where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or within irrigation districts organized and existing as such under the laws of the state of Idaho, the license issued shall be issued to the persons, association, company, corporation or irrigation district owning the project, and final proof may be made by such owners for the benefit of the entire project. It shall not be necessary to give a description of the land by legal subdivisions but a general description of the entire area under the canal system shall be sufficient. The water diverted and the water right acquired thereby shall relate to the entire project and the diversion of the water for the beneficial use under the project shall be sufficient proof of beneficial use without regard as to whether each and every acre under the project is irrigated or not.

(6) For an irrigation project developed under a permit held by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area of less than twenty-five thousand (25,000) acres, the license issued shall be issued to the permit holder. For the place of use description in the license issued for the irrigation project, it shall be sufficient to provide a general description of the area within which the total number of acres developed under the permit are located and within which the location of the licensed acreage can be moved provided there is no injury to other water rights.

(7) Subject to other governing law, the location of the acreage irrigated within a generally described place of use, as defined in accordance with subsections (5) and (6) of this section and as filed with the department pursuant to section 43-323, Idaho Code, may be changed without approval under the provisions of section 42-222, Idaho Code. However, the change shall not result in an increase in either the rate of flow diverted or in the total number of acres irrigated under the water right and shall cause no injury to other water rights. If the holder of any water right seeks to challenge such a change, the challenge may only be brought as an action initiating a contested case before the department, pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code. Nothing in this section shall be construed to grant, deny or otherwise affect an irrigation district's authority to deliver water to areas outside the boundaries of such district.

(8) In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail. The applicant may contest such action by the department pursuant to section 42-1701A(3), Idaho Code.

Approved April 5, 2011.

CHAPTER 211
(S.B. No. 1067)

AN ACT

RELATING TO THE IDAHO DNA DATABASE ACT OF 1996; AMENDING SECTION 19-5501, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE; AMENDING SECTION 19-5502, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 19-5506, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO OFFENDERS SUBJECT TO DNA SAMPLE COLLECTION AND RIGHT THUMBPRINT IMPRESSION, TO REMOVE LANGUAGE ENUMERATING CERTAIN CRIMES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5507, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RESPONSIBILITY TO PROVIDE A DNA SAMPLE AND THUMBPRINT IMPRESSION; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 19-5501, Idaho Code, be, and the same is hereby amended to read as follows:

19-5501. LEGISLATIVE FINDINGS -- STATEMENT OF PURPOSE. The legislature finds that DNA (deoxyribonucleic acid) identification analysis is a useful law enforcement tool for identifying and prosecuting ~~sexual and violent~~ felony offenders. The purpose of this act is to assist federal, state and local criminal justice and law enforcement agencies within and outside the state in the detection and prosecution of individuals responsible for ~~sex and other violent~~ felony crimes, as well as in the exclusion of suspects who are being investigated for such crimes.

SECTION 2. That Section 19-5502, Idaho Code, be, and the same is hereby amended to read as follows:

19-5502. DEFINITIONS. (1) "CODIS" means the federal bureau of investigation's combined DNA index system that allows the storage and exchange of DNA records submitted by state and local forensic laboratories.

(2) "Director" means the director of the Idaho state police.

(3) "DNA" means deoxyribonucleic acid.

(4) "DNA analysis" means the scientific test of a DNA sample for the purpose of obtaining a DNA profile.

(5) "DNA profile" means the list of one (1) or more genetic types determined for an individual based on variations in DNA sequence.

(6) "DNA record" means DNA information stored in the statewide DNA database system of the bureau of forensic services or CODIS and includes information commonly referred to as a DNA profile.

(7) "DNA sample" means a body fluid or tissue sample provided by any person convicted of a ~~qualifying sex crime or violent felony~~ crime or any body fluid or tissue sample submitted to the statewide DNA database system for analysis pursuant to a criminal investigation or missing person investigation.

(8) "Forensic laboratory" means the bureau of forensic services of the Idaho state police.

(9) "Law enforcement purpose" means to assist federal, state or local criminal justice and law enforcement agencies within and outside the state of Idaho in identification or prosecution of ~~sex crimes, violent felony~~ crimes or other crimes and the identification and location of missing and unidentified persons.

(10) "Statewide DNA databank" means the state repository of DNA samples collected under this chapter.

(11) "Statewide DNA database system" means the DNA record system administered by the Idaho bureau of forensic services.

SECTION 3. That Section 19-5506, Idaho Code, be, and the same is hereby amended to read as follows:

19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE COLLECTION -- EARLY COLLECTION OF SAMPLES -- RESTITUTION. (a₁) Any person, including any juvenile tried as an adult, who is convicted of, or pleads guilty to, any ~~of the following felony crimes, or the attempt to commit any felony crime,~~ regardless of the form of judgment or withheld judgment, and regardless of the sentence imposed or disposition rendered, shall be required to provide to the Idaho state police, a DNA sample and a right thumbprint impression₊.

- ~~(1) Arson (sections 18-802, 18-803, 18-804 and 18-805, Idaho Code);~~
- ~~(2) Aggravated assault (section 18-905, Idaho Code);~~
- ~~(3) Aggravated battery (section 18-907, Idaho Code);~~
- ~~(4) Assault with the intent to commit a serious felony (section 18-909, Idaho Code);~~
- ~~(5) Battery with the intent to commit a serious felony (section 18-911, Idaho Code);~~
- ~~(6) Felonious administering of drugs (sections 18-913 and 18-914, Idaho Code);~~
- ~~(7) Assault or battery upon certain personnel (section 18-915, Idaho Code);~~
- ~~(8) Removing a firearm from a law enforcement officer (section 18-915A, Idaho Code);~~
- ~~(9) Propelling bodily fluid or waste (section 18-915B, Idaho Code);~~
- ~~(10) Domestic violence (section 18-918, Idaho Code, constituting a felony);~~
- ~~(11) Burglary (sections 18-1401 and 18-1405, Idaho Code), except those convictions in which the defendant entered a retail mercantile establishment and the offense took place when the victim was open to the public for business and the defendant committed a theft and his actions did not constitute grand theft as defined in chapter 24, title 18, Idaho Code;~~
- ~~(12) Injury to a child (section 18-1501(1), Idaho Code);~~
- ~~(13) Sexual abuse of a child under the age of sixteen years (section 18-1506, Idaho Code);~~
- ~~(14) Ritualized abuse of a child (section 18-1506A, Idaho Code);~~
- ~~(15) Possession of sexually exploitive material for other than a commercial purpose (section 18-1507A, Idaho Code);~~
- ~~(16) Lewd conduct with minor child under sixteen (section 18-1508, Idaho Code);~~
- ~~(17) Sexual battery of a minor child sixteen or seventeen years of age (section 18-1508A, Idaho Code);~~
- ~~(18) Enticing of children (sections 18-1509 and 18-1509A, Idaho Code);~~
- ~~(19) Sale or barter of a child (section 18-1511, Idaho Code);~~
- ~~(20) Possession of a controlled substance or dangerous weapon (section 18-2511, Idaho Code);~~
- ~~(21) False reports of explosives (section 18-3313, Idaho Code);~~
- ~~(22) Unlawful possession of a firearm (section 18-3316, Idaho Code);~~
- ~~(23) Unlawful discharge of a firearm (section 18-3317, Idaho Code);~~
- ~~(24) Unlawful possession or use of bombs or destructive devices (sections 18-3319 and 18-3320, Idaho Code);~~
- ~~(25) Use of weapons of mass destruction (section 18-3322, Idaho Code);~~
- ~~(26) Murder, any degree (sections 18-4001 and 18-4003, Idaho Code);~~
- ~~(27) Manslaughter (sections 18-4006(1) or (2) and 18-4007, Idaho Code);~~
- ~~(28) Administering poison with intent to kill (section 18-4014, Idaho Code);~~

- ~~(29) Assault with intent to murder (section 18-4015, Idaho Code);~~
- ~~(30) Indecent exposure (section 18-4116, Idaho Code), constituting a felony;~~
- ~~(31) Kidnapping, any degree (sections 18-4501 and 18-4502, Idaho Code);~~
- ~~(32) Forest sabotage (section 18-4631, Idaho Code);~~
- ~~(33) Mayhem (sections 18-5001 and 18-5002, Idaho Code);~~
- ~~(34) Cannibalism (section 18-5003, Idaho Code);~~
- ~~(35) Poisoning food, medicine or wells (section 18-5501, Idaho Code);~~
- ~~(36) Interstate trafficking in prostitution (section 18-5601, Idaho Code);~~
- ~~(37) Inducing a minor into prostitution (section 18-5609, Idaho Code);~~
- ~~(38) Rape (section 18-6101, Idaho Code);~~
- ~~(39) Male rape (sections 18-6108 and 18-6109, Idaho Code);~~
- ~~(40) Sexual contact with a prisoner (section 18-6110, Idaho Code);~~
- ~~(41) Video voyeurism (section 18-6609, Idaho Code);~~
- ~~(42) Robbery (section 18-6501, Idaho Code);~~
- ~~(43) Incest (section 18-6602, Idaho Code);~~
- ~~(44) Crime against nature (section 18-6605, Idaho Code);~~
- ~~(45) Forcible sexual penetration (section 18-6608, Idaho Code);~~
- ~~(46) Removal, destruction or burning of electric lines or plants (sections 18-6803, 18-6804 and 18-6805, Idaho Code);~~
- ~~(47) Malicious injury to property (section 18-7001, Idaho Code), constituting a felony;~~
- ~~(48) Injuring dams, canals or other structures (section 18-7019, Idaho Code);~~
- ~~(49) Setting fire to underground workings of mines (sections 18-7024 and 18-7025, Idaho Code);~~
- ~~(50) Sabotage (section 18-7026, Idaho Code);~~
- ~~(51) Aircraft hijacking (section 18-7501, Idaho Code);~~
- ~~(52) Assault with intent to commit aircraft hijacking (section 18-7502, Idaho Code);~~
- ~~(53) Threats made against airline passengers and other persons, commercial airline companies, or aircraft (section 18-7504, Idaho Code);~~
- ~~(54) Racketeering (section 18-7804, Idaho Code);~~
- ~~(55) Malicious harassment (sections 18-7902 and 18-7903, Idaho Code);~~
- ~~(56) Stalking in the first degree (section 18-7905, Idaho Code);~~
- ~~(57) Prohibited terrorist activities (section 18-8103, Idaho Code);~~
- ~~(58) Providing material support to terrorists (section 18-8106, Idaho Code);~~
- ~~(59) Prohibited employment of adult criminal sex offenders (section 18-8327, Idaho Code);~~
- ~~(60) Transfer of body fluid which may contain the HIV virus (section 39-608, Idaho Code);~~
- ~~(61) Failure to register as sex offender (sections 18-8304 and 18-8308, Idaho Code).~~

~~(b) In addition to those crimes enumerated in subsection (a) of this section, any person, including any juvenile tried as an adult, who is convicted for an attempt to commit any of the following crimes, regardless of the form of judgment or withheld judgment, and regardless of the sentence imposed or disposition rendered, shall be required to provide to the Idaho state police, a DNA sample and a right thumbprint impression:~~

- ~~(1) Arson (sections 18-802 through 18-805, Idaho Code);~~
- ~~(2) Felonious administering of drugs (sections 18-913 and 18-914, Idaho Code);~~
- ~~(3) Assault or battery upon certain personnel (section 18-915, Idaho Code);~~
- ~~(4) Removing a firearm from a law enforcement officer (section 18-915A, Idaho Code);~~
- ~~(5) Propelling bodily fluid or waste (section 18-915B, Idaho Code);~~

- ~~(6) Sexual abuse of a child under the age of sixteen years (section 18-1506, Idaho Code);~~
- ~~(7) Ritualized abuse of a child (section 18-1506A, Idaho Code);~~
- ~~(8) Injury to a child (section 18-1501(1), Idaho Code);~~
- ~~(9) Lewd conduct with minor child under sixteen (section 18-1508, Idaho Code);~~
- ~~(10) Sexual battery of a minor child sixteen or seventeen years of age (section 18-1508A, Idaho Code);~~
- ~~(11) Enticing of children (sections 18-1509 and 18-1509A, Idaho Code);~~
- ~~(12) Sale or barter of a child (section 18-1511, Idaho Code);~~
- ~~(13) Possession of a controlled substance or dangerous weapon (section 18-2511, Idaho Code);~~
- ~~(14) False reports of explosives (section 18-3313, Idaho Code);~~
- ~~(15) Unlawful possession of a firearm (section 18-3316, Idaho Code);~~
- ~~(16) Unlawful discharge of a firearm (section 18-3317, Idaho Code);~~
- ~~(17) Unlawful possession or use of bombs or destructive devices (sections 18-3319 and 18-3320, Idaho Code);~~
- ~~(18) Use of weapons of mass destruction (section 18-3322, Idaho Code);~~
- ~~(19) Murder, any degree (sections 18-4001 and 18-4003, Idaho Code);~~
- ~~(20) Administering poison with intent to kill (section 18-4014, Idaho Code);~~
- ~~(21) Assault with intent to murder (section 18-4015, Idaho Code);~~
- ~~(22) Indecent exposure (section 18-4116, Idaho Code), constituting a felony;~~
- ~~(23) Kidnapping, any degree (sections 18-4501 and 18-4502, Idaho Code);~~
- ~~(24) Forest sabotage (section 18-4631, Idaho Code);~~
- ~~(25) Mayhem (section 18-5001, Idaho Code);~~
- ~~(26) Cannibalism (section 18-5003, Idaho Code);~~
- ~~(27) Poisoning food, medicine or wells (section 18-5501, Idaho Code);~~
- ~~(28) Interstate trafficking in prostitution (section 18-5601, Idaho Code);~~
- ~~(29) Inducing a minor into prostitution (section 18-5609, Idaho Code);~~
- ~~(30) Rape (section 18-6101, Idaho Code);~~
- ~~(31) Male rape (sections 18-6108 and 18-6109, Idaho Code);~~
- ~~(32) Sexual contact with a prisoner (section 18-6110, Idaho Code);~~
- ~~(33) Video voyeurism (section 18-6609, Idaho Code);~~
- ~~(34) Robbery (section 18-6501, Idaho Code);~~
- ~~(35) Incest (section 18-6602, Idaho Code);~~
- ~~(36) Crime against nature (section 18-6605, Idaho Code);~~
- ~~(37) Forcible sexual penetration (section 18-6608, Idaho Code);~~
- ~~(38) Removal, destruction or burning of electric lines or plants (sections 18-6803, 18-6804 and 18-6805, Idaho Code);~~
- ~~(39) Malicious injury to property (section 18-7001, Idaho Code), constituting a felony;~~
- ~~(40) Injuring dams, canals or other structures (section 18-7019, Idaho Code);~~
- ~~(41) Setting fire to underground workings of mines (sections 18-7024 and 18-7025, Idaho Code);~~
- ~~(42) Sabotage (section 18-7026, Idaho Code);~~
- ~~(43) Aircraft hijacking (section 18-7501, Idaho Code);~~
- ~~(44) Assault with intent to commit aircraft hijacking (section 18-7502, Idaho Code);~~
- ~~(45) Threats made against airline passengers and other persons, commercial airline companies, or aircraft (section 18-7504, Idaho Code);~~
- ~~(46) Malicious harassment (sections 18-7902 and 18-7903, Idaho Code);~~
- ~~(47) Stalking in the first degree (section 18-7905, Idaho Code);~~
- ~~(48) Prohibited terrorist activities (section 18-8103, Idaho Code);~~
- ~~(49) Providing material support to terrorists (section 18-8106, Idaho Code);~~

~~(50) Prohibited employment of adult criminal sex offenders (section 18-8327, Idaho Code);~~

~~(51) Transfer of body fluid which may contain the HIV virus (section 39-608, Idaho Code).~~

(e2) This chapter's requirements for submission to tests and procedures for obtaining a DNA sample and thumbprint impression from the persons described above who are convicted of, or who plead guilty to, any felony crime or the attempt to commit any felony crime are mandatory and apply to those persons convicted of, or who plead guilty to, such felony crimes or the attempt to commit such felony crimes covered in this chapter prior to its effective date, and who, as a result of the offense conviction or plea, are incarcerated in a county jail facility or a penal facility or are under probation or parole supervision after the effective date of this chapter.

(d3) The collection of samples and impressions specified in this chapter are required regardless of whether the person previously has supplied a DNA sample to law enforcement agencies in any other jurisdiction.

(e4) The requirements of this chapter are mandatory and apply regardless of whether a court advises a person that samples and impressions must be provided to the databank and database as a condition of probation or parole.

(f5) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order any person subject to the provisions of this section to pay restitution to help offset costs incurred by law enforcement agencies for the expense of DNA analysis.

(g6) The court may order such person to pay restitution for DNA analysis in an amount not to exceed five hundred dollars (\$500) per DNA sample analysis, or in the aggregate not more than two thousand dollars (\$2,000), regardless of whether:

(1a) The source of the sample is the person, the victim or other persons of interest in the case;

(2b) Results of the analysis are entered into evidence in the person's criminal case;

(3c) The DNA sample was previously analyzed for another criminal case; or

(4d) Restitution for that DNA sample analysis was ordered in any other criminal case.

(h7) Law enforcement agencies entitled to restitution under this section include the Idaho state police, county and city law enforcement agencies, the office of the attorney general, county prosecuting attorneys and city attorneys.

(i8) In the case of reimbursement for DNA analysis performed by the Idaho state police, those moneys shall be paid to the Idaho state police and deposited in the law enforcement fund. In the case of reimbursement to the office of the attorney general, those moneys shall be paid to the general fund.

(j9) Persons who have been sentenced to death, or life without the possibility of parole, or to any life or indeterminate term are not exempt from the requirements of this chapter.

SECTION 4. That Section 19-5507, Idaho Code, be, and the same is hereby amended to read as follows:

19-5507. RESPONSIBILITY FOR SAMPLE COLLECTION -- TIMING OF SAMPLE COLLECTION -- SITE FOR SAMPLE COLLECTION. (1) A court shall order a DNA sample and thumbprint impression to be taken after conviction and before sentencing of any person upon application by the prosecuting attorney, the attorney general, or the Idaho state police upon a showing that early collection of such samples will be in the best interest of justice. The DNA samples shall be collected in accordance with procedures established by the

bureau of forensic services. The director may designate a state or county correctional facility for sample collection.

(2) Any person, including any juvenile tried as an adult, who comes within the terms of this chapter, and who is granted probation or who serves an entire term of confinement in a state or county facility, or who otherwise bypasses a prison inmate reception center shall, prior to physical release from custody, be required to provide a DNA sample and thumbprint impression at a Idaho state police designated sample collection location. If the person is not incarcerated at the time of sentencing, the court shall order the person to report within ten (10) working days to the facilities designated for the collection of such specimens.

(3) The chief administrative officer of any state or local detention facility, jail or other facility shall cause a DNA sample and thumbprint impression to be collected from the person subject to this chapter during the intake process at the facility, or immediately thereafter at another facility designated for such collection, if DNA samples previously have not been taken pursuant to this chapter.

(4) The director of the department of correction shall cause a DNA sample and thumbprint impression to be collected from any person subject to the terms provisions of this chapter who has been sentenced to serve a term of imprisonment in a state correctional institution and who has not had a DNA sample taken after conviction and before sentencing. The DNA sample and thumbprint impression shall be collected from the person during the intake process at the reception center designated by the director of the department of correction as soon as possible.

(5) Any person subject to the terms provisions of this chapter who is serving a term of imprisonment or confinement, and who did not, for any reason, provide a DNA sample or thumbprint impression for analysis by the bureau of forensic services, shall submit to such tests as soon as practicable, but in any event prior to final discharge, parole, or release from imprisonment or confinement. A person who was convicted prior to the effective date of this chapter is not exempt from these requirements.

(6) As a condition of probation or parole, any person subject to the terms provisions of this chapter and who has not previously submitted provided a DNA sample and thumbprint impression, shall upon notice by a law enforcement agency or an agent of the department of correction, be required to provide a DNA sample and thumbprint impression if it has been determined that such sample and thumbprint impression are not in the possession of the bureau of forensic services. That person is required to have the sample and impression taken within ten (10) working days at the designated county or state facility.

(7) When the state accepts an offender from another state under any interstate compact, or under any other reciprocal agreement with any county, state or federal agency, or any other provision of law, whether or not the offender is confined or released, the acceptance is conditional on the offender providing a DNA sample and thumbprint impression if the offender was convicted of an offense which would qualify as a felony crime described in section 19-5506, Idaho Code, if committed in this state, or if the person was convicted of an equivalent offense in any other jurisdiction. If the offender from another state is not confined, the samples and impression required by this chapter must be provided within ten (10) working days after the offender reports to the supervising agent or within ten (10) working days of notice to the offender, whichever occurs first. The person shall report to the designated sample collection facility or facilities to have the sample and impression taken. If the offender from another state is confined, he or she shall provide the DNA sample and thumbprint impression as soon as practicable after receipt in a state or county correctional facility or other facility, and, in any event, before completion of the person's term of imprisonment, if that person is to be discharged.

(8) ~~Any inmate serving a term of incarceration for committing an person who is convicted of or who pleads guilty to a felony offense listed in section 19-5506, Idaho Code, who is released on parole, furlough, or other release, and is returned to a state or local correctional institution for a violation of a condition of that release, and that inmate person has not previously provided a DNA sample and thumbprint impression, shall provide a sample and impression upon returning to the state correctional institution.~~

SECTION 5. This act shall be in full force and effect on and after July 1, 2013, except that funding to implement the provisions of this act shall take effect on and after July 1, 2012.

Approved April 6, 2011.

CHAPTER 212
(S.B. No. 1100)

AN ACT

RELATING TO IMMUNIZATIONS; AMENDING SECTION 39-4801, IDAHO CODE, TO REVISE A DOCUMENT NAME, TO PROVIDE FOR THE SIGNING OF AN IMMUNIZATION RECORD BY ANOTHER HEALTH CARE PROFESSIONAL, TO PROVIDE THAT THE SIGNATURE ON AN IMMUNIZATION RECORD SHALL VERIFY CERTAIN INFORMATION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-4801, Idaho Code, be, and the same is hereby amended to read as follows:

39-4801. IMMUNIZATION REQUIRED. Except as provided in section 39-4802, Idaho Code, any child in Idaho of school age may attend grades preschool and kindergarten through twelve (12) of any public, private or parochial school operating in this state if otherwise eligible, provided that upon admission, the parent or guardian shall provide a statement an immunization record to the school authorities regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate record, signed by a physician or his representative or another licensed health care professional, shall verify that such child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate, through verification in a form approved by the department of health and welfare, immunity gained through prior contraction of the disease.

Immunizations required and the manner and frequency of their administration shall be as prescribed by the state board of health and welfare and shall conform to recognized standard medical practices in the state. The state board of health and welfare, in cooperation with the state board of education and the Idaho school boards association, shall promulgate appropriate rules and regulations for the enforcement of the required immunization program and specify reporting requirements of schools, pursuant to the provisions of chapter 52, title 67, Idaho Code.

Approved April 6, 2011.

CHAPTER 213
(S.B. No. 1129)

AN ACT

RELATING TO THE LOCAL GOVERNMENT INVESTMENT POOL; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1226, IDAHO CODE, TO AUTHORIZE THE STATE TREASURER TO OPERATE A POOLED INVESTMENT FUND FOR LOCAL GOVERNMENTS.

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

SECTION 1. That Chapter 12, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1226, Idaho Code, and to read as follows:

67-1226. LOCAL GOVERNMENT INVESTMENT POOL. The state treasurer is hereby authorized to establish and maintain a pooled investment program for the benefit of municipalities, districts, political subdivisions and political or public corporations of the state of Idaho. Any municipality, district, political subdivision or political or public corporation is hereby authorized to invest funds not immediately required for activities of such entity in the pooled investment program. Notwithstanding the provisions of any statute of the state of Idaho to the contrary, the state treasurer may invest the funds of a pooled investment program in any investment the state treasurer is authorized by law to acquire using the idle moneys of the state of Idaho. The costs of investing such funds pursuant to this section shall be paid from the funds invested or the earnings on such funds.

Approved April 6, 2011.

CHAPTER 214
(S.B. No. 1130)

AN ACT

RELATING TO THE IDAHO BOND BANK AUTHORITY; AMENDING SECTION 67-8716, IDAHO CODE, TO CREATE THE BOND BANK AUTHORITY IN THE STATE TREASURY, TO PROVIDE FOR DEPOSIT OF INTEREST IN THE FUND, TO REVISE PROCEDURES RELATING TO UTILIZATION OF THE SALES TAX PLEDGE AND TO CHANGE THE AUTHORIZATION TO RELEASE FUNDS TO THE STATE CONTROLLER.

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

SECTION 1. That Section 67-8716, Idaho Code, be, and the same is hereby amended to read as follows:

67-8716. UNLIMITED SALES TAX ACCOUNT RECEIPTS PLEDGE. (1) The bond bank authority fund is hereby statutorily created in the state treasury. Moneys in the fund shall be used only as provided in this chapter. Earnings of the bond bank authority fund shall be deposited into the general fund as defined in section 67-1205, Idaho Code.

(2) If sufficient moneys are not available to pay debt service on the bonds of the authority, except for bonds the authority has specifically designated not to receive payment from the sales tax, as of five (5) days prior to the scheduled payment date of such bonds, the state treasurer shall give notice to the state ~~tax commission~~ controller, certifying the amount of the deficiency, at least five (5) days prior to the scheduled payment date. Af-

ter receipt of the certified notice from the state treasurer pursuant to this subsection (12), the state tax commission controller shall:

(a) ~~Immediately fix the amount necessary and in the amount of the deficiency stated in the notice; and~~

(b) ~~Cause moneys representing state sales tax moneys subject to distribution under section 63-3638, Idaho Code, receipts in the amount of the deficiency certified by the state treasurer to be transferred from the state sales tax account general fund as defined in section 67-1205, Idaho Code, and deposited in the bond bank authority fund, which is hereby statutorily created in the state treasury; provided however, that in no event shall a transfer of moneys representing state sales tax receipts from the state sales tax account general fund under the provisions of this chapter impede or otherwise affect the payment of sales tax moneys pledged for the payment on other state bonds outstanding on the effective date of this act or subsequently issued as tax anticipation notes pursuant to section 63-3202, Idaho Code.~~

(23) ~~Moneys transferred from the state sales tax account general fund to the bond bank authority fund pursuant to subsection (12) of this section shall be deposited in the reserve fund as replacement moneys for amounts withdrawn from the reserve fund to pay debt service on the bonds pursuant to section 67-8725, Idaho Code, to the extent such moneys are derived from amounts appropriated to the reserve fund by the legislature, or shall be used to pay debt service when due on bonds for which other moneys available pursuant to section 67-8727, Idaho Code, are insufficient.~~

(34) The state of Idaho pledges to and agrees with the holders of any bonds that the state will not alter, impair or limit the rights vested by the sales tax account pledge provided in this section and in section 63-3638, Idaho Code, with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.

(45) To the extent that other legally available revenues and funds of the state are ~~sufficient~~ insufficient to meet the certified deficiency, the state tax commission shall transfer of moneys from the sales tax account in section 63-3638, Idaho Code, ~~is abated.~~

Approved April 6, 2011.

CHAPTER 215
(S.B. No. 1170)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2011, through June 30, 2012:

FOR:	
Personnel Costs	\$121,800
Operating Expenditures	<u>12,500</u>
TOTAL	\$134,300

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) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2012, 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 object codes, for all moneys appropriated to it for the period July 1, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2011.

CHAPTER 216
(S.B. No. 1172)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,266,600	\$76,700	\$1,343,300
Miscellaneous Revenue			
Fund	<u>31,900</u>	<u>7,100</u>	<u>39,000</u>
TOTAL	\$1,298,500	\$83,800	\$1,382,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2012, the Division of Financial Management 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, 2011, through June 30, 2012. Legislative appropriations

shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2011.

CHAPTER 217
(S.B. No. 1180)

AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES
FOR FISCAL YEAR 2012; AND EXEMPTING PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for community colleges, the following amounts to be expended according to the designated programs, from the listed funds for the period July 1, 2011, through June 30, 2012:

FOR:

I. COLLEGE OF SOUTHERN IDAHO:

FROM:

General Fund	\$10,243,000
Community College Fund	<u>200,000</u>
TOTAL	\$10,443,000

II. COLLEGE OF WESTERN IDAHO:

FROM:

General Fund	\$4,047,100
Community College Fund	<u>200,000</u>
TOTAL	\$4,247,100

III. NORTH IDAHO COLLEGE:

FROM:

General Fund	\$8,742,900
Community College Fund	<u>200,000</u>
TOTAL	\$8,942,900

GRAND TOTAL	\$23,633,000
-------------	--------------

SECTION 2. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the State Board of Education for community colleges 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, 2011, through June 30, 2012. Legislative appropriations

shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2011.

CHAPTER 218
(S.B. No. 1181)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2012; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT; AND EXEMPTING APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho, for college and universities, and the Office of the State Board of Education the following amounts to be expended according to the designated programs, from the listed funds for the period July 1, 2011, through June 30, 2012:

FOR:

I. BOISE STATE UNIVERSITY:

FROM:

General Fund	\$67,631,800
Unrestricted Fund	<u>61,818,300</u>
TOTAL	\$129,450,100

II. IDAHO STATE UNIVERSITY:

FROM:

General Fund	\$57,150,200
Charitable Institutions Endowment Income Fund	790,600
Normal School Endowment Income Fund	1,330,900
Unrestricted Fund	<u>46,146,200</u>
TOTAL	\$105,417,900

III. UNIVERSITY OF IDAHO:

FROM:

General Fund	\$71,007,400
Agricultural College Endowment Income Fund	850,800
Scientific School Endowment Income Fund	2,984,400
University Endowment Income Fund	2,329,200
Unrestricted Fund	<u>58,515,800</u>
TOTAL	\$135,687,600

IV. LEWIS-CLARK STATE COLLEGE:

FROM:

General Fund	\$11,520,800
Normal School Endowment Income Fund	1,330,700
Unrestricted Fund	<u>10,782,400</u>
TOTAL	\$23,633,900

V. SYSTEMWIDE:

FROM:

General Fund	\$2,518,100
--------------	-------------

GRAND TOTAL	\$396,707,600
-------------	---------------

SECTION 2. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education for college and universities any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that the amount appropriated from the General Fund in Section 1, Subsection V. of this act, shall be used in the following ways: (1) An amount not to exceed \$140,000 may be used by the Office of the State Board of Education for systemwide needs; (2) An amount not to exceed \$1,435,500 may be used for the mission and goals of the Higher Education Research Council; and (3) An amount not to exceed \$942,600 may be used by the State Board of Education for instructional projects designed to foster innovative learning approaches using technology, to promote accountability and information transfer throughout the higher education system on a longitudinal basis, and to promote the Idaho Electronic Campus.

SECTION 4. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the State Board of Education for college and universities 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2011.

CHAPTER 219
(S.B. No. 1182)

AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2012; AND
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Liquor Division from the Liquor Control Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2011, through June 30, 2012:

FOR:

Personnel Costs	\$10,126,000
Operating Expenditures	5,640,400

Capital Outlay	<u>610,100</u>
TOTAL	\$16,376,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred eleven (211) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2011.

CHAPTER 220
(S.B. No. 1183)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR THE SCHOLARSHIPS AND GRANTS PROGRAM FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 3, Chapter 199, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated \$30,000 from the General Fund to the Board of Regents of the University of Idaho and the State Board of Education for the Scholarships and Grants Program, to be expended for trustee and benefit payments, for the period July 1, 2010, through June 30, 2011.

SECTION 2. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education the following amounts to be expended according to the designated programs from the listed funds for the period July 1, 2011, through June 30, 2012:

FOR:

I. FOREST UTILIZATION RESEARCH:

FROM:

General Fund	\$490,000
--------------	-----------

II. GEOLOGICAL SURVEY:

FROM:

General Fund	\$671,800
--------------	-----------

III. SCHOLARSHIPS AND GRANTS:

FROM:

General Fund	\$6,663,300
Opportunity Scholarship Program Fund	1,000,000
Federal Grant Fund	<u>718,700</u>
TOTAL	\$8,382,000

IV. MUSEUM OF NATURAL HISTORY:

FROM:

General Fund \$435,200

V. SMALL BUSINESS DEVELOPMENT CENTERS:

FROM:

General Fund \$236,100

VI. TECHHELP:

FROM:

General Fund \$137,900

GRAND TOTAL \$10,353,000

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Board of Regents of the University of Idaho and the State Board of Education listed below is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Forest Utilization Research Four and thirty-eight hundredths (4.38)
Geological Survey Nine and seventy-eight hundredths (9.78)
Scholarships and Grants Twenty-five hundredths (0.25)
Museum of Natural History Seven and two-tenths (7.2)
Small Business Dev. Centers Three and eighty-seven hundredths (3.87)
TechHelp One and seventy-five hundredths (1.75)

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the moneys appropriated for the Idaho Robert R. Lee Promise B Scholarship in Section 2 of this act for Scholarships and Grants shall be used as a match by Idaho for students who have participated in Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) and who also meet the eligibility requirements of the Promise B Scholarship; provided however, that students who did not participate in GEAR UP, but meet the eligibility requirements of the Promise B Scholarship, shall also receive the scholarship.

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

Approved April 6, 2011.

CHAPTER 221
(H.B. No. 83)

AN ACT
RELATING TO BARBERS; AMENDING SECTION 54-507, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPROVED BARBER COLLEGES.

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

SECTION 1. That Section 54-507, Idaho Code, be, and the same is hereby amended to read as follows:

54-507. APPROVED BARBER COLLEGES -- REQUIREMENTS -- BOND. (1) No school teaching the art or science of barbering shall operate in Idaho or be licensed as a school of barbering, unless the entrance requirements are equal to those which are required under section 54-506, Idaho Code. An approved college may teach special courses, but as a prerequisite to graduation the college must provide:

(a) A course of instruction for barber-stylists of not less than one thousand eight hundred (1,800) hours and include in its course of instruction the Idaho barber law and board rules and the scientific fundamentals for barbering: hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; hair cutting; shaving; and arranging, dressing, curling, waving, straightening, coloring, bleaching and tinting of the hair; and

(b) A course of instruction for barbers of not less than nine hundred (900) hours and include in its course of instruction the Idaho barber law and board rules and the scientific fundamentals for barbering: hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; hair cutting; shaving; and arranging and dressing of the hair.

(2) For the purpose of this chapter, a recognized approved barber school or college (hereinafter referred to as a college) shall be understood to be a college that has met the provisions of this chapter as approved by the board.

(3) No college in the state shall advertise or use any signs or terms to indicate that the college is approved, recognized, accredited, certified, or licensed unless said college is licensed by the board. Every college shall advertise as a college and make known to the public and customers that the work is being done by students.

(4) All instructors in an approved college must be licensed in the state of Idaho as a barber instructor or a cosmetology instructor.

(5) Every instructor in an Idaho licensed college shall devote his or her entire time during class hours to that of instructing the students and shall not apply his time to that of private or public practice during the school or class hours.

(6) A college furnishing satisfactory evidence that it is maintaining the requirements set forth in this chapter, within the state, shall, upon the payment of the required fee, be issued a license by the board.

(7) A license issued to a college must be renewed annually. Should a college fail or refuse to renew a license said college shall cease to operate, and be removed from the list of the approved colleges.

(8) The board may cancel or refuse to renew a license issued to a college upon proof that said college has failed or refused to meet with the requirements for approved colleges set forth in this chapter.

(9) One (1) instructor must be employed to each twenty (20) students or fractional part thereof and one (1) barber instructor must be employed on a full-time basis in each school or college.

(10) Every school or college licensed by the board shall deliver to the board, a bond to the state of Idaho in the sum of twenty thousand dollars (\$20,000) in a form approved by the board, and provide a copy of the bond annually together with the application for school license renewal. The bond shall be executed by a corporate surety company duly authorized to do business in this state, conditioned that such school or college shall continue to give its courses of instruction, in accordance with the provision of this chapter, until it has completed all such courses for which students have en-

rolled, and conditioned that such school or college shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. Any student so enrolled who may be damaged by reason of the failure of such school or college to comply with such conditions, shall have a right of action in his or her own name, on such bonds, for such damage.

Approved April 6, 2011.

CHAPTER 222
(H.B. No. 159)

AN ACT

RELATING TO THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-102A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EMPLOYEES OR CONTRACTORS OF THE EXECUTIVE OFFICER OF THE STATE BOARD OF EDUCATION OR THE OFFICE OF THE STATE BOARD OF EDUCATION AND TO DELETE LANGUAGE DEFINING A TERM.

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

SECTION 1. That Section 33-102A, Idaho Code, be, and the same is hereby amended to read as follows:

33-102A. OFFICE OF THE STATE BOARD -- EXECUTIVE OFFICER -- APPOINTMENT -- COMPENSATION -- DUTIES AND POWERS. There is hereby created as an executive agency of the state board of education the office of the state board of education. The state board of education is hereby authorized to appoint an executive officer of the state board who shall serve at the pleasure of the state board and shall receive such salary as fixed by the state board. ~~No employee or contractor of the executive officer of the state board of education or the office of the state board of education shall serve as a tenured faculty member of or have a contract with a state college or university.~~ The executive secretary may be appointed as the executive officer. The executive officer shall, under the direction of the state board, have such duties and powers as prescribed by the said board of regents and the state board of education, not otherwise assigned by law. ~~As used in this section, a "contractor" shall mean a person who has signed or agreed to a contract with the state board of education or the executive officer of the state board of education for a period longer than six (6) months in duration.~~

Approved April 6, 2011.

CHAPTER 223
(H.B. No. 163)

AN ACT

RELATING TO RESTRAINT OF PREGNANT PRISONERS; AMENDING TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 20, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR RESTRICTIONS ON RESTRAINT OF PREGNANT PRISONERS AND FOR EXTRAORDINARY CIRCUMSTANCE AND TO PROVIDE NOTICE TO PRISONERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 20, Idaho Code, and to read as follows:

CHAPTER 9
RESTRAINT OF PREGNANT PRISONERS

20-901. DEFINITIONS. In this chapter:

(1) "Correctional institution" means any entity under the authority of any state, county or municipal law enforcement division that has the power to detain and/or restrain a person under the laws of this state.

(2) "Corrections official" means the official designated as responsible for oversight of a correctional institution, or his or her designee.

(3) "Extraordinary circumstance" means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner or detainee, the staff of the correctional institution or medical facility, other prisoners or detainees, or the public.

(4) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity and duration to bring about effacement and progressive dilation of the cervix.

(5) "Prisoner" means any person incarcerated or detained in any facility, including persons held under the immigration laws of the United States.

(6) "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner or detainee's body and/or limbs.

20-902. RESTRICTIONS ON RESTRAINT OF PREGNANT PRISONERS -- EXTRAORDINARY CIRCUMSTANCE. (1) A correctional institution shall not use restraints of any kind on a prisoner known to be pregnant during labor and delivery, except as provided in subsection (2) of this section.

(2) In an extraordinary circumstance, where a corrections official makes an individualized determination that restraints are necessary to prevent a prisoner from escaping or from injuring herself or medical or correctional personnel, such a prisoner or detainee may be restrained, provided that:

(a) If the doctor, nurse or other health professional treating the prisoner requests that restraints not be used, the corrections officer accompanying the prisoner shall immediately remove all restraints; and

(b) Under no circumstances shall leg or waist restraints be used on any prisoner during labor or delivery.

(3) If restraints are used on a prisoner pursuant to subsection (2) of this section:

(a) Both the type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary; and

(b) The corrections official shall make written findings within ten (10) days as to the extraordinary circumstance that dictated the use of

the restraints. As part of this documentation, the corrections official must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. These findings shall be kept on file by the institution for at least five (5) years and be made available for public inspection, except that no information identifying any individual prisoner or detainee shall be made public under the provisions of this section without the prisoner or detainee's prior written consent.

20-903. NOTICE TO PRISONERS. (1) Correctional institutions shall inform prisoners of the provisions of this chapter upon admission to the correctional institution.

(2) Within sixty (60) days of the effective date of this chapter, correctional institutions shall inform prisoners within the custody of the correctional institution by posting this chapter in a location accessible to all prisoners.

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

Approved April 6, 2011.

CHAPTER 224
(H.B. No. 181, As Amended)

AN ACT

RELATING TO THE IDAHO SMALL BUSINESS FEDERAL FUNDING ASSISTANCE ACT; PROVIDING LEGISLATIVE INTENT AND A SHORT TITLE; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4723A, IDAHO CODE, TO CREATE THE IDAHO SMALL BUSINESS ASSISTANCE FUND, TO PROVIDE FOR THE USE OF MONEYS IN SUCH FUND, TO PROVIDE THAT THE IDAHO DEPARTMENT OF COMMERCE SHALL ADMINISTER SUCH FUND, TO DEFINE TERMS, TO PROVIDE A PROGRAM FOR THE AWARDING OF REIMBURSEMENT GRANTS TO COMPANIES SEEKING FEDERAL FUNDING AND TO PROVIDE CRITERIA FOR THE AWARDING OF FUNDING.

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

SECTION 1. LEGISLATIVE INTENT -- SHORT TITLE. The Legislature intends that an incentive for Idaho companies to commit private resources toward the process of attracting federal grants shall be provided through state grants that reimburse up to four thousand dollars. Small businesses that are reimbursed for expenses to submit a grant proposal which results in winning a small federal grant award will agree to reimburse the state grant fund, and thereby help replenish the fund. Companies which win federal awards in excess of two hundred fifty thousand dollars will agree to reimburse the fund for up to five times the amount of their state grant. This act shall be administered by the Idaho Department of Commerce. This act shall be known and may be cited as the "Idaho Small Business Federal Funding Assistance Act."

SECTION 2. That Chapter 47, 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 67-4723A, Idaho Code, and to read as follows:

67-4723A. IDAHO SMALL BUSINESS FEDERAL FUNDING ASSISTANCE ACT -- FUND CREATED. (1) There is hereby created in the state treasury the Idaho small business assistance fund to which shall be credited all moneys that may be

appropriated, apportioned, allocated, and paid back to the fund, including grants, federal moneys, donations, gifts, funds from any other source or otherwise provided by law. The moneys in the fund shall be used to reimburse Idaho small businesses for costs incurred in the process of developing and submitting federal grant proposals and to compete for awards. The Idaho department of commerce shall administer the fund.

(2) As used in this section:

(a) "Federal funding" means grants available to for-profit businesses as awarded by federal agencies through small business innovative research grants, small business technology transfer research grants, broad area announcements or other grant programs.

(b) "Small business" means an Idaho for-profit company with five hundred (500) or fewer employees.

(c) "State grants" means a grant award of up to four thousand dollars (\$4,000) limited exclusively to the reimbursement of claimable expenses incurred by an Idaho small business pursuant to the process of competing for federal funding awards.

(3) The department of commerce shall administer a program of state grants to assist and incentivize new, emerging, and expanding Idaho small, for-profit businesses in the development of federal funding proposals that lead to the development of commercial products or services.

(4) The department of commerce shall administer this program in such a way as to avoid favoritism of any particular enterprise and to maximize the public purposes of increasing the number of submitted proposals from Idaho small businesses and increasing the number of grant awards to these businesses. Particular attention shall be paid to the encouragement of companies that have not competed for federal funding awards in the past.

Approved April 6, 2011.

CHAPTER 225
(H.B. No. 187)

AN ACT

RELATING TO FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS; AMENDING SECTION 18-611, IDAHO CODE, TO PROVIDE IN CASES WHERE A LIVING WILL OR PHYSICIAN'S ORDERS FOR SCOPE OF TREATMENT IS OPERATIVE, AS DEFINED BY THE MEDICAL CONSENT AND NATURAL DEATH ACT, AND A PHYSICIAN HAS AN OBJECTION OF CONSCIENCE TO THE TREATMENT DESIRED BY THE PATIENT, THE PHYSICIAN SHALL COMPLY WITH THE PROVISIONS OF SECTION 39-4513(2), IDAHO CODE, BEFORE WITHDRAWING CARE AND TREATMENT TO THE PATIENT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-611, Idaho Code, be, and the same is hereby amended to read as follows:

18-611. FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS. (1) As used in this section:

(a) "Abortifacient" means any drug that causes an abortion as defined in section 18-604, Idaho Code, emergency contraception or any drug the primary purpose of which is to cause the destruction of an embryo or fetus.

(b) "Conscience" means the religious, moral or ethical principles sincerely held by any person.

(c) "Embryo" means the developing human life from fertilization until the end of the eighth week of gestation.

(d) "Fetus" means the developing human life from the start of the ninth week of gestation until birth.

(e) "Health care professional" means any person licensed, certified or registered by the state of Idaho to deliver health care.

(f) "Health care service" means an abortion, dispensation of an abortifacient drug, human embryonic stem cell research, treatment regimens utilizing human embryonic stem cells, human embryo cloning or end of life treatment and care.

(g) "Provide" means to counsel, advise, perform, dispense, assist in or refer for any health care service.

(h) "Religious, moral or ethical principles," "sincerely held," "reasonably accommodate" and "undue hardship" shall be construed consistently with Title VII of the federal civil rights act of 1964, as amended.

(2) No health care professional shall be required to provide any health care service that violates his or her conscience.

(3) Employers of health care professionals shall reasonably accommodate the conscience rights of their employees as provided in this section, upon advanced written notification by the employee. Such notice shall suffice without specification of the reason therefor. It shall be unlawful for any employer to discriminate against any health care professional based upon his or her declining to provide a health care service that violates his or her conscience, unless the employer can demonstrate that such accommodation poses an undue hardship.

(4) No health care professional or employer of the health care professional shall be civilly, criminally or administratively liable for the health care professional declining to provide health care services that violate his or her conscience, except for life-threatening situations as provided for in subsection (6) of this section.

(5) The provisions of this section do not allow a health care professional or employer of the health care professional to refuse to provide health care services because of a patient's race, color, religion, sex, age, disability or national origin.

(6) If a health care professional invokes a conscience right in a life-threatening situation where no other health care professional capable of treating the emergency is available, such health care professional shall provide treatment and care until an alternate health care professional capable of treating the emergency is found.

(7) In cases where a living will or physician's orders for scope of treatment (POST) is operative, as defined by the medical consent and natural death act, and a physician has a conscience objection to the treatment desired by the patient, the physician shall comply with the provisions of section 39-4513(2), Idaho Code, before withdrawing care and treatment to the patient.

(8) Nothing in this section shall affect the rights of conscience provided for in section 18-612, Idaho Code, to the extent that those rights are broader in scope than those provided for in this section.

Approved April 6, 2011.

CHAPTER 226
(H.B. No. 194)

AN ACT

RELATING TO A SALES AND USE TAX REBATE FOR THE SALES OR USE OF TANGIBLE PERSONAL PROPERTY USED DIRECTLY BY A MEDIA PRODUCTION COMPANY IN A MEDIA PRODUCTION PROJECT; AMENDING SECTION 2, CHAPTER 219, LAWS OF 2006, TO EXTEND THE SUNSET CLAUSE.

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

SECTION 1. That Section 2, Chapter 219, Laws of 2006, be, and the same is hereby amended to read as follows:

SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2011~~6~~. By January 2 of each year, the Department of Commerce and Labor shall provide an annual report of the results of all media production projects that have applied to participate in the media production project tax rebate contained in Section 63-3622TT, Idaho Code, to the Governor and the Legislature.

Approved April 6, 2011.

CHAPTER 227
(H.B. No. 206)

AN ACT

RELATING TO POULTRY; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 40, TITLE 25, IDAHO CODE, TO PROVIDE FOR THE POULTRY ENVIRONMENTAL ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR PERMITS AND TO PROVIDE FOR APPLICABILITY, TO PROVIDE FOR PERMIT APPLICATIONS, TO PROVIDE FOR THE REGISTRATION OF EXISTING FACILITIES, TO CLARIFY CONSTRUCTION OF SPECIFIED PROVISIONS, TO PROVIDE FOR THE SUBMISSION OF NUTRIENT MANAGEMENT PLANS, TO PROVIDE THAT APPLICATION FEES SHALL BE REQUIRED ONLY IN CERTAIN INSTANCES, TO REQUIRE PERMITS FOR CERTAIN EXPANSIONS OF OPERATIONS, TO PROVIDE FOR THE DESIGN AND CONSTRUCTION OF CERTAIN NEW AND MODIFIED WASTEWATER STORAGE AND CONTAINMENT FACILITIES, TO PROVIDE THAT THE REVIEW AND APPROVAL OF PLANS BY THE IDAHO DEPARTMENT OF AGRICULTURE SHALL SUPERSEDE THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY'S IMPLEMENTATION OF A PLAN AND SPECIFICATION REVIEW AND APPROVAL, TO PROVIDE THAT SPECIFIED DESIGN AND CONSTRUCTION SHALL BE CONSIDERED A BEST MANAGEMENT PRACTICE, TO PROVIDE FOR NUTRIENT MANAGEMENT PLANS AND TO PROVIDE FOR ANNUAL SOIL TESTS, TO PROVIDE FOR INSPECTIONS, TO PROVIDE FOR THE REVIEW AND COPYING OF REQUIRED RECORDS, TO PROVIDE FOR SAMPLING AND MONITORING OF CERTAIN SUBSTANCES OR PARAMETERS, TO PROVIDE FOR COMPLIANCE SCHEDULES AND MONITORING, TO PROVIDE FOR FEES AND ASSESSMENTS, TO PROVIDE FOR CREATION OF THE POULTRY INSPECTION FUND, TO PROVIDE FOR DESIGNATION OF POULTRY ANIMAL FEEDING OPERATIONS AS MEDIUM POULTRY CONCENTRATED ANIMAL FEEDING OPERATIONS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR REDESIGNATION, TO AUTHORIZE RULEMAKING BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR THE REVOCATION OF PERMITS AND TO PROVIDE A PROCEDURE, TO PROVIDE FOR CIVIL PENALTIES AND TO PROVIDE FOR THE DEPOSIT OF MONEYS COLLECTED FOR VIOLATIONS INTO THE STATE TREASURY TO BE CREDITED TO THE STATE SCHOOL BUILDING FUND;

AMENDING SECTION 25-3801, IDAHO CODE, TO REMOVE REFERENCE TO POULTRY OPERATIONS; AMENDING SECTION 39-104A, IDAHO CODE, TO REMOVE REFERENCES TO POULTRY FEEDING OPERATIONS AND FACILITIES AND TO REVISE DEFINITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 40, Title 25, Idaho Code, and to read as follows:

CHAPTER 40
POULTRY ENVIRONMENTAL ACT

25-4001. SHORT TITLE. This chapter shall be known as the "Poultry Environmental Act."

25-4002. DEFINITIONS. As used in this chapter:

- (1) "Administrator" means the administrator, or his designee, for the animal industries division of the Idaho department of agriculture.
- (2) "Animal feeding operation" or "AFO" means a lot or facility where the following conditions are met:
 - (a) Poultry have been, are, or will be confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and
 - (b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- (3) "Animal waste" or "manure" means manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.
- (4) "Best management practices" means practices, techniques or measures which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point sources or nonpoint sources to a level compatible with environmental goals, including water quality goals and standards for waters of the state.
- (5) "Concentrated animal feeding operation" or "CAFO" means an AFO that is defined as a large poultry CAFO or as a medium poultry CAFO by the terms of this chapter, or that is designated as a CAFO in accordance with section 25-4011, Idaho Code. Two (2) or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.
- (6) "Department" means the Idaho department of agriculture.
- (7) "Director" means the director of the Idaho department of agriculture or his designee.
- (8) "Land application" means the spreading on, or incorporation of, animal waste into the soil mantle primarily for beneficial purposes.
- (9) "Land application area" means land under the control of an AFO owner or operator, whether it is owned, rented or leased, to which manure, litter or process wastewater from the production area is or may be applied.
- (10) "Large poultry CAFO" means a poultry AFO that confines as many or more than the number of poultry specified in the following categories:
 - (a) Fifty-five thousand (55,000) turkeys;
 - (b) Thirty thousand (30,000) laying hens or broilers, if the AFO uses a liquid manure handling system;
 - (c) One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system;
 - (d) Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system;

(e) Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system; or

(f) Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system.

(11) "Medium poultry CAFO" means any poultry AFO which confines:

(a) Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys;

(b) Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers, if the AFO uses a liquid manure handling system;

(c) Thirty-seven thousand five hundred (37,500) to one hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system;

(d) Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens, if the AFO uses other than a liquid manure handling system;

(e) Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks, if the AFO uses other than a liquid manure handling system; or

(f) One thousand five hundred (1,500) to four thousand nine hundred ninety-nine (4,999) ducks, if the AFO uses a liquid manure handling system.

(12) "Modification" or "modified" means structural changes and alterations to the wastewater storage containment facility which would require increased storage or containment capacity or such changes which would alter the function of the wastewater storage containment facility.

(13) "Noncompliance" means a practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected, will cause an unauthorized discharge, or a condition on the poultry CAFO that does not meet the requirements of the nutrient management standard, nutrient management plan, and 2004 American society of agricultural and biological engineers (ASABE) construction standard for waste containment systems.

(14) "Nutrient management plan" means a plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e) (1), or other equally protective standard for managing the amount, placement, form and timing of the land application of nutrients and soil amendments.

(15) "Nutrient management standard" means the 2007 publication by the United States department of agriculture, natural resources conservation service, conservation practice standard, nutrient management code 590 or other equally protective standard approved by the director.

(16) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity, that is recognized by law as the subject of rights and duties.

(17) "Poultry" means chickens, turkeys, ducks, geese and any other bird raised in captivity.

(18) "Process wastewater" means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other AFO facilities; direct contact swimming, washing or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products or byproducts including manure, litter, feed, milk, eggs or bedding.

(19) "Production area" means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area and the waste containment area. The animal confinement area includes,

but is not limited to, open lots, housed lots, feedlots, confinement houses, barnyards and animal walkways. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of "production area" is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities.

(20) "Unauthorized discharge" means a discharge of process wastewater or manure to state surface waters that is not authorized by an NPDES permit or the release of process wastewater or manure to waters of the state that does not meet the requirements of this chapter.

(21) "Wastewater storage and containment facilities" means the portion of an AFO where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds.

(22) "Waters of the state" means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state.

25-4003. PERMIT REQUIRED. (1) No person shall construct, operate or expand a poultry CAFO of any size without first obtaining a permit issued by the director.

(2) Two (2) or more poultry CAFOs under common control of the same person may be considered, for purposes of permitting, to be a single facility, even though separately their capacity is less than a large or medium poultry CAFO, if they use a common animal waste management system or land application site.

(3) The provisions of this section shall be applicable only to those poultry CAFOs constructed or modified after the effective date of this chapter.

25-4004. PERMIT APPLICATION. (1) Every person who is required to obtain a permit under this chapter shall submit a permit application to the department prior to facility operation or expansion. A permit application will be used to determine if the construction and operation plans of a large or medium poultry CAFO will be in conformance with the provisions of this chapter.

(2) Each application shall include information in sufficient detail to allow the director to make necessary application review decisions concerning design and environmental protection. In accordance with the provisions of section 25-4012, Idaho Code, the director is authorized to promulgate rules to designate the contents of a permit application.

25-4005. EXISTING FACILITIES. (1) Existing large and medium poultry CAFO owners shall register with the department no later than January 1, 2012, upon forms created by the department. None of the provisions in this section shall be construed to deny an existing operation the opportunity to apply for and receive a permit under this chapter.

(2) Existing large and medium poultry CAFOs shall submit a nutrient management plan to the director for approval within one (1) year of the effective date of this chapter. An application fee shall not be required unless the CAFO is expanding.

(3) The owner of an existing poultry operation shall not increase the one-time animal capacity of the operation by ten percent (10%) or more with-

out first obtaining a permit for the expansion as required by the provisions of this chapter. The ten percent (10%) increase is measured cumulatively from the original effective date of this chapter or the date the owner first obtained a permit.

25-4006. DESIGN AND CONSTRUCTION. Each new or modified large and medium CAFO shall design and construct all new and modified wastewater storage and containment facilities in accordance with the engineering standards and specifications provided by the natural resource conservation service or the American society of agricultural and biological engineers (ASABE) or other equally protective standard approved by the director. The department's review and approval of plans under this section shall supersede the Idaho department of environmental quality's implementation of plan and specification review and approval provided pursuant to section 39-118, Idaho Code. Such design and construction shall be considered a best management practice.

25-4007. NUTRIENT MANAGEMENT PLANS. (1) All permitted CAFOs shall have and implement a nutrient management plan that has been reviewed and approved by the department.

(2) Nutrient management plans shall be amended if modifications to the CAFO, as outlined in the nutrient management standard or other conditions, warrant the amendment.

(3) Annual soil tests shall be conducted on all land application sites owned or leased by the permittee every year to determine compliance with the nutrient management plan and nutrient management standard. The director may require more frequent soil tests if deemed necessary.

25-4008. INSPECTIONS. The director or his designee in the division of animal industries is authorized to enter and inspect any AFO and have access to or copy any facility records deemed necessary to ensure compliance with the provisions of this chapter. The director shall comply with the biosecurity protocol of the AFO so long as the protocol does not inhibit reasonable access to:

(1) Enter and inspect, at reasonable times, the premises or land application site or sites of an AFO;

(2) Review and copy, at reasonable times, any records that must be kept under conditions of this chapter;

(3) Sample or monitor, at reasonable times, substances or parameters directly related to compliance with this chapter.

25-4009. COMPLIANCE SCHEDULES AND MONITORING. (1) Compliance schedule. The director may establish a compliance schedule for facilities as part of the permit conditions including:

(a) Specific steps or actions to be taken by the permittee to achieve compliance with applicable requirements or permit conditions; and

(b) Dates by which those steps or actions are to be taken.

(2) Monitoring requirements. Any facility may be subject to monitoring requirements including, but not limited to, the following:

(a) The type, installation, use and maintenance of monitoring equipment;

(b) Monitoring or sampling methodology, frequency and locations;

(c) Monitored substances or parameters;

(d) Testing and analytical procedures; and

(e) Reporting requirements including both frequency and form.

25-4010. FEES AND ASSESSMENTS TO BE COLLECTED. (1) The department may levy a fee or assessment against the permit holder for the purpose of carrying out the provisions of this chapter and rules promulgated hereunder.

(2) Fees or assessments collected shall be used for costs related to the implementation of the provisions of this chapter.

(3) Fees or assessments shall be levied on a uniform basis in an amount reasonably necessary to cover the cost of the inspection program and the administration of the department of agriculture poultry program. The department shall adjust the fees to be collected under this section as necessary to meet the expenses of the inspections.

(4) The annual fees or assessments shall be based on the square footage of the confinement area. Such fees or assessments may not exceed three cents (3¢) per square foot.

(5) All fees and assessments collected or received by the department under this chapter shall be deposited in the "poultry inspection fund," which fund is hereby created in the state treasury. All moneys coming into the poultry inspection fund are hereby appropriated to the department of agriculture to be used in the inspections required under this chapter.

(6) The fees and assessments accrued in any given year are due and payable no later than January 20 of the following year.

(7) Fees and assessments for new or expanded operations shall be prorated for each month of operation.

25-4011. DESIGNATION. (1) The director may, on a case by case basis, designate a poultry AFO as a medium poultry CAFO if it is determined that the AFO is a significant contributor of pollutants to waters of the state. The designated medium poultry CAFO will be required to follow all permit requirements for a medium poultry CAFO.

(2) The designation shall be provided to the operator of the poultry AFO in writing, setting forth the basis for the director's decision.

(3) The director shall consider the following factors when deciding whether to designate a poultry AFO:

(a) Size of the poultry AFO and the amount of manure, process wastewater and runoff reaching waters of the state;

(b) Location of the poultry AFO relative to waters of the state;

(c) Means of conveyance of manure, process wastewater and runoff into waters of the state;

(d) Slope, vegetation, precipitation and other factors affecting the likelihood or frequency of discharge of manure, process wastewater or runoff into waters of the state;

(e) Unauthorized discharges into waters of the state through a man-made ditch, flushing system or other similar man-made device;

(f) Unauthorized discharges directly into waters of the state that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the AFO; and

(g) Repeated instances of noncompliance.

(4) Upon request by the operator, the director shall redesignate a facility previously designated under subsection (1) of this section if the facility is no longer a significant contributor of pollution to waters of the state. Such redesignation shall be provided to the operator in writing and any fees or assessments paid by the operation due to the designation will not be refundable to the operation.

25-4012. AUTHORITY TO PROMULGATE RULES. (1) The legislature finds that poultry AFOs require adequate control through state regulatory mechanisms in order to prevent such operations from posing a threat to the state's water resources. The department of agriculture is in the best position to administer and implement rules to provide an adequate regulatory framework for poultry feeding operations.

(2) The director is authorized to modify the department's administrative rules and to make new rules for permitting and regulating poultry AFOs.

Such regulations may include, but are not limited to, the information required on a permit application and the conditions for the issuance and maintenance of a permit, as the director deems necessary.

Nothing in this chapter prohibits the board of county commissioners of any county from adopting regulations that are more stringent than those adopted by the state.

25-4013. VIOLATIONS. (1) The failure by a permittee to comply with the provisions of this chapter, rules promulgated hereunder, or with any permit condition shall be deemed a violation.

(2) Any person who knowingly makes a false statement, representation, or certification in any application report, document, or record developed, maintained, or submitted pursuant to these rules or the conditions of a permit shall be deemed to have violated the provisions of this chapter.

(3) Any unauthorized discharge from a poultry AFO shall be deemed a violation.

(4) Any person violating any provision of this chapter, the rules promulgated hereunder or any permit or order issued hereunder shall be liable for a civil penalty as set forth in section 25-4014, Idaho Code.

(5) The director may revoke a permit for:

(a) A material violation of any condition of a permit; or

(b) If the permit was obtained by misrepresentation or failure to disclose all relevant facts.

(6) Prior to revoking a permit, the director shall issue a notice of intent to revoke, which shall become final unless the permittee timely requests, in writing, an administrative hearing. Such hearing shall be conducted in accordance with the provisions of chapter 52, title 67, Idaho Code.

25-4014. PENALTY FOR VIOLATIONS. Whoever shall violate any of the provisions of this chapter or the rules promulgated hereunder:

(1) May be assessed a civil penalty by the department or its duly authorized agent of not more than ten thousand dollars (\$10,000) for each offense.

(2) Assessment of a civil penalty may be made in conjunction with any other department administrative action.

(3) No civil penalty may be assessed unless the person, corporation, cooperative or company charged is given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act.

(4) If the department is unable to collect an assessed civil penalty, or if a person fails to pay all or a set portion of an assessed civil penalty as determined by the department, the department may file an action to recover the civil penalty in the district court of the county in which the violation is alleged to have occurred. In addition to the assessed penalty, the department shall be entitled to recover reasonable attorney's fees and costs incurred in such action or on appeal from such action.

(5) Any person against whom the department has assessed a civil penalty under the provisions of this section may, within twenty-eight (28) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred.

(6) Moneys collected for violations pursuant to the provisions of this section shall be deposited in the state treasury and credited to the state school building fund.

(7) Nothing in this chapter shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

SECTION 2. That Section 25-3801, Idaho Code, be, and the same is hereby amended to read as follows:

25-3801. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The agriculture industry is a vital component of Idaho's economy and during the normal course of producing the food and fiber required by Idaho and our nation, odors are generated. It is the intent of the legislature to manage these odors when they are generated at a level in excess of those odors normally associated with accepted agricultural practices in Idaho.

(2) Large swine and poultry operations are addressing odor management through chapter 1, title 39, Idaho Code, and the department of environmental quality's rules regulating large swine and poultry operations, and the beef cattle industry will address odor management as needed through implementation of the beef cattle environmental control act as provided for in chapter 49, title 22, Idaho Code, and rules promulgated thereunder.

(3) The Idaho department of agriculture is hereby authorized as the lead agency to administer and implement the provisions of this chapter. In carrying out the provisions of this chapter, the department will make reasonable efforts to ensure that any requirements imposed upon agricultural operations are cost-effective and economically, environmentally and technologically feasible.

SECTION 3. That Section 39-104A, Idaho Code, be, and the same is hereby amended to read as follows:

39-104A. AUTHORITY TO MAKE RULES REGULATING LARGE SWINE AND POULTRY FEEDING OPERATIONS -- FINANCIAL ASSURANCES. (1) The state of Idaho is experiencing the development of large swine and poultry feeding operations which are inadequately controlled through existing state regulatory mechanisms. If not properly regulated, these facilities pose a threat to the state's surface and ground water resources. Due to existing rulemaking authority, the department of environmental quality is in the best position of all state agencies to modify its present rules and to make new rules to develop an adequate regulatory framework for large swine and poultry feeding operations.

(2) The department of environmental quality is authorized to modify its existing administrative rules and to make new rules regulating large swine and poultry feeding operations, as they shall be defined by the department. The department is authorized to work with the Idaho department of agriculture in the development of such rules.

(3) Owners and operators of swine and poultry facilities required to obtain a permit from the department of environmental quality to construct, operate, expand or close the facilities shall provide financial assurances demonstrating financial capability to meet requirements for operation and closure of the facilities and remediation. Requirements for financial assurances shall be determined by the agency as set forth in rule. Financial assurances may include any mechanism or combination of mechanisms meeting the requirements established by agency rule including, but not limited to, surety bonds, trust funds, irrevocable letters of credit, insurance and corporate guarantees. The mechanism(s) used to demonstrate financial capability must be legally valid, binding and enforceable under applicable law and must ensure that the funds necessary to meet the costs of closure and remediation will be available whenever the funds are needed. The director may retain financial assurances for up to five (5) years after closure of a facility to ensure proper closure and remediation, as defined by rule.

(4) Those swine facilities described in section 39-7905, Idaho Code, shall meet the requirements of section 39-7907, Idaho Code, in addition to the requirements of this chapter and the department of environmental quality's rules regulating swine and poultry facilities, prior to the issuance of a final permit by the director. The director shall require that swine facilities be constructed in a phased manner over a period of time and that no additional facilities be constructed until the director approves the as-

sociated waste treatment system. ~~The director may require that poultry facilities be constructed in a phased manner over a period of time and that no additional facilities be constructed until the director approves the associated waste treatment system.~~

(5) Nothing in this section prohibits the boards of county commissioners of any county or the governing body of any city from adopting regulations that are more stringent or that require greater financial assurances than those imposed by the department of environmental quality. A board of county commissioners of a county or a governing body of a city in which a swine ~~or~~ poultry facility is located may choose to determine whether the facility is properly closed according to imposed standards or may leave that determination to the department. This choice shall be communicated to the director in writing when closure begins; provided that determinations of closure by a board of county commissioners of a county or a governing body of a city in which the swine ~~or~~ poultry facility is located shall not permit closure under less stringent requirements than those imposed by the department.

(6) As used in this section:

(a) "Animal unit" means a unit equaling two and one-half (2.5) swine, each weighing over twenty-five (25) kilograms (approximately fifty-five (55) pounds), or ten (10) weaned swine, each weighing under twenty-five (25) kilograms, ~~or one hundred (100) poultry~~. Total animal units are calculated by adding the number of swine weighing over twenty-five (25) kilograms multiplied by four-tenths (.4) plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (.1) ~~plus the number of poultry multiplied by one one-hundredth (.01)~~.

(b) "Facilities" or "facility" means a place, site or location or part thereof where swine ~~or~~ poultry are kept, handled, housed or otherwise maintained and includes, but is not limited to, buildings, lots, pens and animal waste management systems, and which has a one-time animal unit capacity of two thousand (2,000) or more animal units.

(c) "Large swine and ~~poultry~~ feeding operations" means swine facilities ~~and poultry facilities~~ having a one-time animal unit capacity of two thousand (2,000) or more animal units.

(d) "One-time animal unit capacity" means the maximum number of animal units that a facility is capable of housing at any given time.

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

Approved April 6, 2011.

CHAPTER 228

(H.B. No. 207, As Amended)

AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PERMITS.

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

SECTION 1. That Section 39-4111, Idaho Code, be, and the same is hereby amended to read as follows:

39-4111. PERMITS REQUIRED. (1) It shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or

employee, any construction, improvement, extension or alteration of any building, residence or structure, coming under the purview of the division, in the state of Idaho without first procuring a permit from the division authorizing such work to be done.

(2) It shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure in a local government jurisdiction enforcing building codes, without first procuring a permit in accordance with the applicable ordinance or ordinances of the local government.

(3) Subject to building code requirements governing accessibility, no permit shall require that any improvement, extension or alteration of any building, residence or structure include an upgrade to comply with building code requirements in unaffected existing parts of the building, residence or structure where the existing parts complied with the applicable building code in effect when such parts were constructed. This limitation shall not apply where the division or enforcing jurisdiction identifies a specific substantial safety hazard that would be created in the existing building, residence or structure by reason of the new improvement, extension or alteration, provided that any additional permitting requirement shall be limited to correcting the specific substantial safety hazard. The burden shall be upon the division or enforcing jurisdiction to prove the existence of such specific substantial safety hazard. The permit shall identify the specific hazard and the basis for determining that it is a substantial hazard.

Approved April 6, 2011.

CHAPTER 229
(H.B. No. 210)

AN ACT

RELATING TO THE RIGHT TO FARM; AMENDING SECTION 22-4502, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING SECTION 22-4503, IDAHO CODE, TO REVISE PROVISIONS PROVIDING THAT A CERTAIN OPERATION, FACILITY AND EXPANSION ARE NOT A NUISANCE AND TO REVISE PROVISIONS RELATING TO AN EXCEPTION; AMENDING SECTION 22-4504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LOCAL ORDINANCES; AMENDING CHAPTER 45, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4505, IDAHO CODE, TO PROVIDE THAT CERTAIN INSTANCES SHALL NOT CONSTITUTE A NUISANCE; AMENDING CHAPTER 45, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4506, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AND AMENDING SECTION 50-2018, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 22-4502, Idaho Code, be, and the same is hereby amended to read as follows:

22-4502. DEFINITIONS. As used in this chapter:

(1) "Agricultural facility" includes, without limitation, any land, building, structure, ditch, drain, pond, impoundment, appurtenance, machinery or equipment that is used in an agricultural operation.

(2) "Agricultural operation" means an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses, and includes, without limitation, any facility for the growing, raising or production of agricultural, horticultural and viticultural crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and

dairy products, and the processing for commercial purposes of livestock or agricultural commodities, including the processing of such commodities into feed commodities:

- (a) Construction, expansion, use, maintenance and repair of an agricultural facility;
- (b) Preparing land for agricultural production;
- (c) Applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
- (d) Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
- (e) Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products and bee byproducts;
- (f) Processing and packaging agricultural products, including the processing and packaging of agricultural products into food and other agricultural commodities;
- (g) Manufacturing animal feed;
- (h) Transporting agricultural products to or from an agricultural facility;
- (i) Noise, odors, dust, fumes, light and other conditions associated with an agricultural operation or an agricultural facility;
- (j) Selling agricultural products at a farmers or roadside market;
- (k) Participating in a government sponsored agricultural program.

(23) "Nonagricultural activities," for the purposes of this chapter, means residential, commercial or industrial property development and use not associated with the production of ~~feed commodities~~ agricultural products.

(34) "Improper or negligent operation" means that the agricultural operation is not undertaken in conformity with federal, state and local laws and regulations or permits, and adversely affects the public health and safety.

SECTION 2. That Section 22-4503, Idaho Code, be, and the same is hereby amended to read as follows:

22-4503. AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF NOT A NUISANCE -- EXCEPTION. No agricultural operation, agricultural facility or an appurtenance to it expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after ~~the same~~ it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time ~~the operation~~ it began; ~~provided, that or was constructed.~~ The provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation, agricultural facility or an appurtenance to it expansion thereof. In the event of an alleged nuisance resulting from agricultural operations pursuant to a federal or state environmental permit or caused by a violation of the permit(s), terms or conditions, the affected party shall seek enforcement of the terms of the permit.

SECTION 3. That Section 22-4504, Idaho Code, be, and the same is hereby amended to read as follows:

22-4504. LOCAL ORDINANCES. No city, county, taxing district or other political subdivision of this state shall adopt any ordinance or resolution that declares any agricultural operation, agricultural facility or expansion thereof that is operated in accordance with generally recognized agricultural practices to be a nuisance, nor shall any zoning ordinance that requires abatement as a nuisance or forces the closure of any such agricultural operation or agricultural facility be adopted. Any such ordinance or resolution shall be void and shall have no force or effect. Zoning and nuisance ordinances shall not apply to agricultural operations and agricultural facilities that were established outside the corporate limits of a municipality and then were incorporated into the municipality by annexation. The county planning and zoning authority may adopt a nuisance waiver procedure to be recorded with the county recorder or appropriate county recording authority pursuant to residential divisions of property.

SECTION 4. That Chapter 45, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-4505, Idaho Code, and to read as follows:

22-4505. NUISANCE ACTIONS. (1) An agricultural operation, agricultural facility or expansion thereof shall not be found to be a nuisance under the circumstances described in section 22-4503, Idaho Code.

(2) An agricultural operation, agricultural facility or expansion thereof that is operated in accordance with generally recognized agricultural practices or in compliance with a state or federally issued permit shall not be found to be a public or private nuisance. The provisions of this subsection shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof.

SECTION 5. That Chapter 45, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-4506, Idaho Code, and to read as follows:

22-4506. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 6. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(2) "Municipality" shall mean any incorporated city or town, or county in the state.

(3) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(4) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(5) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(6) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(7) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(12), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(12), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years.

(10) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;
- (b) Demolition and removal of buildings and improvements;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
- (d) Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(f) Acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(h) Lending or investing federal funds; and

(i) Construction of foundations, platforms and other like structural forms.

(11) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(12) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

(a) Shall conform to the general plan for the municipality as a whole except as provided in section 50-2008 (g), Idaho Code; and

(b) Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Related activities" shall mean:

(a) Planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code; and

(b) The functions related to the acquisition and disposal of real property pursuant to section 50-2007 (d), Idaho Code.

(14) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(15) "Bonds" shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(16) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(17) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(18) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town or within the unincorporated area of the county unless a resolution shall have been adopted by the governing body of such other city, town or county declaring a need therefor.

(19) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(20) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

Approved April 6, 2011.

CHAPTER 230
(H.B. No. 213)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3613, IDAHO CODE, TO DEFINE "SALES PRICE" FOR SALES AND USE TAX PURPOSES TO CLARIFY THAT SALES PRICE SHALL NOT INCLUDE A GRATUITY OR TIP RECEIVED WHEN PAID TO THE SERVICE PROVIDER OF A MEAL AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3613, Idaho Code, be, and the same is hereby amended to read as follows:

63-3613. SALES PRICE. (a) The term "sales price" means the total amount for which tangible personal property, including services agreed to be rendered as a part of the sale, is sold, rented or leased, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

1. The cost of the property sold. However, in accordance with such rules as the state tax commission may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale or rental, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold or rented the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.
2. The cost of materials used, labor or service cost, losses, or any other expense.
3. The cost of transportation of the property prior to its sale.
4. The face value of manufacturer's discount coupons. A manufacturer's discount coupon is a price reduction coupon presented by a consumer to a retailer upon purchase of a manufacturer's product, the face value of which may only be reimbursed by the manufacturer to the retailer.

(b) The term "sales price" does not include any of the following:

1. Retailer discounts allowed and taken on sales, but only to the extent that such retailer discounts represent price adjustments as opposed to cash discounts offered only as an inducement for prompt payment.
2. Any sums allowed on merchandise accepted in payment of other merchandise, provided that this allowance shall not apply to the sale of a "new manufactured home" or a "modular building" as defined herein.
3. The amount charged for property returned by customers when the amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

4. The amount charged for labor or services rendered in installing or applying the property sold, provided that said amount is stated separately and such separate statement is not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property; except that charges by a manufactured homes dealer for set up of a manufactured home shall be included in the "sales price" of such manufactured home.

5. The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

6. The amount charged for finance charges, carrying charges, service charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Delivery and handling charges for transportation of tangible personal property to the consumer, provided that the transportation is stated separately and the separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the tangible personal property; except that charges by a manufactured homes dealer for transportation of a manufactured home shall be included in the "sales price" of such manufactured home.

8. Manufacturers' rebates when used at the time of a retail sale as a down payment on or reduction to the retail sales price of a motor vehicle to which the rebate applies. A manufacturer's rebate is a cash payment made by a manufacturer to a consumer who has purchased or is purchasing the manufacturer's product from the retailer.

9. The amount of any fee imposed upon an outfitter as defined in section 36-2102, Idaho Code, by a governmental entity pursuant to statute for the purpose of conducting outfitting activities on land or water subject to the jurisdiction of the governmental entity, provided that the fee is stated separately and is presented as a use fee paid by the outfitted public to be passed through to the governmental entity.

10. The amount of any discount or other price reduction on telecommunications equipment when offered as an inducement to the consumer to commence or continue telecommunications service, or the amount of any commission or other indirect compensation received by a retailer or seller as a result of the consumer commencing or continuing telecommunications service.

(c) The sales price of a "new manufactured home" or a "modular building" as defined in this act chapter shall be limited to and include only fifty-five percent (55%) of the sales price as otherwise defined herein.

(d) Taxes previously paid on amounts represented by accounts found to be worthless may be credited upon a subsequent payment of the tax provided in this chapter or, if no such tax is due, refunded. If such accounts are thereafter collected, a tax shall be paid upon the amount so collected.

(e) Tangible personal property when sold at retail for more than eleven cents ($\$.11\text{¢}$) but less than one dollar and one cent ($\$1.01$) through a vending machine shall be deemed to have sold at a sales price equal to one hundred seventeen percent (117%) of the price which is paid for such tangible personal property and/or its component parts including packaging by the owner or operator of the vending machines.

(f) Sales price shall not include a gratuity or tip received when paid to the service provider of a meal. The gratuity or tip can be either voluntary or mandatory, but must be given for the service provided and as a supplement to the service provider's income.

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, 2011.

Approved April 6, 2011.

CHAPTER 231
(H.B. No. 253)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; 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 3, Chapter 200, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the Idaho State Police for the Patrol Program \$62,000 from the Miscellaneous Revenue Fund to be expended for the period July 1, 2010, through June 30, 2011.

SECTION 2. There is hereby appropriated to the Idaho State Police, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$2,023,900	\$391,100	\$84,700		\$2,499,700
II. POLICE, DIVISION OF IDAHO STATE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$1,627,100	\$349,200			\$1,976,300
Idaho Law Enforcement					
Fund	106,800				106,800
Idaho Law Enforcement (Project Choice)					
Fund	162,200	3,100			165,300
Peace Officers					
Fund	800				800
Miscellaneous Revenue					
Fund		56,400			56,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>72,400</u>	<u>18,100</u>			<u>90,500</u>
TOTAL	\$1,969,300	\$426,800			\$2,396,100
B. EXECUTIVE PROTECTION:					
FROM:					
General					
Fund	\$311,900	\$68,500			\$380,400
Idaho Law Enforcement (Project Choice)					
Fund	48,100	700			48,800
Miscellaneous Revenue					
Fund	<u>77,100</u>	<u>12,700</u>			<u>89,800</u>
TOTAL	\$437,100	\$81,900			\$519,000
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$4,868,800	\$626,100			\$5,494,900
Idaho Law Enforcement (Project Choice)					
Fund	651,700	8,800			660,500
Drug & DWUI Enforcement Donation					
Fund	200,000	399,700			599,700
Federal Grant					
Fund	<u>297,500</u>	<u>951,300</u>	<u>\$133,000</u>	<u>\$308,800</u>	<u>1,690,600</u>
TOTAL	\$6,018,000	\$1,985,900	\$133,000	\$308,800	\$8,445,700
D. PATROL:					
FROM:					
General					
Fund	\$1,518,300	\$556,900			\$2,075,200
Idaho Law Enforcement					
Fund	13,690,300	2,443,200			16,133,500
Idaho Law Enforcement (Project Choice)					
Fund	2,960,800	36,100			2,996,900
Hazardous Materials/Waste Enforcement					
Fund	360,300	76,100	\$100,800	\$69,100	606,300
American Reinvestment					
Fund	435,300	237,900		4,066,800	4,740,000
Miscellaneous Revenue					
Fund	35,500	2,000			37,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>2,448,900</u>	<u>1,231,800</u>	<u>160,400</u>	<u>3,805,300</u>	<u>7,646,400</u>
TOTAL	\$21,449,400	\$4,584,000	\$261,200	\$7,941,200	\$34,235,800
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$298,100	\$266,000			\$564,100
Idaho Law Enforcement (Project Choice)					
Fund	44,700	800			45,500
Miscellaneous Revenue					
Fund		12,500			12,500
Federal Grant					
Fund	<u>35,500</u>	<u>30,600</u>			<u>66,100</u>
TOTAL	\$378,300	\$309,900			\$688,200
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,221,100	\$580,600			\$1,801,700
Idaho Law Enforcement					
Fund	91,200				91,200
Idaho Law Enforcement (Project Choice)					
Fund	211,700	5,600			217,300
Idaho Law Enforcement Telecommunications					
Fund	404,900	509,300			914,200
Miscellaneous Revenue					
Fund	866,800	1,263,400			2,130,200
Federal Grant					
Fund	<u>0</u>	<u>234,300</u>		<u>\$408,000</u>	<u>642,300</u>
TOTAL	\$2,795,700	\$2,593,200		\$408,000	\$5,796,900
G. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$2,356,900	\$240,200			\$2,597,100
Idaho Law Enforcement (Project Choice)					
Fund	266,800	4,500			271,300
Drug & DWUI Enforcement Donation					
Fund		294,900			294,900
Miscellaneous Revenue					
Fund	69,800	130,100			199,900

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Federal Grant					
Fund	<u>0</u>	<u>270,200</u>			<u>270,200</u>
TOTAL	\$2,693,500	\$939,900			\$3,633,400
DIVISION TOTAL	\$35,741,300	\$10,921,600	\$394,200	\$8,658,000	\$55,715,100
III. POST ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$161,000	\$3,300			\$164,300
Peace Officers					
Fund	1,675,400	1,893,900	\$82,600	\$95,400	3,747,300
Miscellaneous Revenue					
Fund		209,000			209,000
Federal Grant					
Fund	<u>35,000</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>256,200</u>
TOTAL	\$1,871,400	\$2,327,400	\$82,600	\$95,400	\$4,376,800
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission					
Fund	\$389,100	\$269,800			\$658,900
Parimutuel Distributions					
Fund	<u>0</u>	<u>0</u>		<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$389,100	\$269,800		\$30,000	\$688,900
GRAND TOTAL	\$40,025,700	\$13,909,900	\$561,500	\$8,783,400	\$63,280,500

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred thirty-three and seven-hundredths (533.07) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the Division of Idaho State Police 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after its passage and approval.

Approved April 6, 2011.

CHAPTER 232
(H.B. No. 269)

AN ACT

RELATING TO DAIRIES; AMENDING SECTION 37-401, IDAHO CODE, TO PROVIDE THAT NUTRIENT MANAGEMENT PLANS AND ALL INFORMATION GENERATED BY DAIRIES AS A RESULT OF SUCH PLANS SHALL BE DEEMED TO BE TRADE SECRETS, PRODUCTION RECORDS OR OTHER PROPRIETARY INFORMATION AND SHALL BE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE PURSUANT TO SPECIFIED LAW AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-401, Idaho Code, be, and the same is hereby amended to read as follows:

37-401. INSPECTIONS, EXAMINATIONS AND TESTS BY DEPARTMENT OF AGRICULTURE -- DAIRY FARMS -- NUTRIENT MANAGEMENT PLANS REQUIRED -- CERTAIN EVIDENCE REQUIRED. (1) The director of the department of agriculture is hereby authorized and directed to designate any agent to inspect, examine and test any or all dairy products in accordance with rules as the department may prescribe; and to ascertain and certify the grade, classification, quality or sanitary condition thereof and other pertinent facts as the department may require. The director or agent of the department of agriculture of the state of Idaho shall make sanitary inspection of milk, cream, butter and dairy products of any kind whatsoever, intended for human consumption, and of containers, utensils, equipment, buildings, premises or anything whatsoever employed in the production, handling, storing, processing or manufacturing of dairy products or that would affect the purity of the products. Inspections, examinations and tests shall be made to meet the requirements of the laws of the state and of the United States for the sale of the products or their transportation in both intrastate and interstate commerce. Any agent designated by the director to make inspections shall have the right for that purpose to enter any premises and buildings where milk, cream, butter or dairy products shall be produced, stored, processed or manufactured.

(2) Acting in accord with rules of the department, the director or agent of the department shall review plans and specifications for construction of new, modified or expanded waste systems and inspect any dairy farm to ascertain and certify sanitary conditions, waste systems and milk quality.

(23) The director or agent shall issue a permit authorizing the sale of milk for human consumption to all dairy farms that meet the requirements of this chapter, and rules promulgated pursuant to this chapter.

(34) All dairy farms shall have a nutrient management plan approved by the department. The nutrient management plan shall cover the dairy farm site and other land owned and operated by the dairy farm owner or operator. Nutrient management plans submitted to the department by the dairy farm shall include the names and addresses of each recipient of that dairy farm's livestock waste, the number of acres to which the livestock waste is applied and the amount of such livestock waste received by each recipient. The information provided in this subsection shall be available to the county in which

the dairy farm, or the land upon which the livestock waste is applied, is located. If livestock waste is converted to compost before it leaves the dairy farm, only the first recipient of the compost must be listed in the nutrient management plan as a recipient of livestock waste from the dairy farm. Existing dairy farms shall submit a nutrient management plan to the department on or before July 1, 2001.

(45) Any new dairy farms or dairy farms that change owners or operators shall have an approved nutrient management plan on file with the department prior to the issuance of the milk permit for that dairy. The nutrient management plan shall be implemented upon approval of the plan by the department.

(46) The director or his agent may issue a permit to sell milk for human consumption to a new or expanding dairy farm only upon presentation to the director by the new or expanding dairy farm of:

- (a) A certified letter, supplied by the board of county commissioners, certifying the new or expanding dairy farm's compliance with applicable county livestock ordinances; and
- (b) Evidence that a valid water right exists to supply adequate water for the new or expanding dairy farm; or
- (c) A copy of an application for a permit to appropriate water that has been filed with the Idaho department of water resources and which, if approved, will supply adequate water for the dairy farm; or
- (d) A copy of an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with the Idaho department of water resources and which, if approved, will supply adequate water for the dairy farm.

(57) As used in this section:

- (a) "Animal units" shall be as defined in rule by the director.
- (b) "Expanding dairy farm" means an existing, legally permitted dairy farm that increases, or applies to increase, its existing animal units beyond the number for which it is permitted under applicable county livestock ordinances or increases, or applies to increase, the waste containment system.
- (c) "New dairy farm" means a dairy farm constructed after the effective date of this act.

(8) The nutrient management plan, and all information generated by the dairy as a result of such plan, shall be deemed to be trade secrets, production records or other proprietary information, shall be kept confidential and shall be exempt from disclosure pursuant to section 9-340D, 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 April 6, 2011.

CHAPTER 233
(H.B. No. 270)

AN ACT

RELATING TO RULEMAKING BY THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE; AMENDING CHAPTER 1, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-101A, IDAHO CODE, TO PROVIDE PROCEDURES IN THE EVENT RULES OF THE DIRECTOR ARE MORE STRINGENT THAN FEDERAL LAW OR REGULATIONS OR PROPOSE TO REGULATE AN ACTIVITY NOT REGULATED BY THE FEDERAL GOVERNMENT, TO PROVIDE THAT THE DIRECTOR SHALL UTILIZE SPECIFIED CRITERIA IN CERTAIN RULEMAKING, TO PROVIDE THAT CERTAIN INFORMATION BE INCLUDED IN THE RULEMAKING RECORD REQUIREMENTS IN THE EVENT A PROPOSED RULE PRO-

POSES A STANDARD NECESSARY TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, TO REQUIRE CERTAIN INFORMATION IN THE NOTICE OF RULEMAKING, TO REQUIRE CERTAIN NOTICE BY THE DIRECTOR TO THE STANDING COMMITTEE OF THE LEGISLATURE IDENTIFYING PORTIONS OF A RULE THAT ARE BROADER IN SCOPE OR MORE STRINGENT THAN FEDERAL LAW OR RULES, OR WHICH REGULATE AN ACTIVITY NOT REGULATED BY THE FEDERAL GOVERNMENT, TO CLARIFY THAT PROVISIONS ARE NOT INTENDED TO ALTER THE SCOPE OR EFFECT OF ANY PROVISION OF LAW LIMITING OR PROHIBITING ACTIONS OR RULEMAKING THAT IS BROADER IN SCOPE OR MORE STRINGENT THAN FEDERAL LAW, TO CLARIFY THAT SPECIFIED PROVISIONS ARE NOT INTENDED TO GRANT THE DIRECTOR ADDITIONAL RULEMAKING AUTHORITY AND TO PROVIDE THAT SPECIFIED REQUIREMENTS SHALL ALSO APPLY TO AMENDMENTS TO RULES IN EFFECT ON THE EFFECTIVE DATE OF THE ACT.

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

SECTION 1. That Chapter 1, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-101A, Idaho Code, and to read as follows:

22-101A. RULES OF THE DIRECTOR. (1) The legislature directs that any rule proposed by the director which is broader in scope or more stringent than federal law or regulations, or proposes to regulate an activity not regulated by the federal government, is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government, and must delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government.

(2) In proposing any rule or portions of any rule pursuant to chapter 49, title 22, Idaho Code, chapter 38, title 25, Idaho Code, or chapter 4, title 37, Idaho Code, the director shall utilize:

(a) The best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

(b) Data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justify use of the data.

(3) Any proposed rule subject to this section which proposes a standard necessary to protect human health and the environment shall also include in the rulemaking record requirements under chapter 52, title 67, Idaho Code, the following additional information:

(a) Identification of each population or receptor addressed by an estimate of public health effects or environmental effects; and

(b) Identification of the expected risk or central estimate of risk for the specific population or receptor; and

(c) Identification of each appropriate upper bound or lower bound estimate of risk; and

(d) Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty; and

(e) Identification of studies known to the director that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.

(4) The director shall also include a summary of the information required by subsection (3) of this section in the notice of rulemaking required by chapter 52, title 67, Idaho Code.

(5) Any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, submitted to the standing committee of the legislature pursuant to section 67-5291, Idaho Code, shall include a notice by the director identifying the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government.

(6) Nothing provided herein is intended to alter the scope or effect of any other provision of state law which limits or prohibits agency action or rulemaking that is broader in scope or more stringent than federal law or regulations.

(7) The provisions of this section place conditions on the director's rulemaking authority, which authority is authorized pursuant to provisions other than those set forth in chapter 1, title 22, Idaho Code. Nothing provided in this section is intended to grant the director additional rulemaking authority.

(8) The requirements of this section shall apply to the director's promulgation of new rules as well as the amendment of rules in effect on the effective date of this act.

Approved April 6, 2011.

CHAPTER 234
(H.B. No. 284)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$13,335,600	\$8,265,400	\$852,700		\$22,453,700
State Highway (Billing)					
Fund	45,000	108,700			153,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Federal)					
Fund	274,500	105,200			379,700
State Highway Title XII ARRA					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>\$118,100</u>	<u>118,100</u>
TOTAL	\$13,655,100	\$8,479,300	\$852,700	\$118,100	\$23,105,200

II. CAPITAL FACILITIES:

FROM:

State Aeronautics (Dedicated)

Fund			\$50,000		\$50,000
------	--	--	----------	--	----------

State Highway (Dedicated)

Fund			<u>2,800,000</u>		<u>2,800,000</u>
------	--	--	------------------	--	------------------

TOTAL			\$2,850,000		\$2,850,000
-------	--	--	-------------	--	-------------

III. AERONAUTICS:

FROM:

State Aeronautics (Dedicated)

Fund	\$802,300	\$498,100	\$45,400	\$660,100	\$2,005,900
------	-----------	-----------	----------	-----------	-------------

State Aeronautics (Billing)

Fund	74,700	148,200			222,900
------	--------	---------	--	--	---------

State Aeronautics (Federal)

Fund	<u>96,500</u>	<u>516,000</u>	<u>0</u>	<u>0</u>	<u>612,500</u>
------	---------------	----------------	----------	----------	----------------

TOTAL	\$973,500	\$1,162,300	\$45,400	\$660,100	\$2,841,300
-------	-----------	-------------	----------	-----------	-------------

IV. PUBLIC TRANSPORTATION:

FROM:

State Highway (Dedicated)

Fund	\$289,300	\$16,000	\$14,700	\$404,800	\$724,800
------	-----------	----------	----------	-----------	-----------

State Highway (Federal)

Fund	460,400	285,600		8,898,000	9,644,000
------	---------	---------	--	-----------	-----------

State Highway Title XII ARRA

Fund	<u>0</u>	<u>405,000</u>	<u>0</u>	<u>1,797,900</u>	<u>2,202,900</u>
------	----------	----------------	----------	------------------	------------------

TOTAL	\$749,700	\$706,600	\$14,700	\$11,100,700	\$12,571,700
-------	-----------	-----------	----------	--------------	--------------

V. PLANNING:

FROM:

State Highway (Dedicated)

Fund	\$573,100	\$426,400	\$38,400	\$140,000	\$1,177,900
------	-----------	-----------	----------	-----------	-------------

State Highway (Federal)

Fund	<u>1,426,500</u>	<u>1,809,900</u>	<u>0</u>	<u>140,000</u>	<u>3,376,400</u>
------	------------------	------------------	----------	----------------	------------------

TOTAL	\$1,999,600	\$2,236,300	\$38,400	\$280,000	\$4,554,300
-------	-------------	-------------	----------	-----------	-------------

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
VI. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$12,246,100	\$14,596,100	\$209,200		\$27,051,400
State Highway (Billing)					
Fund	14,000	117,800			131,800
State Highway (Federal)					
Fund	<u>0</u>	<u>1,100,000</u>	<u>0</u>		<u>1,100,000</u>
TOTAL	\$12,260,100	\$15,813,900	\$209,200		\$28,283,200
VII. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$70,198,700	\$46,188,600	\$20,330,600		\$136,717,900
State Highway (Billing)					
Fund	30,000	93,000			123,000
State Highway (Local)					
Fund	188,600	102,300			290,900
State Highway (Federal)					
Fund	8,510,800	1,873,200		\$1,658,300	12,042,300
State Highway Title XII ARRA					
Fund	<u>3,372,300</u>	<u>27,600</u>	<u>0</u>	<u>30,000</u>	<u>3,429,900</u>
TOTAL	\$82,300,400	\$48,284,700	\$20,330,600	\$1,688,300	\$152,604,000
VIII. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$5,053,500	\$42,966,800	\$318,000	\$48,338,300
State Highway (Local)					
Fund		705,200	3,562,200	541,000	4,808,400
American Reinvestment					
Fund				7,575,300	7,575,300
State Highway (Federal)					
Fund		12,153,000	218,659,800	2,914,000	233,726,800
State Highway Title XII ARRA					
Fund		<u>339,800</u>	<u>40,883,400</u>	<u>0</u>	<u>41,223,200</u>
TOTAL		\$18,251,500	\$306,072,200	\$11,348,300	\$335,672,000
GRAND TOTAL	\$111,938,400	\$94,934,600	\$330,413,200	\$25,195,500	\$562,481,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand eight hundred twenty-seven and five-tenths (1,827.5) full-time equivalent positions at any point during the period July 1, 2011, through

June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that all moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purposes of those funds.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Highway Fund appropriated for the Contract Construction and Right-of-Way Acquisition Program for fiscal year 2011, to be used for Contract Construction and Right-of-Way Acquisition only, for the period July 1, 2011, through June 30, 2012.

SECTION 5. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Aeronautics Fund appropriated for trustee and benefit payments for fiscal year 2011, to be used for Airport Development Grants, for the period July 1, 2011, through June 30, 2012.

SECTION 6. There is hereby appropriated to the Idaho Transportation Department \$25,000 from the State Highway Fund to be transferred to the Tourism and Promotion Fund, on July 1, 2011, or as soon thereafter as practicable. This transfer will provide the matching fund support of the Gateway Visitor Centers.

SECTION 7. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the Idaho Transportation Department 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 6, 2011.

CHAPTER 235
(H.B. No. 287)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2012; AND
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho State Lottery from the State Lottery Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2011, through June 30, 2012:

FOR:

Personnel Costs	\$2,619,500
Operating Expenditures	8,080,500
Capital Outlay	<u>77,600</u>
TOTAL	\$10,777,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-seven (47) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2011.

CHAPTER 236
(H.B. No. 288)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Self-Governing Agencies for the medical boards, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory				
Fund	\$225,100	\$220,700	\$6,200	\$452,000
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory				
Fund	\$744,800	\$685,000	\$2,200	\$1,432,000
III. BOARD OF NURSING:				
FROM:				
State Regulatory				
Fund	\$575,400	\$494,300	\$22,000	\$1,091,700
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory				
Fund	\$747,400	\$511,400		\$1,258,800
Federal Grant				
Fund	0	154,900	\$4,500	159,400
TOTAL	\$747,400	\$666,300	\$4,500	\$1,418,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory				
Fund	\$117,100	\$107,000		\$224,100
GRAND TOTAL	\$2,409,800	\$2,173,300	\$34,900	\$4,618,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Medical Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Dentistry	Three (3)
Board of Medicine	Thirteen and eight-tenths (13.8)
Board of Nursing	Ten and five-tenths (10.5)
Board of Pharmacy	Thirteen (13)
Board of Veterinary Medicine	Two (2)

Approved April 6, 2011.

CHAPTER 237
(H.B. No. 290)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN BALANCES; AND PROVIDING LEGISLATIVE INTENT WITH RESPECT TO LISTED PROJECTS.

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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$315,900	\$258,300			\$574,200
Indirect Cost Recovery					
Fund	197,100	197,800	\$64,300		459,200
Parks and Recreation					
Fund	975,600	886,900		\$205,000	2,067,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Recreational Fuels					
Fund	496,100	86,600		2,221,800	2,804,500
Parks and Recreation Registration					
Fund	374,700	145,800		5,901,200	6,421,700
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>1,997,100</u>	<u>1,999,700</u>
TOTAL	\$2,359,400	\$1,593,600	\$64,300	\$10,325,100	\$14,342,400

II. PARK OPERATIONS:

FROM:

General

Fund	\$283,600	\$450,700			\$734,300
------	-----------	-----------	--	--	-----------

Indirect Cost Recovery

Fund		2,400			2,400
------	--	-------	--	--	-------

Parks and Recreation

Fund	3,402,400	1,365,300			4,767,700
------	-----------	-----------	--	--	-----------

Recreational Fuels

Fund	121,900	544,600	\$984,500		1,651,000
------	---------	---------	-----------	--	-----------

Parks and Recreation Registration

Fund	2,195,200	801,300	289,300	\$200,000	3,485,800
------	-----------	---------	---------	-----------	-----------

Miscellaneous Revenue

Fund	3,000	76,500			79,500
------	-------	--------	--	--	--------

Public Recreation Enterprise

Fund	690,500	1,089,000			1,779,500
------	---------	-----------	--	--	-----------

Parks and Recreation Expendable Trust

Fund	462,700	405,600			868,300
------	---------	---------	--	--	---------

Federal Grant

Fund	<u>991,900</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>2,848,000</u>
------	----------------	----------------	----------	------------------	------------------

TOTAL	\$8,151,200	\$5,364,000	\$1,273,800	\$1,427,500	\$16,216,500
--------------	--------------------	--------------------	--------------------	--------------------	---------------------

III. CAPITAL DEVELOPMENT:

FROM:

Indirect Cost Recovery

Fund			\$100,000		\$100,000
------	--	--	-----------	--	-----------

Recreational Fuels

Fund			550,000		550,000
------	--	--	---------	--	---------

Parks and Recreation Registration

Fund			<u>3,000,000</u>		<u>3,000,000</u>
------	--	--	------------------	--	------------------

TOTAL			\$3,650,000		\$3,650,000
--------------	--	--	--------------------	--	--------------------

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
GRAND TOTAL	\$10,510,600	\$6,957,600	\$4,988,100	\$11,752,600	\$34,208,900

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 thirty-nine and five-tenths (139.5) full-time equivalent positions at any point during the period July 1, 2011, through June 30 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding Section 67-3511(2), Idaho Code, trustee and benefit payments for project grants in the Management Services Program may be transferred to the Capital Development Program to reflect project grants awarded to the Department of Parks and Recreation for the period July 1, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION. Unexpended and unencumbered capital outlay balances in the Capital Development Program for fiscal year 2011 are hereby reappropriated for capital outlay in that program for the period July 1, 2011, through June 30, 2012.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that moneys appropriated in Section 1 of this act from the Recreational Vehicle Fund established in Section 49-448, Idaho Code, supersede the grant provisions of Section 67-4223(5), Idaho Code, for the following projects: \$200,000 to replace the surface drinking water system at Freeman Creek; \$1,800,000 for the Henrys Lake 40-site campground; \$250,000 for rest room renovation at Farragut State Park; \$600,000 for campground renovation at Heyburn State Park; \$100,000 for water and electricity campsite retrofits at Round Lake State Park; and \$50,000 for electrical upgrades at Walcott State Park.

Approved April 6, 2011.

CHAPTER 238
(H.B. No. 291)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2011; TRANSFERRING ADDITIONAL MONEYS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF 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 3, Chapter 265, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated \$170,000 from the Indirect Cost Recovery Fund to the De-

partment of Water Resources, to be expended for operating expenditures, for the period July 1, 2010, through June 30, 2011.

SECTION 2. In addition to the appropriation made in Section 3, Chapter 265, Laws of 2010, and any other appropriation provided for by law, there is appropriated to the Department of Water Resources \$2,465,300 from the Revolving Development Fund to be transferred, as soon as practicable, to the Secondary Aquifer Planning, Management, and Implementation Fund, for the period July 1, 2010, through June 30, 2011.

SECTION 3. There is hereby appropriated to the Department of Water Resources, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:				
FROM:				
General				
Fund	\$768,200	\$655,800		\$1,424,000
Indirect Cost Recovery				
Fund	292,500	142,000		434,500
Water Administration				
Fund	41,100	21,900		63,000
Miscellaneous Revenue				
Fund	<u>0</u>	<u>138,100</u>		<u>138,100</u>
TOTAL	\$1,101,800	\$957,800		\$2,059,600
II. PLANNING AND TECHNICAL SERVICES:				
FROM:				
General				
Fund	\$2,039,300	\$573,200	\$554,000	\$3,166,500
Indirect Cost Recovery				
Fund	66,700	13,400		80,100
Aquifer Planning and Management				
Fund	358,100	2,384,500		2,742,600
Miscellaneous Revenue				
Fund		165,000		165,000
Federal Grant				
Fund	<u>473,600</u>	<u>2,288,400</u>	<u>0</u>	<u>2,762,000</u>
TOTAL	\$2,937,700	\$5,424,500	\$554,000	\$8,916,200
III. WATER MANAGEMENT:				
FROM:				
General				
Fund	\$3,742,400	\$1,925,300		\$5,667,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Indirect Cost Recovery				
Fund	50,400	5,200		55,600
Water Administration				
Fund	1,026,600	218,900		1,245,500
Miscellaneous Revenue				
Fund	647,800	246,800		894,600
Federal Grant				
Fund	<u>480,500</u>	<u>312,100</u>		<u>792,600</u>
TOTAL	\$5,947,700	\$2,708,300		\$8,656,000
IV. NORTHERN IDAHO ADJUDICATION:				
FROM:				
General				
Fund	\$212,600	\$155,900		\$368,500
Northern Idaho Adjudication				
Fund	<u>67,800</u>	<u>35,000</u>		<u>102,800</u>
TOTAL	\$280,400	\$190,900		\$471,300
GRAND TOTAL	\$10,267,600	\$9,281,500	\$554,000	\$20,103,100

SECTION 4. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-nine (159) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved April 6, 2011.

CHAPTER 239
(H.B. No. 292)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR REGULATORY BOARDS FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Self-Governing Agencies, for the Regulatory Boards, the following amounts to be expended according to the designated programs and expense classes, from the listed fund for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory					
Fund	\$245,500	\$254,400			\$499,900
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory					
Fund	\$337,400	\$224,500	\$2,400		\$564,300
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$1,907,700	\$1,154,500		\$52,500	\$3,114,700
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory					
Fund	\$334,200	\$202,800			\$537,000
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory					
Fund	\$857,100	\$555,400			\$1,412,500
GRAND TOTAL	\$3,681,900	\$2,391,600	\$2,400	\$52,500	\$6,128,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Regulatory Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Accountancy Four (4)
 Board of Professional Engineers and Land Surveyors Four (4)
 Board of Occupational Licenses Thirty-five (35)
 Outfitters and Guides Licensing Board Six (6)
 Real Estate Commission Sixteen (16)

Approved April 6, 2011.

CHAPTER 240
(H.B. No. 293)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2012; APPROPRIATING REED ACT MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Labor, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WAGE AND HOUR:				
FROM:				
General				
Fund	\$222,400	\$65,000		\$287,400
Unemployment Penalty and Interest				
Fund	149,200	63,700		212,900
Miscellaneous Revenue				
Fund	<u>0</u>	<u>10,600</u>		<u>10,600</u>
TOTAL	\$371,600	\$139,300		\$510,900
II. CAREER INFORMATION SERVICES:				
FROM:				
Miscellaneous Revenue				
Fund	\$288,100	\$132,400		\$420,500
III. HUMAN RIGHTS COMMISSION:				
FROM:				
General				
Fund	\$266,500	\$17,300		\$283,800
Unemployment Penalty and Interest				
Fund	120,900	3,500		124,400
Employment Security Special Administration				
Fund	120,900	3,500		124,400
Miscellaneous Revenue				
Fund		500		500
Federal Grant				
Fund	<u>124,800</u>	<u>141,300</u>		<u>266,100</u>
TOTAL	\$633,100	\$166,100		\$799,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. SERVE IDAHO:				
FROM:				
Miscellaneous Revenue				
Fund		\$46,400		\$46,400
Federal Grant				
Fund	\$301,200	283,700	\$2,050,000	2,634,900
TOTAL	\$301,200	\$330,100	\$2,050,000	\$2,681,300
GRAND TOTAL	\$1,594,000	\$767,900	\$2,050,000	\$4,411,900

SECTION 2. There is hereby appropriated out of the funds made available to the Department of Labor of the state of Idaho, pursuant to Section 903 of the federal Social Security Act, as amended, \$2,304,400 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, for the period July 1, 2011, through June 30, 2012.

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than twenty-seven (27) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 6, 2011.

CHAPTER 241
(H.B. No. 294)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF 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 2, Chapter 209, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated from the General Fund to the Board of Tax Appeals, the following amounts to be expended for the designated expense classes, for the period July 1, 2010, through June 30, 2011:

FOR:	
Personnel Costs	\$8,800
Operating Expenditures	10,000
TOTAL	\$18,800

SECTION 2. There is hereby appropriated to the Board of Tax Appeals from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2011, through June 30, 2012:

FOR:

Personnel Costs	\$395,400
Operating Expenditures	<u>55,000</u>
TOTAL	\$450,400

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than six (6) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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

Approved April 6, 2011.

CHAPTER 242
(H.B. No. 328)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-337, IDAHO CODE, TO DEFINE A TERM AND TO REVISE A DEFINITION; AMENDING SECTION 9-338, IDAHO CODE, TO PROVIDE THAT PUBLIC AGENCIES AND INDEPENDENT PUBLIC BODIES CORPORATE AND POLITIC MAY IMPOSE CERTAIN REQUIREMENTS RELATING TO REQUESTS FOR PUBLIC RECORDS, TO PROVIDE THAT REQUESTS FOR PUBLIC RECORDS AND DELIVERY OF PUBLIC RECORDS MAY BE MADE BY ELECTRONIC MAIL, TO REVISE PROVISIONS RELATING TO INQUIRIES BY CUSTODIANS IN CONNECTION WITH REQUESTS FOR PUBLIC RECORDS, TO PROVIDE THAT PUBLIC AGENCIES OR INDEPENDENT PUBLIC BODIES CORPORATE AND POLITIC MAY PROVIDE REQUESTERS WITH CERTAIN INFORMATION, TO REMOVE REFERENCE TO CERTAIN DISCRETIONARY REQUIREMENTS ASSOCIATED WITH REQUESTS FOR PUBLIC RECORDS, TO REVISE FEE PROVISIONS ASSOCIATED WITH REQUESTS FOR PUBLIC RECORDS, TO REMOVE PROVISIONS RELATING TO ADVANCE PAYMENT OF COSTS OF COPYING, THE CREDITING OF MONEYS RECEIVED TO CERTAIN ACCOUNTS AND THE EXPENDITURE OF SUCH FUNDS BY AN AGENCY, TO PROVIDE FOR THE PAY RATE OF FEES, TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES THERE SHALL BE NO COST OR FEE CHARGED FOR EXAMINATION OR COPYING OF PUBLIC RECORDS, TO PROVIDE THAT STATEMENTS OF FEES SHALL BE ITEMIZED, TO PROHIBIT LUMP SUM COSTS, TO PROVIDE FOR THE AGGREGATION OF RELATED REQUESTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR ADVANCE PAYMENT OF FEES, TO PROVIDE FOR THE CREDITING OF MONEYS RECEIVED TO CERTAIN ACCOUNTS AND TO PROVIDE FOR THE EXPENDITURE OF SUCH FUNDS BY AN AGENCY, TO PROVIDE FOR THE RETURN OF EXCESS ADVANCE PAYMENTS UNDER CERTAIN CIRCUMSTANCES AND TO REMOVE A PROVISION AUTHORIZING THAT REQUESTS FOR PUBLIC RECORDS AND DELIVERY OF PUBLIC RECORDS MAY BE CONDUCTED BY ELECTRONIC MAIL; DECLARING AN EMERGENCY AND PROVIDING FOR APPLICABILITY.

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

SECTION 1. That Section 9-337, Idaho Code, be, and the same is hereby amended to read as follows:

9-337. DEFINITIONS. As used in sections 9-337 through 9-347, Idaho Code:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means so long as the public record is not altered or damaged.

(3) "Custodian" means the person having personal custody and control of the public records in question. If no such designation is made by the public agency or independent public body corporate and politic, then custodian means any public official having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives.

(4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency or independent public body corporate and politic pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency or independent public body corporate and politic has regulatory authority or law enforcement authority.

(7) "Law enforcement agency" means any state or local agency given law enforcement powers or which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.

(8) "Local agency" means a county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(11) "Public agency" means any state or local agency as defined in this section.

(12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.

(13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.

(14) "Requester" means the person requesting examination and/or copying of public records pursuant to section 9-338, Idaho Code.

(15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial branch, except the state militia and the Idaho state historical society library and archives.

(156) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination

thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

SECTION 2. That Section 9-338, Idaho Code, be, and the same is hereby amended to read as follows:

9-338. PUBLIC RECORDS -- RIGHT TO EXAMINE. (1) Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.

(2) The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of the records using equipment provided by the public agency or independent public body corporate and politic or using equipment designated by the custodian.

(3) Additionally, the custodian of any public record shall give the person, on demand, a certified copy of it if the record is of a nature permitting such copying or shall furnish reasonable opportunity to inspect or copy such record.

(4) A public agency or independent public body corporate and politic may require that a request for public records be submitted to it in a writing that provides the requester's name, mailing address, e-mail address and telephone number. A request for public records and delivery of the public records may be made by electronic mail.

(5) The custodian shall make no inquiry of any person who applies for requests a public record, except:

(a) To verify the identity of a person requesting a record the requester in accordance with section 9-342, Idaho Code,; or

(b) To ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by section 9-348, Idaho Code, or as otherwise provided by law, and except; or

(c) As required for purposes of protecting personal information from disclosure under chapter 2, title 49, Idaho Code, and federal law.

~~The person may be required to make a written request and provide their name, a mailing address and telephone number.~~

(56) The custodian shall not review, examine or scrutinize any copy, photograph or memoranda in the possession of any such person and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted under this act.

(67) Nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any public record while it is being examined.

(78) Examination of public records under the authority of this section must be conducted during regular office or working hours unless the custodian shall authorize examination of records in other than regular office or working hours. In this event, the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public agency or independent public body corporate and politic having custody of such records, out of funds provided in advance by the person examining such records, at other than regular office or working hours.

(9) The public agency or independent public body corporate and politic may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in section 9-338(10), Idaho Code.

~~(810) (a) A public agency or independent public body corporate and politic or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if~~

~~another fee is not otherwise provided by law. The actual cost shall not include any administrative or labor costs resulting from locating and providing a copy of the public record; provided however, that a Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.~~

(b) A public agency or independent public body corporate and politic or public official may establish a fees to recover the actual labor and copying costs associated with locating and copying documents if:

- (i) The request is for more than one hundred (100) pages of paper records; or
- (ii) The request includes records from which nonpublic information must be deleted; or
- (iii) The actual labor associated with locating and copying documents for a request responding to requests for public records in compliance with the provisions of this chapter exceeds two (2) person hours.

(c) A public agency or independent public body corporate and politic or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if another fee is not otherwise provided by law.

(bd) For providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information, a public agency or independent public body corporate and politic or public official may charge a fee, uniform to all persons that does not exceed the sum of the following:

- (i) The agency's direct cost of copying the information in that form;
- (ii) The standard cost, if any, for selling the same information in the form of a publication;
- (iii) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

~~The custodian may require advance payment of the cost of copying. Any money received by the public agency or independent public body corporate and politic shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund.~~

(e) Fees shall not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees, if charged, shall reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency or independent public body corporate and politic who is necessary and qualified to process the request. If a request requires redactions to be made by an attorney who is employed by the public agency or independent public body corporate and politic, the rate charged shall be no more than the per hour rate of the lowest paid attorney within the public agency or independent public body corporate and politic who is necessary and qualified to process the public records request. If a request is submitted to a public agency or independent public body corporate and politic that does not have an attorney on staff, and requires redactions by an attorney, the rate shall be no more than the usual and customary rate of the attorney who is retained by the public agency or independent public body corporate and politic for that purpose.

(ef) The public agency or independent public body corporate and politic may shall not charge any cost or fee for copies or labor when the re-

requester demonstrates either that the requester's examination and/or copying of public records:

(i) The inability to pay; or Is likely to contribute significantly to the public's understanding of the operations or activities of the government;

(ii) That the public's interest or the public's understanding of the operations or activities of government or its records would suffer by the assessment or collection of any fee Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and

(iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

(g) Statements of fees by a public agency or independent public body corporate and politic shall be itemized to show the per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs shall be assigned to any public records request.

(11) A requester may not file multiple requests for public records solely to avoid payment of fees. When a public agency or independent public body corporate and politic reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the public agency or independent public body corporate and politic may aggregate such requests and charge the appropriate fees. The public agency or independent public body corporate and politic may consider the time period in which the requests have been made in its determination to aggregate the related requests. A public agency or independent public body corporate and politic shall not aggregate multiple requests on unrelated subjects from one (1) requester.

(12) The custodian may require advance payment of fees authorized by this section. Any money received by the public agency or independent public body corporate and politic shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by the agency in responding to the request shall be returned to the requester.

(13) A public agency or independent public body corporate and politic shall not prevent the examination or copying of a public record by contracting with a nongovernmental body to perform any of its duties or functions.

(14) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from disclosing statistical information that is descriptive of an identifiable person or persons, unless prohibited by law.

(15) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from providing a copy of a public record in electronic form if the record is available in electronic form and if the person specifically requests an electronic copy. A request for a public record and delivery of the public record may be conducted by electronic mail.

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. The provisions of this act shall apply to all current, ongoing and future public records requests.

CHAPTER 243
(H.B. No. 272)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-108B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACTION BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES RELATING TO CERTAIN PROPOSED LEASES OF WATER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-108B, Idaho Code, be, and the same is hereby amended to read as follows:

42-108B. LEASING OF WATER UNDER ESTABLISHED RIGHTS -- NOTICE -- APPEAL. Any person, entitled to the use of water whether represented by a license issued by the department of water resources, or by decree of the court, who shall desire to lease the water pursuant to section 42-108A, Idaho Code, shall make application to the department of water resources. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be leased. Upon receipt of said application, an application filing fee of thirty dollars (\$30.00) and a publication fee of fifty dollars (\$50.00), it shall be the duty of the director of the department of water resources to examine same and if otherwise proper, to cause notice of the proposed leasing of water and setting forth the hearing date at which protests will be heard, to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county where the water is diverted, if there is such a paper, otherwise in a newspaper of general circulation within the county. Such notice shall advise that anyone who desires to protest the proposed leasing of water and who has a superior right to use the water and who may suffer pecuniary loss shall file notice of protest with the department within five (5) days of the last date of publication. The hearing date set by the director of the department of water resources shall be held not sooner than ten (10) nor later than fifteen (15) days after the last date of publication. Upon receipt of any protest, it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed lease.

The director of the department of water resources shall examine all of the evidence and available information and shall ~~approve, in whole or in part, or upon conditions,~~ provided no other water rights senior or junior to the water to be leased are injured thereby, may reject and refuse approval for, or may partially approve for less quantity of water, or may approve upon conditions any proposed lease of water where the proposed use is such that it will reduce the quantity of water available under other existing water rights, the water supply involved is insufficient for the purpose for which it is sought, the lease would cause the use of water to be enlarged beyond that authorized under the water right to be leased, the lease would be contrary to any local rental pool procedure as authorized under section 42-1765, Idaho Code, the lease will conflict with the local public interest as defined in section 42-202B, Idaho Code, or the lease will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates. A copy of the approved application for leasing of water shall be returned to the applicant, and he shall be authorized upon receipt thereof to lease the water pursuant to section 42-108A, Idaho Code. In the event the director of

the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny same and forward a notice of such action to the applicant by certified mail, which decision shall be subject to review pursuant to section 42-1701A, Idaho Code.

All fees received by the department of water resources under the provisions of this section shall be submitted to the state treasurer for deposit in the water administration 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 April 7, 2011.

CHAPTER 244
(S.B. No. 1199)

AN ACT

RELATING TO COOPERATIVE MARKETING ASSOCIATIONS; AMENDING SECTION 48-107, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPT ACTIVITIES FROM THE IDAHO COMPETITION ACT IF CERTAIN CONDITIONS OCCUR; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 48-107, Idaho Code, be, and the same is hereby amended to read as follows:

48-107. EXEMPT ACTIVITIES. (1) No provision of this chapter shall be construed to prohibit:

- (a) Activities that are exempt from the operation of the federal antitrust laws.
- (b) Activities required or affirmatively approved by any statute of this state or of the United States or by a regulatory agency of this state or of the United States duly acting under any constitutional or statutory authority vesting the agency with such power.
- (c) Activities of a municipality or its officers or employees acting in an official capacity, to the extent that those activities are authorized or directed by state law.
- (d) The existence of, or membership in, organizations instituted for the purpose of mutual help and not having capital stock or conducted for profit; nor shall the provisions of this act forbid or restrain individual members of such organizations from lawfully carrying out legitimate objectives of the organization.
- (e) Activities of any labor organization, individual members of the labor organization, or group of labor organizations, of any employer or group of employers, or of any groups of employees, if these activities are directed predominantly to labor objectives which are permitted under the laws of this state or of the United States.

(2) Persons engaged in the production of agricultural products may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling and marketing the products of these persons, to the extent permitted under the laws of this state or of the United States. These associations may have marketing agencies in common and such associations and their members may make the necessary contracts and agreements to effect such purposes. However, such

associations must conform to the requirements of chapter 26, title 22, Idaho Code, or alternatively satisfy the following requirements:

- (a) Operate for the mutual benefit of the members thereof, as producers;
- (b) Not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members; and
- (c) Conform to one (1) or both of the following:
 - (i) That no member of the association is allowed more than one (1) vote because of the amount of stock or membership capital he may own therein; or
 - (ii) That the association does not pay dividends on stock or membership capital in excess of eight percent (8%) per annum.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to July 1, 2000.

Approved April 7, 2011.

CHAPTER 245
(H.B. No. 239)

AN ACT

RELATING TO PUBLIC WRITINGS; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS ARE EXEMPT FROM DISCLOSURE, TO PROVIDE EXCEPTIONS AND TO REMOVE A CODE REFERENCE; AND AMENDING SECTION 9-343, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO PROCEEDINGS TO ENFORCE A RIGHT TO EXAMINE OR TO RECEIVE A COPY OF CERTAIN RECORDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-340D, Idaho Code, be, and the same is hereby amended to read as follows:

9-340D. RECORDS EXEMPT FROM DISCLOSURE -- TRADE SECRETS, PRODUCTION RECORDS, APPRAISALS, BIDS, PROPRIETARY INFORMATION. The following records are exempt from disclosure:

(1) Trade secrets including those contained in response to public agency or independent public body corporate and politic requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(2) Production records, housing production, rental and financing records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency or submitted to or otherwise obtained by an independent public body corporate and politic. Nothing in this subsection shall limit the use which can be made

of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(3) Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency or independent public body corporate and politic.

(4) Any estimate prepared by a public agency or independent public body corporate and politic that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.

(5) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency or independent public body corporate and politic responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(6) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

(7) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies and the names and addresses of growers and shippers maintained by commodity commissions.

(8) Financial statements and business information and reports submitted by a legal entity to a port district organized under title 70, Idaho Code, in connection with a business agreement, or with a development proposal or with a financing application for any industrial, manufacturing, or other business activity within a port district.

(9) Names and addresses of seed companies, seed crop growers, seed crop consignees, locations of seed crop fields, variety name and acreage by variety. Upon the request of the owner of the proprietary variety, this information shall be released to the owner. Provided however, that if a seed crop has been identified as diseased or has been otherwise identified by the Idaho department of agriculture, other state departments of agriculture, or the United States department of agriculture to represent a threat to that particular seed or commercial crop industry or to individual growers, information as to test results, location, acreage involved and disease symptoms of that particular seed crop, for that growing season, shall be available for public inspection and copying. This exemption shall not supersede the provisions of section 22-436, Idaho Code, nor shall this exemption apply to information regarding specific property locations subject to an open burning of crop residue pursuant to section 39-114, Idaho Code, names of persons responsible for the open burn, acreage and crop type to be burned, and time frames for burning.

(10) Information obtained from books, records and accounts required in chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed commission and pertaining to the individual production records of oilseed growers.

(11) Records of any risk retention or self-insurance program prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against a public entity and its employees or against the industrial special indemnity fund except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to

limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic.

(12) Records of laboratory test results provided by or retained by the Idaho food quality assurance laboratory. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

(13) Reports required to be filed under chapter 13, title 62, Idaho Code, identifying electrical or natural or manufactured gas consumption data for an individual customer or account.

(14) Voluntarily prepared environmental audits, and voluntary disclosures of information submitted on or before December 31, 1997, to an environmental agency as defined in section 9-803, Idaho Code, which are claimed to be confidential business information.

(15) Computer programs developed or purchased by or for any public agency or independent public body corporate and politic for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:

(a) The original data including, but not limited to, numbers, text, voice, graphics and images;

(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(16) Active investigative records and trademark usage audits of the Idaho potato commission specifically relating to the enforcement of chapter 12, title 22, Idaho Code, until the commencement of formal proceedings as provided by rules of the commission; purchase and sales information submitted to the Idaho potato commission during a trademark usage audit, and investigation or enforcement proceedings. Inactive investigatory records shall be disclosed unless the disclosure would violate the standards set forth in subsections (1) (a) through (f) of section 9-335, Idaho Code. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

(17) All records copied or obtained by the director of the department of agriculture or his designee as a result of an inspection pursuant to section 25-3806, Idaho Code, except:

(a) Records otherwise deemed to be public records not exempt from disclosure pursuant to this chapter; and

(b) Inspection reports, determinations of compliance or noncompliance and all other records created by the director or his designee pursuant to section 25-3806, Idaho Code.

(18) All data and information collected by the division of animal industries or the state brand board pursuant to the provisions of section 25-207B, Idaho Code, or rules promulgated thereunder.

(19) Records disclosed to a county official by the state tax commission pursuant to subsection (4) (c) of section 63-3029B, Idaho Code.

(20) Records, data, information and materials collected, developed, generated, ascertained or discovered during the course of academic research at public institutions of higher education if the disclosure of such could reasonably affect the conduct or outcome of the research, or the ability of the public institution of higher education to patent or copyright the research or protect intellectual property.

(21) Records, data, information and materials collected or utilized during the course of academic research at public institutions of higher education provided by any person or entity other than the public institution of higher education or a public agency.

(22) The exemptions from disclosure provided in subsections (20) and (21) of this section shall apply only until the academic research is publicly released, copyrighted or patented, or until the academic research is completed or terminated. At such time, the records, data, information, and materials shall be subject to public disclosure unless: (a) another exemption in this chapter applies; (b) such information was provided to the institution subject to a written agreement of confidentiality; or (c) public disclosure would pose a danger to persons or property.

(23) The exemptions from disclosure provided in subsections (20) and (21) of this section do not include basic information about a particular research project that is otherwise subject to public disclosure, such as the nature of the academic research, the name of the researcher, and the amount and source of the funding provided for the project.

(24) Records of a county assessor, the state tax commission, a county board of equalization or the state board of tax appeals containing the following information showing the income and expenses of a taxpayer, which information was provided to the assessor by the taxpayer to permit the assessor to determine the value of property of the taxpayer: (i) lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and operating statements required to be filed pursuant to section 63-404, Idaho Code, and (ii) confidential commercial or financial information including trade secrets. Except with respect to lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and the operator statements required to be filed pursuant to section 63-404, Idaho Code, it shall be the responsibility of the taxpayer to give notice of its claim to exemption by stamping or marking each page or the first page of each portion of documents so claimed. No records that are exempt pursuant to this subsection shall be disclosed without the consent of the taxpayer except as follows:

(a) To any officer, employee or authorized representative of the state or the United States, under a continuing claim of confidentiality, as necessary to carry out the provisions of state or federal law or when relevant to any proceeding thereunder.

(b) In the publication of statistics or reports as long as the statistics or reports do not reasonably lead to the identification of the specific taxpayer or information submitted by taxpayers exempt pursuant to this subsection.

(c) To the board of tax appeals or the district court as evidence or otherwise in connection with an appeal of the taxpayer's property tax assessment, but only if the board or the court, as applicable, has entered a protective order specifying that the taxpayer information may not be disclosed by any person conducting or participating in the action or proceeding, except as authorized by the board or the court in accordance with applicable law.

(d) Nothing in this subsection shall prevent disclosure of the following information:

- (i) Name and mailing address of the property owner;
- (ii) A parcel number;
- (iii) A legal description of real property;
- (iv) The square footage and acreage of real property;
- (v) The assessed value of taxable property;
- (vi) The tax district and the tax rate; and
- (vii) The total property tax assessed.

(25) Results of laboratory tests which have no known adverse impacts to human health conducted by the Idaho state department of agriculture animal health laboratory, related to diagnosis of animal diseases of individual an-

imals or herds, on samples submitted by veterinarians or animal owners unless:

(a) The laboratory test results indicate the presence of a state or federally reportable or regulated disease in animals;

(b) The release of the test results is required by state or federal law; or

(c) The test result is identified as representing a threat to animal or human health or to the livestock industry by the Idaho state department of agriculture or the United States department of agriculture. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding, or the duty of any person to report contagious or infectious diseases as required by state or federal law.

(26) Results of laboratory tests conducted by the Idaho state department of agriculture seed laboratory on samples submitted by seed producers or seed companies. Nothing in this subsection shall limit the use which can be made, or availability of such information pursuant to the provisions of subsections (9) and (10) of section 22-418, Idaho Code.

(27) For policies that are owned by private persons, and not by a public agency of the state of Idaho, records of policies, endorsements, affidavits and any records that discuss policies, endorsements and affidavits that may be required to be filed with or by a surplus line association pursuant to chapter 12, title 41, Idaho Code.

(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.

SECTION 2. That Section 9-343, Idaho Code, be, and the same is hereby amended to read as follows:

9-343. PROCEEDINGS TO ENFORCE RIGHT TO EXAMINE OR TO RECEIVE A COPY OF RECORDS -- RETENTION OF DISPUTED RECORDS. (1) The sole remedy for a person aggrieved by the denial of a request for disclosure is to institute proceedings in the district court of the county where the records or some part thereof are located, to compel the public agency or independent public body corporate and politic to make the information available for public inspection in accordance with the provisions of sections 9-337 through 9-348, Idaho Code. The petition contesting the public agency's or independent public body corporate and politic's decision shall be filed within one hundred eighty (180) calendar days from the date of mailing of the notice of denial or partial denial by the public agency or independent public body corporate and politic. In cases in which the records requested are claimed as exempt pursuant to section 9-340D(1) or (24), Idaho Code, the petitioner shall be required to name as a party and serve the person or entity that filed or provided such documents to the agency, and such person or entity shall have standing to oppose the request for disclosure and to support the decision of the agency to deny the request. The time for responsive pleadings and for hearings in such proceedings shall be set by the court at the earliest possible time, or in no event beyond twenty-eight (28) calendar days from the date of filing.

(2) The public agency or independent public body corporate and politic shall keep all documents or records in question until the end of the appeal period, until a decision has been rendered on the petition, or as otherwise statutorily provided, whichever is longer.

(3) Nothing contained in sections 9-337 through 9-348, Idaho Code, shall limit the availability of documents and records for discovery in the normal course of judicial or administrative adjudicatory proceedings, subject to the law and rules of evidence and of discovery governing such proceedings. Additionally, in any criminal appeal or post-conviction civil action, sections 9-335 through 9-348, Idaho Code, shall not make available the contents of prosecution case files where such material has previously been provided to the defendant nor shall sections 9-335 through 9-348, Idaho Code, be available to supplement, augment, substitute or supplant discovery procedures in any other federal, civil or administrative proceeding.

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

Approved April 8, 2011.

CHAPTER 246
(H.B. No. 201)

AN ACT

RELATING TO EMPLOYEES OF SCHOOL DISTRICTS; AMENDING SECTION 33-1208, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION PROFESSIONAL STANDARDS COMMISSION MAY TAKE CERTAIN ACTIONS ON CERTAIN CERTIFICATES, TO PROVIDE THAT THE STATE BOARD OF EDUCATION PROFESSIONAL STANDARDS COMMISSION SHALL PERMANENTLY REVOKE CERTAIN CERTIFICATES, TO PROVIDE THAT THE STATE BOARD OF EDUCATION PROFESSIONAL STANDARDS COMMISSION MAY INVESTIGATE ANY ALLEGATION OF CERTAIN CONDUCT AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION PROFESSIONAL STANDARDS COMMISSION MAY DENY THE ISSUANCE OF A CERTIFICATE FOR ANY REASON THAT WOULD BE A GROUND FOR REVOCATION OR SUSPENSION; AMENDING SECTION 33-1209, IDAHO CODE, TO REVISE PROCEDURES, PROCESSES AND FEES BEFORE THE PROFESSIONAL STANDARDS COMMISSION, TO DEFINE THE TERM "TEACHER" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1210, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE FOR AN APPLICANT FOR EMPLOYMENT AT A SCHOOL DISTRICT TO SIGN A RELEASE THAT PRIOR PERSONNEL FILES SHALL BE RELEASED TO THE DISTRICT, TO PROVIDE IMMUNITY FROM LIABILITY AND TO PROVIDE PENALTIES FOR DISCLOSURE OF INFORMATION; AND AMENDING SECTION 33-1211, IDAHO CODE, TO DELETE REFERENCE TO A PREVIOUSLY REPEALED CODE SECTION.

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

SECTION 1. That Section 33-1208, Idaho Code, be, and the same is hereby amended to read as follows:

33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDITIONS ON CERTIFICATE -- GROUNDS. 1. ~~The state board of education professional standards commission~~ may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds:

- a. Gross neglect of duty;
- b. Incompetency;
- c. Breach of the teaching contract;
- d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;

- e. Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
- f. Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude;
- g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture or production of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;
- h. A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment in this or any other state, of the crime of involuntary manslaughter, section 18-4006 2. or section 18-4006 3., Idaho Code;
- i. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
- j. Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;
- k. The kidnapping of a child, section 18-4503, Idaho Code;
- l. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.
- 2. ~~The state board of education~~ professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:
 - a. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.
 - b. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.
 - c. The injury or death of a child, section 18-1501, Idaho Code.
 - d. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
 - e. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
 - f. The sexual exploitation of a child, section 18-1507, Idaho Code.
 - g. Possession of photographic representations of sexual conduct involving a child, section 18-1507A, Idaho Code.
 - h. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
 - i. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.
 - j. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
 - k. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006 1., Idaho Code.
 - l. The kidnapping of a child, section 18-4502, Idaho Code.
 - m. The importation or exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.
 - n. The abduction of a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.
 - o. The rape of a child, section 18-6101 or 18-6108, Idaho Code.

The general classes of felonies listed in subsection 2. of this section shall include equivalent laws of federal or other state jurisdictions. For

the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

3. ~~The state board of education~~ professional standards commission may investigate and follow the procedures set forth in section 33-1209, Idaho Code, for any allegation of inappropriate conduct as defined in this section, by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it was found that inappropriate conduct occurred, ~~the board~~ commission shall record such findings in the permanent record of the individual and shall deny the issuance of a teaching certificate.

4. Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code.

5. ~~The state board~~ professional standards commission may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

SECTION 2. That Section 33-1209, Idaho Code, be, and the same is hereby amended to read as follows:

33-1209. PROCEEDINGS TO REVOKE, SUSPEND, DENY OR PLACE REASONABLE CONDITIONS ON A CERTIFICATE -- LETTERS OF REPRIMAND -- COMPLAINT -- SUBPOENA POWER -- HEARING. (1) The professional standards commission may conduct investigations on any signed allegation of unethical practice of any teacher brought by:

- (a) An individual with a substantial interest in the matter, except a student in an Idaho public school; or
- (b) A local board of trustees.

The allegation shall state the specific ground or grounds for revocation, suspension, placing reasonable conditions on the certificate, or issuance of a letter of reprimand. Upon receipt of a written and signed allegation of ethical misconduct, the chief certification officer, in conjunction with the attorney general and the professional standards commission investigator, shall conduct a review of the allegation using established guidelines to determine whether to remand the issue to the school district to be resolved locally or to open an investigation and forward the case to the professional standards commission. Within fourteen (14) days of the decision to forward the case, the chief certification officer shall notify the complainant and teacher in writing that an investigation will be conducted and the teacher shall be afforded an opportunity to respond to the allegation verbally and in writing prior to the issuance of the complaint. The executive committee of the professional standards commission shall review the circumstances of the forwarded case at one (1) of the two (2) next regularly scheduled meetings, and determine whether probable cause exists to warrant the filing of a complaint and the requesting of a hearing.

(2) Proceedings to revoke or suspend any certificate issued under section 33-1201, Idaho Code, or to issue a letter of reprimand or place reasonable conditions on the certificate shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer stating the ground or grounds for issuing a letter of reprimand, placing reasonable conditions on the certificate, or for revocation or suspension and proposing that a letter of reprimand be issued, reasonable conditions be placed on the certificate, or the certificate be revoked or suspended. A copy of the complaint shall be served upon the certificate holder, either by personal service or by certified mail, within thirty (30) days of determination by the executive committee or such other time agreed to by the teacher and the chief certification officer.

(3) Not more than thirty (30) days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state superintendent of public instruction; and if no request for hearing is made, the grounds for suspension, revocation, placing reasonable conditions on the certificate, or issuing a letter of reprimand stated in the complaint shall be deemed admitted. Upon a request for hearing, the chief certification officer, shall give notice, in writing, to the person requesting the hearing, which notice shall state the time and place of the hearing and which shall occur not more than ninety (90) days from the request for hearing or such other time agreed to by the teacher and the chief certification officer. The time of such hearing shall not be less than five (5) days from the date of notice thereof. Any such hearing shall be informal and shall conform with chapter 52, title 67, Idaho Code. The hearing will be held within the school district in which any teacher complained of shall teach, or at such other place deemed most convenient for all parties.

(4) Any such hearing shall be conducted by three (3) or more panel members appointed by the chairman of the professional standards commission, a majority of whom shall hold a position of employment the same as the person complained against. One (1) of the panel members shall serve as the panel chair. The panel chair shall be selected by the chairman of the professional standards commission from a list of former members of the professional standards commission who shall be instructed in conducting administrative hearings. No commission member who participated in the probable cause determination process in a given case shall serve on the hearing panel. All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses, and, if he chooses to do so, may submit for the consideration of the hearing panel a statement, in writing, in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

(5) The state superintendent of public instruction, as authorized by the state board of education, has the power to issue subpoenas and compel the attendance of witnesses and compel the production of pertinent papers, books, documents, records, accounts and testimony. The state board or its authorized representative may, if a witness refuses to attend or testify or to produce any papers required by such subpoena, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that a due notice has been given of the time and place of attendance of the witnesses, or the production of the papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or its representative, or has refused to answer questions propounded to him in the course of the proceedings, and ask for an order of the court compelling the witness to attend and testify and produce the papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced the papers before the board or its representative. A copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the board and regularly served, the court shall thereupon order that the witness appear before the board at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the witness shall be dealt with for contempt of court. The subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(6) ~~At~~ Within twenty-one (21) days of the conclusion of any hearing dealing with the revocation, suspension, denial of a certificate, placing

reasonable conditions on the certificate, or issuing a letter of reprimand, the hearing panel shall submit to the chief certification officer, and to the person complained against a concise statement of the proceedings, a summary of the testimony, and any documentary evidence offered, together with the findings of fact and a decision. The hearing panel may determine to suspend or revoke the certificate, or the panel may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.

(7) Within three (3) days of issuance, the hearing panel's decision shall be given to the person complained against and a copy of the panel's decision shall be made a permanent part of the record of the certificate holder.

(8) The final decision of the professional standards commission hearing panel shall be subject to judicial review in accordance with the provisions of chapter 52, title 67, Idaho Code, in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher.

(9) Whenever any certificate has been revoked, suspended or has had reasonable conditions placed upon it, or an application has been denied, the professional standards commission may, upon a clear showing that the cause constituting grounds for the listed actions no longer exists, issue a valid certificate. Provided however, that no certificate shall be issued to any person who has been convicted of any crime listed in subsection 2. of section 33-1208, Idaho Code.

(10) For any person certified in another state and applying for certification in Idaho, and for any person previously certified in this state who is applying for certification in the event their certification has lapsed or is seeking renewal of a current certification, the chief certification officer shall deny an application for a new certificate or for a renewal of a certificate, regardless of the jurisdiction where such certificate was issued, if there are any unsatisfied conditions on such current or previously issued certificate or if there is any form of pending investigation by a state agency concerning the applicant's teaching license or certificate. Provided however, the chief certification officer shall not automatically deny the application if such person authorized in writing that the chief certification officer and the professional standards commission shall have full access to the investigative files concerning the conditions on, or investigation concerning, such certificate in Idaho or any other state or province. Upon review of the information authorized for release by the applicant, the chief certification officer shall either grant or deny such application or, upon denial and upon written request made by the applicant within thirty (30) days of such denial, shall afford the applicant with the procedures set forth in subsections (3) through (9) of this section. If the applicant does not execute the written authorization discussed herein, reapplication may be made once all investigations have been completed and all conditions have been satisfied, resulting in a clear certificate from the issuing state or province.

(11) For the purposes of this section, the term "teacher" shall include any individual required to hold a certificate pursuant to section 33-1201, Idaho Code.

SECTION 3. That Chapter 12, 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 33-1210, Idaho Code, and to read as follows:

33-1210. INFORMATION ON PAST JOB PERFORMANCE. (1) As used in this section:

(a) "Applicant" means an applicant for employment in a certificated or noncertificated position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers, including employers outside of the state of Idaho, to release to the hiring school district all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative or other files relating to the job performance by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in paragraph (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers, including out-of-state employers, to provide the information described in subsection (2) (a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty (20) business days after receiving a request under subsection (3) of this section, a school district within Idaho shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to job performance. The school district, or an employee acting on behalf of the school district, who in good faith discloses information under this section either in writing, printed material, electronic material or orally is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of the disclosure under this section unless the evidence establishes one (1) or more of the following: (a) that the employer knew the information disclosed was false or misleading; (b) that the employer disclosed the information with reckless disregard for the truth; (c) that the disclosure was specifically prohibited by a state or federal statute.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, any past or pending violations of the professional code of ethics, and information relating to job performance as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section. When requests are sent to out-of-state employers under subsection (3) of this section, an applicant who has signed the statement described in subsection (2) of this section shall not be prevented from gaining employment in Idaho public schools if the laws or policies of that other state prevent documents from being made available to Idaho school districts or if the out-of-state school district fails or refuses to cooperate with the request.

(8) Information received pursuant to this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's

qualifications for employment. A person who violates the provisions of this subsection may be civilly liable for damages caused by such violation.

(9) Beginning September 1, 2011, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about negative job performance by a present or former employee or of expunging information about that performance or misconduct from any documents in the previous employer's personnel, investigative or other files relating to job performance by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2011, the state board of education has the authority to and shall adopt rules defining job standards performance and "verbal abuse," "physical abuse" and "sexual misconduct" as used in this section for application to all certificated and noncertificated employees. The definitions of job standards performance, verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district.

SECTION 4. That Section 33-1211, Idaho Code, be, and the same is hereby amended to read as follows:

33-1211. PRIVILEGED COMMUNICATION OR PUBLICATION. Any publication or communication made by any member of the state board of education, or by any person delegated by the said state board to hold or conduct any hearing, or by any certification officer of the state board of education, in the proper discharge of any official duty imposed under sections 33-1208, or 33-1209, ~~or 33-1210~~, Idaho Code, shall be subject to disclosure according to chapter 3, title 9, Idaho Code.

Approved April 8, 2011.

CHAPTER 247
(S.B. No. 1184)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO PROVIDE FOR A FISCAL REPORT CARD; REPEALING SECTION 33-129, IDAHO CODE, RELATING TO MATCHING GRANTS FOR SCIENCE EDUCATION PROGRAMS; AMENDING SECTION 33-357, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN INTERNET BASED WEBSITE; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STAFF ALLOWANCES; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING

TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY; AMENDING SECTION 33-1020, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MONEYS DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE DISTRIBUTION OF MONEYS TO SCHOOL DISTRICTS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC SCHOOL TECHNOLOGY AND TO PROVIDE PROVISIONS RELATING TO THE EXPENDITURES OR DISTRIBUTIONS OF MONEYS FOR SUCH; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO DUAL CREDIT; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO ONLINE COURSES AND MOBILE COMPUTING DEVICES AND TO PROVIDE FOR CERTAIN EXPENDITURES OR DISTRIBUTIONS OF MONEYS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5216, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS BEING AUTHORIZED TO OPERATE PUBLIC CHARTER HIGH SCHOOLS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL PREVENT THE LEGISLATURE FROM ADJUSTING COMPONENTS OF CERTAIN FUNDING FORMULAS PURSUANT TO THE NEEDS OF PUBLIC SCHOOLS AND THE CONSTITUTIONAL REQUIREMENT THAT THE STATE MAINTAIN A BALANCED BUDGET; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-125, Idaho Code, be, and the same is hereby amended to read as follows:

33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is hereby established as an executive agency of the state board of education a department known as the state department of education. The state superintendent shall serve as the executive officer of such department and shall have the responsibility for carrying out policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters, and to ~~administer grants for the promotion of science education as provided in sections 33-128 and 33-129, Idaho Code post a fiscal report card on each school district and charter school on the department's internet site.~~ The department shall perform the duties assigned to it as specified in section 67-5745D, Idaho Code, relating to the Idaho education network.

SECTION 2. That Section 33-129, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-357, Idaho Code, be, and the same is hereby amended to read as follows:

33-357. CREATION OF INTERNET BASED EXPENDITURE WEBSITE. (1) As used in this section, unless otherwise required:

(a) "Education provider" means:

(i) A school district, including a specially chartered district organized and existing pursuant to law;

(ii) A cooperative services agency ~~or intermediate school district;~~

(iii) A public charter school authorized pursuant to state law;

- (iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.
- (b) "Entity" means a corporation, association, union, limited liability company, limited liability partnership, grantee, contractor, local government or other legal entity, including a nonprofit corporation or an employee of the education provider.
- (c) "Public record" shall have the same meaning as set forth in chapter 3, title 9, Idaho Code.
- (2) (a) No later than December 1, 2011, each education provider shall develop and maintain a publicly available website where the education provider's expenditures are posted in a nonsearchable PDF format, a searchable PDF format, a spreadsheet or in a database format.
- (b) The internet based website shall include the following data concerning all expenditures made by the education provider:
- (i) The name and location or address of the entity receiving moneys;
 - (ii) The amount of expended moneys;
 - (iii) The date of the expenditure;
 - (iv) A description of the purpose of the expenditure, unless the expenditure is self-describing;
 - (v) Supporting contracts and performance reports upon which the expenditure is related when these documents already exist; and
 - (vi) To the extent possible, a unique identifier for each expenditure;
 - (vii) The annual budget approved by the education provider's governing board, to be posted within thirty (30) days after its approval; and
 - (viii) Any current master labor agreements approved by the education provider's governing board.
- (c) The expenditure data shall be provided in an open structured data format that may be downloaded by the user.
- (d) The internet based website shall contain only information that is a public record or that is not confidential or otherwise exempt from public disclosure pursuant to state or federal law.
- (3) The education provider shall:
- (a) Update the expenditures contained on the internet based website at least monthly;
 - (b) Archive all expenditures, which shall remain accessible and on the internet based website for a number of years, consistent with state law regarding keeping and retention of records;
 - (c) Make the internet based website easily accessible from the main page of the education provider's website; and
 - (d) The website shall include those records beginning on the effective date of this act on July 1, 2011, and all data prior to that date shall be available by way of a public records request.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

- (1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.
- (2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:
 - (a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

- (b) Transportation support program as provided in section 33-1006, Idaho Code;
- (c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;
- (d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;
- (e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- (f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;
- (g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- (h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (i) For expenditure as provided by the public school technology program as provided in section 33-1022, Idaho Code;
- (j) For employee severance payments as provided in section 33-521, Idaho Code;
- (k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (l) For dual credit courses as provided in section 33-1626, Idaho Code;
- (m) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (n) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;
- (o) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and
- (mp) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85

Average Daily

Attendance	Attendance Divisor	Units Allowed
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
<u>.01</u> - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97	
	and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
<u>1.01</u> to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7-9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
4 - 7.99....	- .....	.5
<u>.01</u> - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

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

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product

add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 5. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

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

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

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For public school technology as provided in section 33-1022, Idaho Code;

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

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

(l) For dual credit courses as provided in section 33-1626, Idaho Code;

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

(n) For costs associated with mobile computing devices and teacher training as provided in section 33-1627, Idaho Code;

(o) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;

(p) For pay for performance as provided in section 33-1004I, Idaho Code;

(eq) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

(pr) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
.01 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97	
	and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
.01 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
.01 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12.....	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

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

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1002A, Idaho Code, and to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) For students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school. A student's home school district or public charter school shall notify the student's parent or guardian at the time of registration if any online courses in which the student is enrolling exceed the maximum provided in this paragraph.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section 33-1627, Idaho Code, the term "online course" means a course which delivers a sequential program of synchronous and/or asynchronous instruction primarily through the use of technology, in which the instructor is not physically located at the school or place in which the student is receiving instruction. Nothing in this definition shall prohibit a blended course that includes face-to-face, in person instruction, provided that a majority of the instruction is delivered as stated herein.

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

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, determine the total support units for the district in the manner provided in section 33-1002 (6) (a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (5) (f), and (g) and (h) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (5) (f), and (g) and (h) of this section;

- (3) Determine the administrative staff allowance by multiplying the support units by .075;
- (4) Determine the classified staff allowance by multiplying the support units by .375;
- (5) Additional conditions governing staff allowance:
- (a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.
- (b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.
- (c) For any district with less than forty (40) support units:
- (i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and
- (ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.
- (iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.
- (d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.
- (e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.
- (f) A district may utilize up to five fifteen percent (15%) of the monies associated with positions funded pursuant to subsection (2) of this section to pay another school district or public charter school for instructional services or to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.
- (g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to

subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(h) A district may employ fewer positions than funded pursuant to subsection (2) of this section, without a reduction in the number of funded positions being imposed, subject to the following limits on the percent of such positions that may be reduced:

<u>Fiscal Year</u>	<u>Percentage</u>
<u>2012</u>	<u>6%</u>
<u>2013</u>	<u>8%</u>
<u>2014 and each fiscal year thereafter</u>	<u>10%</u>

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

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

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

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

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus two (2); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of

higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. ~~For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.~~

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

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

SECTION 9. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

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

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index.~~ The district instructional staff index shall be multiplied by the instructional base salary of \$23,565. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$29,65530,000. ~~If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period.~~ The resulting amount is the district's salary-based apportionment for instructional staff. ~~For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized~~

as national board certified teachers as of July 1 of each year After the base and minimum salaries established pursuant to this subsection have reached the amounts that were in effect in fiscal year 2009, all further increases to these base and minimum salaries shall be allocated such that the percentage increase in the minimum salary is one and one-half (1.5) times the percentage increase in the base salary.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index.~~ The district administrative staff index shall be multiplied by the base salary of \$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$19,041 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, adjusted by the following percentages:

<u>Fiscal Year</u>	<u>Percentage</u>
<u>2012</u>	<u>(1.67%)</u>
<u>2013</u>	<u>(4.05%)</u>
<u>2014</u>	<u>(6.30%)</u>
<u>2015</u>	<u>(6.42%)</u>
<u>2016</u>	<u>(6.21%)</u>
<u>2017 and each fiscal year thereafter</u>	<u>(5.74%)</u>

plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 10. That Section 33-1004F, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. 1. Based upon the actual salary-based apportionment, as determined in section 33-1004E, Idaho Code, plus distributions made pursuant to section 33-1004I, Idaho Code, there shall be allocated that amount required to meet the employer's obligations to the public employee retirement system and to social security.

2. ~~If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to two-thirds (2/3) of the additional obligation for the school year 1994-95. If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to one-third (1/3) of the additional obligation for the school year 1995-96. Thereafter, the~~

~~benefit allocation shall be based solely upon the provisions of subsection 1. of this section.~~

SECTION 11. That Section 33-1020, Idaho Code, be, and the same is hereby amended to read as follows:

33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appropriated for the educational support program, an amount shall be distributed to support the Idaho digital learning academy, created pursuant to chapter 55, title 33, Idaho Code. For the purposes of this section, an "enrollment" shall be counted each time an Idaho school age child enrolls in an Idaho digital learning academy class. A single child enrolled in multiple classes shall count as multiple enrollments. Summer enrollments shall be included in the fiscal year that begins that summer. The amount distributed shall be calculated as follows:

(1) A fixed base amount shall be distributed, equal to the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by seven (7).

(2) A variable base amount shall be distributed each time the number of enrollments meets or exceeds an increment of five thousand (5,000). The amount so distributed shall be equal to the number of such increments, multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by four and thirty-three hundredths (4.33).

~~(3) A variable amount shall be distributed, equal to the number of enrollments multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, divided by one hundred forty-three (143).~~

If the revenue received by the Idaho digital learning academy pursuant to this section, section 33-1002A, Idaho Code, and any contracts with school districts or public charter schools, is less than \$3,500,000 in fiscal year 2013 or fiscal year 2014, then the moneys distributed to the Idaho digital learning academy pursuant to this section shall be increased by the amount necessary to ensure that the total dollars received by the Idaho digital learning academy from all such sources is equal to \$3,500,000 for each of the stated fiscal years.

The state department of education shall make an estimated distribution of funds to the Idaho digital learning academy by no later than July 31 of each fiscal year, consisting of eighty percent (80%) of the estimated funding for the fiscal year. The balance of all remaining funds to be distributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 12. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1021, Idaho Code, and to read as follows:

33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state graduation requirements regarding math and science courses, moneys shall be distributed to school districts to defray the cost of providing additional math and science courses. Moneys so distributed shall be used to hire additional high school math and science teachers or to defray costs associated with providing math and science courses to high school students. Moneys shall be distributed to school districts from the moneys appropriated to the educational support program for each regular high school, not including alternative schools, based on the following criteria:

(1) For each school with enrollment of 99 or less, distribute the equivalent of one ninth (1/9) of a classified staff position.

(2) For each school with enrollment of 100 to 159, distribute the equivalent of one and one-quarter (1.25) of a classified staff position.

(3) For each school with enrollment of 160 to 319, distribute the equivalent of two sevenths (2/7) of a classified staff position.

(4) For each school with enrollment of 320 to 639, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position.

(5) For each school with enrollment of 640 or more, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position, and three-quarters (0.75) of a classified staff position.

For the purposes of these school size classifications for regular high schools that serve only grades 10-12, ninth grade students who will attend the regular high school upon matriculating to tenth grade shall be included as enrolled in the regular high school.

SECTION 13. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1022, Idaho Code, and to read as follows:

33-1022. PUBLIC SCHOOL TECHNOLOGY. (1) Moneys shall be expended or distributed from the educational support program for public school technology as follows:

(a) For fiscal year 2012, an amount equal to one hundred eighty-six (186) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraphs (a) and (c)	77%
Paragraph (d)	23%

(b) For fiscal year 2013, an amount equal to one hundred ninety-one (191) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraphs (a) and (c)	77%
Paragraph (d)	23%

(c) For fiscal year 2014, an amount equal to one hundred ninety-five (195) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	16%
Paragraph (b)	36%
Paragraph (c)	31%
Paragraph (d)	17%

(d) For fiscal year 2015, an amount equal to one hundred ninety-five (195) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the

following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	16%
Paragraph (b)	36%
Paragraph (c)	31%
Paragraph (d)	17%

(e) For fiscal year 2016, an amount equal to one hundred fifty-seven (157) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	18%
Paragraph (b)	41%
Paragraph (c)	35%
Paragraph (d)	6%

(f) For fiscal year 2017 and each fiscal year thereafter, an amount equal to one hundred fifty-seven (157) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	20%
Paragraph (b)	37%
Paragraph (c)	37%
Paragraph (d)	6%

(g) The dollars allocated for paragraphs (a) through (d) of subsection (3) of this section may be reallocated among said subsections by the superintendent of public instruction, subject to a ten percent (10%) maximum cumulative change in the allocated amounts.

(2) For the purposes of subsection (1) of this section, the support unit figure used shall be statewide support units used to calculate the distribution of salary-based apportionment funds in the current fiscal year.

(3) Moneys expended or distributed pursuant to this section shall be utilized for one (1) or more of the following:

(a) Moneys shall be expended for the installation, repair, replacement and support of wireless technology in each public school serving high school grades, of sufficient capacity to support utilization of mobile computing devices by all students in such grades.

(b) Moneys shall be expended for high quality digital learning resources and software linked to state and local curricula, including model lesson plans, content and formative and summative assessments tied to rigorous college and career-ready standards and safe and secure online knowledge sharing and collaboration systems.

(c) Moneys shall be expended or distributed for classroom technology that assists teachers in the effective and efficient delivery of instruction. At least ninety-seven percent (97%) of the moneys expended or distributed for this paragraph shall be distributed to school dis-

tricts, public charter schools and the Idaho school for the deaf and blind.

(d) Moneys shall be expended or distributed for professional development and training that promotes the effective use of technology by students, staff and parents, the integration of technology into public school curricula and instructional methods, and the development of plans at the school, district and statewide level for the improved use and integration of technology in learning. As part of this paragraph, the superintendent of public instruction shall convene a task force to study and develop plans for the implementation of online course requirements, including the issue of online summer and overload courses, and the provision and support of one-to-one mobile computing devices for students, including an examination of the experience of other states and school districts, beginning in the 2012-2013 school year, and other topics determined by the task force chairman. The superintendent of public instruction shall serve as the task force chairman, and shall appoint to the task force, at a minimum, four (4) school district superintendents, two (2) school district technology directors, two (2) secondary school principals, one (1) school district business manager, one (1) head of school of a public virtual charter school, one (1) head of school of a traditional public charter school serving at least grades 9-12, two (2) secondary school classroom teachers, one (1) private sector education technology expert who is neither employed by, represents, nor is an agent of any entity that provides online courses or mobile computing devices and three (3) representatives of the business community. In addition, the Idaho house of representatives and the Idaho senate shall each appoint two (2) members, and each of the following organizations shall appoint one (1) individual to the task force: Idaho education association, northwest professional educators, Idaho school boards association, Idaho association of school administrators, Idaho business coalition for education excellence, Idaho digital learning academy and the office of the governor. The superintendent shall report the findings, plans and recommendations of this task force, including any recommendations for changes to statute or rule, to the senate and house of representatives education committees by no later than January 31, 2012.

(4) The state superintendent of public instruction shall include information on the uses, planned uses and impact of moneys distributed pursuant to this section as part of the annual report required by section 33-4805, Idaho Code.

SECTION 14. 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 33-1626, Idaho Code, and to read as follows:

33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all state high school graduation requirements, except the senior project, by no later than the start of the twelfth grade shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily attendance shall be counted as normal for such twelfth grade students for public school funding purposes. In addition, the state department of education shall distribute funds from the moneys appropriated for the educational support program to defray the per credit cost charged for such dual credit courses by accredited postsecondary institutions. The amount so distributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

SECTION 15. 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 33-1627, Idaho Code, and to read as follows:

33-1627. ONLINE COURSES -- MOBILE COMPUTING DEVICES AND TEACHER TRAINING. (1) The legislature finds that in order to better provide students with the skills that they will need to be successful as students, employees, entrepreneurs and parents in the future, more exposure is needed to online learning and informational environments.

(2) Beginning with the 2012-2013 school year, parents and guardians of secondary students shall have the right to enroll such students in any online course, with or without the permission of the school district or public charter school in which the student is enrolled, provided the following criteria are met:

(a) The course is offered by a provider accredited by the organization that accredits Idaho high schools, or an organization whose accreditation of providers is recognized by the organization that accredits Idaho high schools;

(b) The state department of education has verified that the teacher is certificated by the state of Idaho and is qualified to teach the course;

(c) The state department of education or the Idaho digital learning academy has verified that the course meets state content standards;

(d) The parent or guardian registers the student for the course through the school district or public charter school's normal registration process, which shall be made to accommodate enrollment in courses meeting the requirements of paragraphs (a) through (c) of this subsection. Provided however, that school districts and public charter schools shall accommodate such enrollment requests if a student's parent or guardian makes such request no later than thirty (30) days prior to the end of the term immediately previous to the one for which the student is enrolling, or no later than the end of the school year, in the case of a term ending at the end of the school year.

(3) A student's transcript at the school district or public charter school at which the student is enrolled shall include the credits earned and grades received by each student for any online courses taken pursuant to this section.

(4) In order to assist in providing students with access to online courses, the state department of education shall contract for the provision of mobile computing devices for the students and teachers of each high school. Such devices shall be provided to all high school teachers beginning in the 2012-2013 school year, unless the teacher already has a computing device available and requests that one not be provided. Such devices for teachers shall be replaced every four (4) years. Devices shall be provided for high school students beginning in the 2013-2014 school year. The number of devices provided to students each year shall be equal to one-third (1/3) of the high school students through the 2015-2016 school year, after which the number shall be equal to the number of ninth grade students. School districts and public charter schools in which high school begins in tenth grade may elect to have all of the provisions of this section that apply to ninth grade students apply instead to tenth grade students. School districts and public charter schools that already have one (1) modern functioning computing device for each student in each appropriate class in grades 9-12 who is able to use such a device shall receive an allocation of funds equal to the cost of purchasing mobile computing devices pursuant to this section, in lieu of receiving such devices, to be used at the school district or public charter school's discretion. The department shall use the same laws, rules and policies in issuing and awarding such contract as would an executive branch agency in which an appointed director reports directly to the governor. Such devices shall include technology that provides for

compliance with the provisions of section 33-132, Idaho Code. Such contract shall also provide for the maintenance, repair and technical support of such devices. The cost of such contract and distributions made pursuant to this subsection shall be paid from the moneys appropriated for the educational support program. Each school district or public charter school shall develop a policy on student use of the mobile computing devices outside of the school day. Such policy shall be in compliance with the provisions of section 33-132, Idaho Code. The state department of education shall develop a policy addressing the issue of damage, loss, repair and replacement of the mobile computing devices.

(5) The state department of education shall expend or distribute an amount equal to twelve (12) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds for fiscal year 2013 through fiscal year 2016, from the amount appropriated to the educational support program, to train high school staff in the use of mobile computing devices by students in the classroom, and the integration of such use into the curriculum. For the purposes of this subsection, the support units used to calculate this statewide figure shall be the statewide support units used to calculate the distribution of salary-based apportionment funds in the current fiscal year.

(6) The state board of education shall promulgate rules to implement the provisions of this section, including a requirement for online courses needed for graduation beginning with the graduating class of 2016, and the development of digital citizenship standards for students to which this graduation requirement applies.

SECTION 16. 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 33-5216, Idaho Code, and to read as follows:

33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH SCHOOLS. (1) Any public postsecondary institution located in this state is hereby authorized to operate a public charter high school in Idaho. The provisions of chapter 52, title 33, Idaho Code, shall apply to each such public charter high school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) With the consent of the state board of education, a public postsecondary institution may petition to establish a public charter high school to the public charter school commission or to the local board of trustees. Any provision or reference to the public charter school commission found in chapter 52, title 33, Idaho Code, shall mean, for the purposes of this section, the state board of education.

(3) The president or chief executive officer of such postsecondary institution, or his designee(s), shall serve as the board of trustees of any public charter high school opened for educational instruction pursuant to this section.

(4) For the purposes of this section, the term "high school" means a school serving any grades from ninth grade or higher.

SECTION 17. Nothing in this act shall prevent the Legislature from adjusting any component of any public school funding formula in any fiscal year, pursuant to the needs of public schools and the constitutional requirement that the state of Idaho maintain a balanced budget.

SECTION 18. 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 19. Sections 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 of this act shall be in full force and effect on and after July 1, 2011. Sections 5, 6, 10 and 11 of this act shall be in full force and effect on and after July 1, 2012.

Approved April 8, 2011.

CHAPTER 248
(S.B. No. 1196)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2012; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2011, through June 30, 2012:

FOR:

Personnel Costs	\$221,500
Operating Expenditures	<u>40,000</u>
TOTAL	\$261,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 8, 2011.

CHAPTER 249
(S.B. No. 1204)

AN ACT
APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND
THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL
YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSI-
TIONS; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR
2012.

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 and the State Board of Education for the 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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WASHINGTON-IDAHO VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$500,000	\$1,211,300			\$1,711,300
Restricted					
Fund	<u>0</u>	<u>0</u>		<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$500,000	\$1,211,300		\$100,000	\$1,811,300
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$466,000	\$26,700		\$2,958,900	\$3,451,600
Unrestricted (Uncontrolled)					
Fund	<u>188,900</u>	<u>248,000</u>		<u>0</u>	<u>436,900</u>
TOTAL	\$654,900	\$274,700		\$2,958,900	\$3,888,500
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$216,600			\$1,141,200	\$1,357,800
Unrestricted					
Fund	<u>157,100</u>	<u>\$10,000</u>	<u>\$5,500</u>	<u>0</u>	<u>172,600</u>
TOTAL	\$373,700	\$10,000	\$5,500	\$1,141,200	\$1,530,400
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$1,242,400	\$1,242,400
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$566,300	\$291,000		\$1,080,900	\$1,938,200
VI. WICHE:					
FROM:					
General					
Fund				\$188,200	\$188,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VII. PSYCHIATRY RESIDENCY:					
FROM:					
General					
Fund				\$111,400	\$111,400
GRAND TOTAL	\$2,094,900	\$1,787,000	\$5,500	\$6,823,000	\$10,710,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Regents of the University of Idaho and the State Board of Education for Health Education Programs is authorized no more than twenty and five-tenths (20.5) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education for the Health Education Programs any unexpended and unencumbered balances of moneys categorized as dedicated funds as appropriated for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

Approved April 8, 2011.

CHAPTER 250
(S.B. No. 1203)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2012; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR THE VARIOUS PROJECTS SPECIFIED; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND PROVIDING LEGISLATIVE INTENT RELATING TO THE REALLOCATION OF PROJECT SAVINGS.

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

SECTION 1. There is hereby appropriated to the Division of Public Works \$21,245,400 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2011, through June 30, 2012.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIED PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisi-

tions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

A. MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

1. Alterations and Repairs	\$16,630,400
2. Asbestos Abatement	505,000
3. Statewide American Disability Act Compliance	800,000
4. Capitol Mall Maintenance	<u>120,000</u>
TOTAL	\$18,055,400

B. CAPITAL PROJECTS IN THE FOLLOWING AREAS:

1. Department of Administration for Capitol Annex Renovation	\$1,500,000
2. Idaho State University for the College of Education Building Basement Remodel Planning	100,000
3. Lewis and Clark State College for Planning for the Upgrade to Fine Arts Building	200,000
4. Idaho State Historical Society for Mobile Shelving	890,000
5. Division of Veterans Services for Expansion of the Idaho Veterans Cemetery	<u>500,000</u>
TOTAL	\$3,190,000

GRAND TOTAL

\$21,245,400

SECTION 3. UTILIZATION OF MATCHING FUNDS. It is legislative intent that the moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the Legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, equipment or the rebuilding, renovation or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 4. EXEMPTION OF APPROPRIATIONS FROM CERTAIN PROVISIONS. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67 and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 5. ISSUANCE OF TAX ANTICIPATION NOTES. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred in Sections 63-3201 through 63-3204, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Fund were being anticipated.

SECTION 6. REALLOCATION OF PROJECT SAVINGS. It is the intent of the Legislature that the Division of Public Works has the flexibility to allocate any savings or unused appropriation from any capital, line-item project to any other requested and funded fiscal year 2012 capital project. The re-allocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

Approved April 8, 2011.

CHAPTER 251
(S.B. No. 1200)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2012; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND FOR FISCAL YEAR 2012; AND TRANSFERRING MONEYS FROM THE IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM TECHNOLOGY FUND TO THE GENERAL FUND FOR FISCAL YEAR 2012.

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

SECTION 1. There is hereby appropriated to the Supreme Court, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPREME COURT:					
FROM:					
General					
Fund	\$3,370,700	\$353,400		\$173,500	\$3,897,600
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>474,300</u>	<u>1,239,500</u>		<u>0</u>	<u>1,713,800</u>
TOTAL	\$3,845,000	\$1,911,400		\$173,500	\$5,929,900
II. LAW LIBRARY:					
FROM:					
General					
Fund	\$123,800	\$132,800			\$256,600
III. DISTRICT COURTS:					
FROM:					
General					
Fund	\$8,396,400	\$731,300			\$9,127,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
ISTARS Technology					
Fund	855,700	2,812,000	\$1,156,200		4,823,900
Drug Court, Mental Health and Family Court Services					
Fund	<u>1,780,900</u>	<u>2,857,300</u>	<u>0</u>		<u>4,638,200</u>
TOTAL	\$11,033,000	\$6,400,600	\$1,156,200		\$18,589,800
IV. MAGISTRATES DIVISION:					
FROM:					
General					
Fund	\$11,711,600	\$340,300			\$12,051,900
Drug Court, Mental Health and Family Court Services					
Fund	412,000	1,727,600			2,139,600
Guardianship Pilot Project					
Fund		276,400			276,400
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>			<u>110,000</u>
TOTAL	\$12,123,600	\$2,964,300			\$15,087,900
V. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$103,600			\$105,400
VI. COURT OF APPEALS:					
FROM:					
General					
Fund	\$1,448,400	\$162,700			\$1,611,100
VII. GUARDIAN AD LITEM ACCOUNT:					
FROM:					
Guardian Ad Litem					
Fund				\$606,600	\$606,600
VIII. WATER ADJUDICATION:					
FROM:					
Drug Court, Mental Health and Family Court Services					
Fund	\$733,600	\$121,000			\$854,600
GRAND TOTAL	\$29,309,200	\$11,796,400	\$1,156,200	\$780,100	\$43,041,900

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. There is hereby appropriated and the State Controller shall transfer \$601,600 from the General Fund to the Guardian Ad Litem Fund on July 1, 2011, or as soon thereafter as is practicable.

SECTION 4. There is hereby appropriated and the State Controller shall transfer \$276,500 from the Idaho Statewide Trial Court Automated Records System (ISTARS) Technology Fund to the General Fund on July 1, 2011, or as soon thereafter as is practicable.

Approved April 8, 2011.

CHAPTER 252
(S.B. No. 1197)

AN ACT

RELATING TO TAXIDERMISTS AND FUR BUYERS; AMENDING SECTION 36-603, IDAHO CODE, TO PROVIDE FOR RECORDKEEPING REQUIREMENTS FOR COMMERCIAL TANNERIES; AND AMENDING SECTION 36-606, IDAHO CODE, TO PROVIDE THAT COMPLIANCE WITH CERTAIN RECORD REQUIREMENTS SHALL CONSTITUTE SATISFACTORY RECORD OF LAWFUL ORIGIN AND PROOF OF OWNERSHIP REQUIREMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-603, Idaho Code, be, and the same is hereby amended to read as follows:

36-603. RECORDS. (1) The department may require any person licensed under the provisions of this chapter to keep a record for two (2) years last past of wildlife received for mounting or preserving, fur bearers purchased or raw black bear skins, raw cougar skins or parts of black bears or cougars purchased. Records may be written or may be retained on media other than paper, provided that the form or medium complies with the standards set forth in section 9-328, Idaho Code. The record shall be made upon a form provided by the department which sets forth such information as may be required by the director and shall be subject to his inspection at any time. In addition, the department may require licensees to submit forms or records, as determined by the department, to the department relating to the purchase of black bears and cougars, skins, or parts thereof.

(2) Provided however, a commercial tannery receiving wildlife from a licensed taxidermist or fur buyer, shall satisfy all recordkeeping requirements by recording the license numbers of such taxidermist or fur buyer, and recording tag numbers of any attached tags required by law. This provision shall not apply in the event a commercial tannery receives wildlife from a taxidermist or fur buyer from a state other than the state of Idaho, and the taxidermist or fur buyer is not required to be licensed in that state, in which case the tannery shall record the date received, the name, address and telephone number of the individual the wildlife was received from, and tag numbers of any attached tags required by law in the state of origin, the name

and number of species received and the approximate date killed. Information so recorded shall be retained for a period of two (2) years.

SECTION 2. That Section 36-606, Idaho Code, be, and the same is hereby amended to read as follows:

36-606. CONFISCATION OF WILDLIFE -- PROOF OF OWNERSHIP REQUIRED. (1) The director is hereby authorized to seize and confiscate any wildlife or the skins, hides, pelts, horns or antlers or other portions thereof in the possession of any fur buyer or taxidermist, licensed or unlicensed, unless the person having same is able to produce satisfactory record of lawful origin and proof of ownership.

(2) Compliance with record requirements as provided in section 36-603, Idaho Code, shall constitute satisfactory record of lawful origin and proof of ownership requirements as provided in subsection (1) of this section.

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

Approved April 8, 2011.

CHAPTER 253
(S.B. No. 1195)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2012.

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

SECTION 1. There is hereby appropriated to the Public Health Districts \$7,845,100 from the General Fund to be transferred to the Public Health Trust Fund on July 1, 2011, or as soon thereafter as practicable.

Approved April 8, 2011.

CHAPTER 254
(S.B. No. 1189)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION; AMENDING SECTION 2, CHAPTER 289, LAWS OF 2010; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON RENAL DISEASE SERVICES AND REQUIRING A REPORT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 289, Laws of 2010, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Division of Vocational Rehabilitation the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2010, through June 30, 2011:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMUNITY SUPPORTED EMPLOYMENT:				
FROM:				
General Fund	\$64,100	\$23,700	\$3,402,300	\$3,490,100
II. RENAL DISEASE SERVICES:				
FROM:				
General Fund	67,300		460,400	527,700
III. VOCATIONAL REHABILITATION:				
FROM:				
General Fund	1,471,800	256,400	1,322,600	3,050,800
Rehabilitation Revenue and Refunds Fund			651,900	651,900
Miscellaneous Revenue Fund			944,200	944,200
Federal Grant Fund	<u>6,521,100</u>	<u>1,162,400</u>	<u>6,686,500</u>	<u>14,370,000</u>
TOTAL	\$7,992,900	\$1,418,800	\$9,605,200	\$19,016,900
IV. COUNCIL FOR THE DEAF AND HARD OF HEARING:				
FROM:				
General Fund	120,400	9,900		130,300
	<u>55,400</u>	<u>4,900</u>		<u>60,300</u>
Miscellaneous Revenue Fund		7,500		7,500
Federal Grant Fund	<u>82,000</u>	<u>11,600</u>		<u>93,600</u>
TOTAL	\$ <u>120,400</u>	\$ <u>17,500</u>		\$ <u>137,800</u>
	<u>\$137,400</u>	<u>\$24,000</u>		<u>\$161,400</u>
GRAND TOTAL	\$8,244,700	\$1,459,900	\$13,467,900	\$23,172,500
	<u>\$8,261,700</u>	<u>\$1,466,500</u>		<u>\$23,196,100</u>

SECTION 2. 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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMUNITY SUPPORTED EMPLOYMENT:					
FROM:					
General					
Fund	\$64,100	\$23,700		\$3,248,300	\$3,336,100
II. RENAL DISEASE SERVICES:					
FROM:					
General					
Fund	\$67,300			\$437,100	\$504,400
III. VOCATIONAL REHABILITATION:					
FROM:					
General					
Fund	\$1,471,800	\$254,800		\$1,188,000	\$2,914,600
Rehabilitation Revenue and Refunds					
Fund	1,078,500				1,078,500
Miscellaneous Revenue					
Fund				958,500	958,500
Federal Grant					
Fund	<u>6,521,100</u>	<u>1,171,400</u>	<u>\$21,000</u>	<u>6,736,500</u>	<u>14,450,000</u>
TOTAL	\$9,071,400	\$1,426,200	\$21,000	\$8,883,000	\$19,401,600
IV. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General					
Fund	\$40,100				\$40,100
Federal Grant					
Fund	<u>95,900</u>	<u>\$42,900</u>	<u>\$2,000</u>	<u>\$7,500</u>	<u>148,300</u>
TOTAL	\$136,000	\$42,900	\$2,000	\$7,500	\$188,400
GRAND TOTAL	\$9,338,800	\$1,492,800	\$23,000	\$12,575,900	\$23,430,500

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty-one (151) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the Division of Vocational Rehabilitation work with the Department of Health and Welfare, Divisions of Public Health Services and Medical Assistance Services, to develop a plan to transfer the Renal Disease Services Program, which is currently organized within the Division of Vocational

Rehabilitation pursuant to Sections 33-2307 and 33-2308, Idaho Code, to the Department of Health and Welfare. The Division of Vocational Rehabilitation and the Department of Health and Welfare shall pay particular attention to maintaining appropriate services for eligible individuals while at the same time eliminating programmatic and administrative overlap and duplication to increase efficiencies. The Division of Vocational Rehabilitation and the Department of Health and Welfare shall examine existing code to determine what statutory changes are necessary to relocate the Renal Disease Program to the Department of Health and Welfare. A report of recommendations shall be submitted to the House Health and Welfare Committee, Senate Health and Welfare Committee, and Joint Finance-Appropriations Committee by December 1, 2011, to allow the Legislature to consider the recommendations during the 2012 Legislative Session.

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

Approved April 8, 2011.

CHAPTER 255
(S.B. No. 1187)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-1031, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTRONIC FUNDS TRANSFERS FOR THE PAYMENT OF BEER BY A LICENSED RETAILER; AND AMENDING SECTION 23-1326, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTRONIC FUNDS TRANSFERS FOR THE PAYMENT OF WINE BY A LICENSED RETAILER AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 23-1031, Idaho Code, be, and the same is hereby amended to read as follows:

23-1031. EXTENSION OF CREDIT. (1) No sale or delivery of beer shall be made to any licensed retailer, except for cash paid at the time of or prior to delivery thereof, or except as provided by electronic funds transfer in accordance with subsection (3) of this section, and in no event shall any brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale extend any credit on account of such beer to a licensed retailer, nor shall any licensed retailer accept or receive delivery of such beer except when payment therefor is made in cash at the time of or prior to delivery thereof, or by electronic funds transfer in accordance with subsection (3) of this section.

(2) The acceptance of a first party check from a licensed retailer by a brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale, or the use of ~~electronic funds transfer or a debit card~~ by a licensed retailer, shall not be deemed an extension or acceptance of credit hereunder pursuant to this section.

(3) The acceptance and use of an electronic funds transfer shall not be deemed an extension or acceptance of credit pursuant to this section, provided such transfer is initiated and completed as promptly as is reasonably practical, and in no event completed later than five (5) business days following delivery of such beer. Any attempt by a licensed retailer to delay payment of an electronic funds transfer pursuant to this section for any pe-

riod of time beyond the time set forth in this subsection, shall be deemed an acceptance of credit by the licensed retailer.

(4) Any extension or acceptance of credit in violation hereof shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of section 23-1033, Idaho Code.

SECTION 2. That Section 23-1326, Idaho Code, be, and the same is hereby amended to read as follows:

23-1326. CREDIT SALES TO RETAILERS PROHIBITED. (1) No sale or delivery of wine shall be made to any retailer, except for cash paid at the time of or prior to delivery thereof, or except as provided by electronic funds transfer in accordance with subsection (3) of this section, and in no event shall any distributor extend any credit on account of such wine to a retailer, nor shall any retailer accept or receive delivery of such wine except when payment therefor is made in cash at the time of or prior to delivery thereof, or by electronic funds transfer in accordance with subsection (3) of this section.

(2) The acceptance of a first party check from a retailer by a distributor, or the use of ~~electronic funds transfer or~~ a debit card by a licensed retailer, shall not be deemed an extension of or acceptance of credit hereunder pursuant to this section.

(3) The acceptance and use of an electronic funds transfer shall not be deemed an extension or acceptance of credit pursuant to this section, provided such transfer is initiated and completed as promptly as is reasonably practical, and in no event completed later than five (5) business days following delivery of such wine. Any attempt by a licensed retailer to delay payment of an electronic funds transfer pursuant to this section for any period of time beyond the time set forth in this subsection, shall be deemed an acceptance of credit by the licensed retailer.

(4) Any extension or acceptance of credit in violation of the provisions of this section shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of section 23-1325, Idaho Code.

Approved April 8, 2011.

CHAPTER 256

(S.B. No. 1077, As Amended in the House)

AN ACT

RELATING TO DRAINAGE DISTRICTS; AMENDING CHAPTER 29, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-2982, IDAHO CODE, TO PROVIDE FOR PETITIONS FOR CONSOLIDATION OF CERTAIN DRAINAGE DISTRICTS, TO PROVIDE FOR EVIDENCE SHOWING CONSOLIDATION IS IN THE BEST INTERESTS OF THE DISTRICTS, TO PROVIDE FOR HEARING, TO PROVIDE FOR OBJECTIONS, TO PROVIDE FOR CONSIDERATION OF EVIDENCE, TO PROVIDE A REBUTTABLE PRESUMPTION, TO LIMIT ACTION THAT MAY BE TAKEN AT HEARING, TO PROVIDE FOR ORDERS, TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS, TO PROVIDE FOR THE NAME OF THE DISTRICT AND TO PROVIDE FOR APPLICABILITY.

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

SECTION 1. That Chapter 29, 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 42-2982, Idaho Code, and to read as follows:

42-2982. CONSOLIDATION OF DISTRICTS. (1) If the boards of commissioners of any two (2) or more drainage districts formed under this chapter deem it in the best interest of their respective districts that they be consolidated into a single district, and if said districts are contiguous or lie at least in part within the same county, such boards may petition the district court of the county in which a greater portion of the lands of said proposed district are located for an order consolidating the same districts. For purposes of this section, districts may be considered to be contiguous even though they are separated by a body of water or other natural barrier so long as they are located in close proximity to each other. The petition shall be a joint petition signed by a majority of the commissioners of each respective board and attested to by the secretary of each board. The petition shall set forth a description of the lands and boundaries for the respective districts, a description of the proposed consolidated district and any facts showing that the consolidation is in the best interests of said districts. The petition shall also set forth and report the total outstanding obligation bonds of each consolidating district, the total value of the assets held by each consolidating district, the total levy assessed in each consolidating district in its most recent fiscal year, and the projected total levy to be assessed for the next complete fiscal year in the proposed newly consolidated district.

(2) Evidence showing that the proposed consolidation is in the best interests of the districts may include, but is not limited to: that which shows that the proposed system of drainage will be conducive to providing the same benefits previously apportioned to the lands within the respective districts, enhance the functioning of the respective districts, the public health, convenience and welfare, or increase the public revenue, or that the consolidation of said districts and the said system of drainage and reclamation is a proper and an advantageous method of accomplishing the relief sought.

(3) Upon receiving a petition brought under this section, the district court shall fix a time and place for the hearing of the petition, and the time and manner of filing any objections to the petition. Said hearing shall be held no sooner than sixty (60) days and no later than one hundred twenty (120) days after the first publication of notice of hearing. The clerk of the court shall cause publication of such order in three (3) consecutive weekly issues in a newspaper of general circulation within each county in which any of the lands within the said proposed consolidated district are located; together with a notice of the time and place at which the district court will consider said petition for consolidation. The petitioners shall pay all costs of publication.

(4) Any person objecting to a petition for consolidation as described in this section shall provide for filing of written objection with the court. Only landowners within the proposed consolidated district, owners of land over which the drainage water from the proposed district would flow, and landowners served by any of the respective districts included in the petition shall have standing to file an objection to said petition. Written objections must be filed and served upon petitioners no later than twenty-one (21) days prior to the date of the hearing. The form of the objection shall be as provided in the Idaho rules of civil procedure. Each objection shall identify the name of the landowner entering the objection along with the objecting party's address, location of the landowner's land by township, range and section; identify the district or districts in which those lands lie; and state the nature or description of objection and basis or reasoning for the objection. Objections shall be limited to determining whether or not the proposed consolidation is in the best interests of the districts.

(5) The judge of the court shall, at the hearing herein provided, hear and consider argument from the petitioners and decide whether the proposed

consolidation is in the best interests of said districts. The court shall then consider evidence in objection only from landowners who have filed a written objection as described in subsection (4) of this section, and only such evidence as may be presented for or against the petition or objections thereto. The landowners who have filed written objections shall bear the burden of proving that the consolidation is not in the best interests of the districts. After any evidence offered in opposition to the petition, the petitioners may offer evidence regarding the consolidation or in opposition to any objections entered. Based on the agreement in the petition to consolidate by the boards of the respective districts, there shall be a rebuttable presumption that the proposed consolidation of the districts is in the best interests of the petitioning districts and the landowners therein, unless the court finds by a preponderance of the evidence that the proposed consolidation is not in the best interests of the districts. Consolidation shall not be permitted to either exclude from the consolidated district lands that are within the petitioning districts or to include lands within the consolidated district that are not within the petitioning districts. The court shall make its determination wholly in the affirmative or negative whether said petitioning districts shall be consolidated.

(6) If the petition is granted, the court shall cause an order to be entered and recorded in the judgment record of each of the counties in which the lands within the consolidated district are situated, setting forth the facts found upon the hearing of said petition, and said order shall define the boundaries of said district and describe the lands included therein by township, range and section only. The clerk of said district court shall cause a copy of the order declaring said consolidated district, duly certified, to be filed in the office of the secretary of state. From the date of said filing and thereafter, said district consolidation shall be deemed complete.

(7) The court shall name the commissioners appointed by it for the consolidated district pursuant to the provisions of section 42-2910, Idaho Code. In appointing commissioners to the newly consolidated district, the court shall consider preference to appointment of at least one (1) commissioner from each of the districts petitioning for consolidation. The consolidated district shall be known and described by the name and number of the largest district of those consolidated.

(8) The provisions of this section shall apply exclusively to the consolidation of drainage districts which have been formed under this chapter.

Approved April 8, 2011.

CHAPTER 257
(H.B. No. 325)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2012; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission \$327,200 from the Capitol Endowment Income Fund, to be expended for operating expenditures, for the period July 1, 2011, through June 30, 2012.

SECTION 2. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capi-

tol Commission any unexpended and unencumbered balances of moneys categorized as dedicated funds as appropriated for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

Approved April 8, 2011.

CHAPTER 258
(H.B. No. 299)

AN ACT

RELATING TO THE IDAHO HEALTH CARRIER EXTERNAL REVIEW ACT; AMENDING SECTION 41-5904, IDAHO CODE, TO DELETE LANGUAGE RELATING TO CERTAIN FINAL ADVERSE BENEFIT DETERMINATIONS AND TO PROVIDE AN OPT-IN ELECTION TO SINGLE EMPLOYER SELF-FUNDED EMPLOYEE BENEFIT PLANS SUBJECT TO AND OPERATED IN COMPLIANCE WITH THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

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

SECTION 1. That Section 41-5904, Idaho Code, be, and the same is hereby amended to read as follows:

41-5904. APPLICABILITY AND SCOPE. (1) Except as provided in subsection (2) of this section, this chapter shall apply to all health carriers¹ ~~final adverse benefit determinations which involve an issue of medical necessity or investigational service or supply.~~

(2) The provisions of this chapter shall not apply to a plan, policy or certificate that provides coverage only for a specified disease, specified accident or accident-only coverage; nor shall this chapter apply to a credit, dental, disability income, hospital indemnity, long-term care insurance, vision care, limited benefit health plans or any other limited supplemental benefit; nor shall this chapter apply to a medicare advantage plan or medicare supplemental policy of insurance, as defined by the director by rule, coverage under a plan through medicare, medicaid, or the federal employees health benefits program, any coverage issued under chapter 55, title 10, of the United States Code and any coverage issued as supplemental to that coverage; nor shall this chapter apply to any coverage issued as supplemental to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group blanket or individual basis; nor shall this chapter apply to a single employer self-funded employee benefit plan subject to and operated in compliance with the employee retirement income security act of 1974 (ERISA); provided however, the single employer self-funded ERISA employee benefit plan administrator or designee may, by timely and appropriate written notice to the director, voluntarily elect to comply with the provisions of this chapter either for a single plan beneficiary or for a specific period of time. The director may promulgate rules establishing the procedure for an employee benefit plan administrator or designee, to voluntarily comply with the provisions of this chapter and to provide for an administrative fee to be paid by the employee benefit plan administrator for each voluntary external review request submitted to the department pursuant to this chapter.

(3) The availability or use of external review pursuant to this chapter shall not alter the standard of review used by a court of competent jurisdiction when adjudicating the health carrier's final adverse benefit determination.

Approved April 8, 2011.

CHAPTER 259
(H.B. No. 283)

AN ACT

RELATING TO INSURANCE AND TRADE PRACTICES AND FRAUD; AMENDING SECTION 41-1314, IDAHO CODE, TO REPLACE REFERENCES TO AGENTS, SOLICITORS AND BROKERS WITH REFERENCE TO PRODUCERS AND TO PROVIDE THAT CERTAIN PROVISIONS DO NOT PROHIBIT CERTAIN INSURERS FROM PROVIDING TO A POLICYHOLDER OR PROSPECTIVE POLICYHOLDER OF CERTAIN INSURANCE ANY PRIZES, GOODS, WARES, MERCHANDISE, ARTICLES OR PROPERTY OF A CERTAIN AGGREGATE VALUE.

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

SECTION 1. That Section 41-1314, Idaho Code, be, and the same is hereby amended to read as follows:

41-1314. REBATES -- ILLEGAL INDUCEMENTS. (1) Except as otherwise expressly provided by law, no person shall knowingly make, permit to be made, or offer to make any contract of insurance, or of annuity, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow, or give, directly or indirectly, as inducement to such insurance or annuity or in connection therewith, any rebate of premiums payable on the contract, or of any ~~agent's, solicitor's, or broker's~~ producer's commission related thereto, or any special favor or advantage in the dividends or other benefits thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the contract; or directly or indirectly give, or sell, or purchase or offer or agree to give, sell, purchase, or allow as inducement to such insurance or annuity or in connection therewith, and whether or not specified or to be specified in the policy or contract, any agreement of any form or nature promising returns and profits, or any stocks, bonds, or other securities, or interest present or contingent therein or as measured thereby, of any insurer or other person, or any dividends or profits accrued or to accrue thereon; or offer, promise or give anything of value whatsoever not specified in the contract. Nor shall any insured, annuitant, or policyholder or employee thereof, or prospective insured, annuitant or policyholder, or employee thereof, knowingly accept or receive, directly or indirectly, any such prohibited contract, agreement, rebate, advantage, employment, or other inducement.

(2) Nothing in this section shall be construed as prohibiting the payment of commissions or other compensation to duly licensed ~~agents, solicitors, or brokers~~ producers, or as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, the usual and ordinary dividends, savings, or unabsorbed premium deposits.

(3) Nothing in this section shall be construed as prohibiting a life insurer, disability insurer, property insurer or casualty insurer, or producers who are marketing life insurance, disability insurance, property insurance or casualty insurance, from providing to a policyholder or prospective policyholder of life, disability, property or casualty insurance, any prizes, goods, wares, merchandise, articles or property of an aggregate value of fifty not to exceed two hundred dollars (\$5200.00) or less in a calendar year.

(4) Extension of credit for the payment of premium beyond the customary premium payment period without charging and collecting interest at a reasonable rate per annum on the amount of credit so extended and for the duration of such credit is prohibited under this section.

Approved April 8, 2011.

CHAPTER 260

(H.B. No. 205, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC LIBRARIES; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2741, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC LIBRARIES AND INTERNET USE POLICY, TO PROVIDE THAT PUBLIC LIBRARIES SHALL HAVE IN PLACE A POLICY OF INTERNET SAFETY, TO PROVIDE FOR DISABLING A TECHNOLOGY PROTECTION MEASURE, TO PROVIDE PROVISIONS RELATING TO ADOPTION OF A POLICY, TO PROVIDE FOR NOTICE, TO PROVIDE PROVISIONS RELATING TO WHAT THE POLICY MAY REQUIRE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A LIMITATION OF THIS SECTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 27, 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 33-2741, Idaho Code, and to read as follows:

33-2741. PUBLIC LIBRARY -- INTERNET USE POLICY REQUIRED. (1) Public libraries receiving public moneys and governed by the provisions of chapters 26 and 27, title 33, Idaho Code, that offer use of the internet or an online service to the public:

(a) (i) Shall have in place a policy of internet safety for minors including the operation of a technology protection measure with respect to any publicly accessible computers with internet access and that protects against access through such computers to visual depictions that are obscene or child pornography or harmful to minors; and

(ii) Shall enforce the operation of such technology protection measure during any use of a computer by a minor.

(b) (i) Shall have in place a policy of internet safety, which may include the operation of a technology protection measure with respect to any publicly accessible computers with internet access and that protects against access through such computers to visual depictions that are obscene or child pornography; and

(ii) May enforce the operation of such technology protection measure during any use of a computer.

(2) The provisions of this section shall not prohibit a public library from limiting internet access or otherwise protecting against materials other than the materials specified in this section.

(3) An administrator, supervisor or other authorized representative of a public library may disable a technology protection measure described in subsection (1) at the request of a library patron to enable access for lawful purposes.

(4) Each public library's policy shall be developed under the direction of the library's board of trustees, adopted in an open meeting and shall have an effective date. The board of trustees shall review the policy at least once every three (3) years. The policy shall reflect the most recent date of review.

(5) Notice of the availability of the policy shall be posted in a conspicuous place within the library for all patrons to observe. The board of trustees may issue any other public notice it considers appropriate to inform the community about the policy.

(6) The policy may:

(a) State that it restricts access to internet or online sites that contain material described in subsection (1) of this section and how the policy meets the requirements provided for in this section;

(b) Inform patrons that administrative procedures and guidelines for library staff to follow in enforcing the policy have been adopted and are available for review at the library; and

(c) Inform patrons that procedures for use by patrons and staff to handle complaints about the policy, its enforcement or about observed patron behavior have been adopted and are available for review at the library.

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

(a) "Child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(i) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(ii) Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

(iii) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

(b) "Harmful to minors" means any picture, image, graphic image file or other visual depiction that:

(i) Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;

(ii) Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(iii) Taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.

(c) "Minor" means anyone who has not attained the age of eighteen (18) years.

(d) "Obscene" means a depiction that:

(i) The average person, applying contemporary community standards, would find to appeal to the prurient interest;

(ii) Depicts or describes sexual conduct in a patently offensive way; and

(iii) Lacks serious literary, artistic, political or scientific value.

(e) "Public moneys" means any and all moneys belonging to or collected by the state or any political subdivision thereof including, but not necessarily limited to, any city, county, town or district therein.

(8) The provisions of this section shall have no effect on the provisions of section 33-132, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after October 1, 2012.

Approved April 8, 2011.

CHAPTER 261

(H.B. No. 137, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE ALTERATION OF CHANNELS OF STREAMS; AMENDING SECTION 42-3806, IDAHO CODE, TO PROVIDE THAT IN SPECIFIED SITUATIONS, NO PERMIT SHALL BE REQUIRED BY THE STATE OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF FROM A WATER USER OR HIS AGENT AND TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO AFFECT THE PROVISIONS OF CHAPTER 10, TITLE 46, IDAHO CODE, OR TO EXEMPT WATER USERS OR THEIR AGENTS FROM COMPLIANCE WITH APPLICABLE LOCAL FLOOD PLAIN ORDINANCES.

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

SECTION 1. That Section 42-3806, Idaho Code, be, and the same is hereby amended to read as follows:

42-3806. EXISTING RIGHTS UNAFFECTED -- WHERE PERMIT NOT REQUIRED. This act shall not operate or be so construed as to impair, diminish, control or divest any existing or vested water rights acquired under the laws of the state of Idaho or the United States, nor to interfere with the diversion of water from streams under existing or vested water right or water right permit for irrigation, domestic, commercial or other uses as recognized and provided for by Idaho water laws.

No permit shall be required by the state or any agency or political subdivision thereof, from a water user or his agent to clean, maintain, construct in, or repair any stream channel, diversion structure, canal, ditch, drain or lateral. No permit shall be required by the state or any agency or political subdivision thereof, from a water user or his agent to remove any obstruction from any stream channel, if such obstruction interferes with, or is likely to interfere with, the delivery of, or use of, water under any existing or vested water right, or water right permit.

Nothing in this section shall be construed to affect the provisions of chapter 10, title 46, Idaho Code, or to exempt a water user or his agent from compliance with any applicable local flood plain ordinance adopted pursuant to section 46-1022, Idaho Code.

Approved April 8, 2011.

CHAPTER 262

(H.B. No. 324)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Insurance, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INSURANCE REGULATION:					
FROM:					
Self-Governing Operating					
Fund	\$3,691,800	\$2,640,100	\$78,900		\$6,410,800
Federal Grant					
Fund	<u>230,000</u>	<u>210,000</u>	<u>0</u>	<u>\$185,000</u>	<u>625,000</u>
TOTAL	\$3,921,800	\$2,850,100	\$78,900	\$185,000	\$7,035,800
II. STATE FIRE MARSHAL:					
FROM:					
Self-Governing State Fire Marshal					
Fund	\$605,900	\$350,800	\$20,000		\$976,700
GRAND TOTAL	\$4,527,700	\$3,200,900	\$98,900	\$185,000	\$8,012,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-two (72) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 8, 2011.

CHAPTER 263
(H.B. No. 5)

AN ACT

RELATING TO PHARMACISTS; REPEALING SECTION 54-1739, IDAHO CODE, RELATING TO SEVERABILITY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1739, IDAHO CODE, TO PROVIDE FOR PROSPECTIVE DRUG REVIEW AND COUNSELING IN THE IDAHO PHARMACY ACT; REPEALING SECTION 54-1749, IDAHO CODE, RELATING TO PROSPECTIVE DRUG REVIEW AND COUNSELING; REPEALING SECTION 54-1750, IDAHO CODE, RELATING TO SEVERABILITY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1771, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 54-1739, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1739, Idaho Code, and to read as follows:

54-1739. PROSPECTIVE DRUG REVIEW AND COUNSELING. (1) Before dispensing any prescription, a pharmacist shall complete a prospective drug review as defined in section 54-1705, Idaho Code.

(2) Before dispensing a prescription for a new medication, or when otherwise deemed necessary or appropriate, a pharmacist shall counsel the patient or caregiver. In addition to the counseling requirements provided in section 54-1705, Idaho Code, counseling shall include such supplemental written materials as required by law or as are customary in that practice setting. For refills or renewed prescriptions, a pharmacist or a technician shall extend an offer to counsel the patient or caregiver. If such offer is accepted, a pharmacist shall provide such counseling as necessary or appropriate in the professional judgment of the pharmacist. All counseling and offers to counsel shall be face to face with the patient or caregiver when possible, but if not possible, then a reasonable effort shall be made to contact the patient or caregiver. Nothing in this section shall require a pharmacist to provide counseling when a patient or caregiver refuses such counseling or when counseling is otherwise impossible. Patient counseling shall not be required for inpatients of a hospital or institutional facility when licensed health care professionals administer the medication.

(3) This section shall apply to all registered and licensed pharmacies, including mail service pharmacies. In cases of prescriber dispensing, the prescriber shall perform the prospective drug review and counseling consistent with the provisions of this section.

SECTION 3. That Section 54-1749, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 54-1750, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1771, Idaho Code, and to read as follows:

54-1771. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.

Approved April 8, 2011.

CHAPTER 264
(H.B. No. 218)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS DEFINING THE PRACTICE OF PHARMACY.

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

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

54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means the interpretation, evaluation and dispensing of prescription drug orders; participation in drug and device selection, drug administration, drug regimen reviews and drug or drug-related research; the practice of telepharmacy within and across state lines; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; and the responsibility for: compounding and labeling of drugs and devices,

except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices, and maintenance of proper records for them; and the offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy. Licensed pharmacists may prescribe dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration. Licensed pharmacists may also prescribe agents for active immunization when prescribed for susceptible persons twelve (12) years of age or older for the protection from communicable disease.

Approved April 8, 2011.

CHAPTER 265
(H.B. No. 227, As Amended)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS AND MOTOR VEHICLES; AMENDING SECTION 18-8002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS BE INFORMED OF CERTAIN INFORMATION; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS BE INFORMED OF CERTAIN INFORMATION; AMENDING SECTION 18-8004C, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ENROLLED AND IN GOOD STANDING IN CERTAIN COURTS SHALL BE ELIGIBLE FOR RESTRICTED NONCOMMERCIAL DRIVING PRIVILEGES FOR CERTAIN PURPOSES AND UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ENROLLED AND IN GOOD STANDING IN CERTAIN COURTS SHALL BE ELIGIBLE FOR RESTRICTED NONCOMMERCIAL DRIVING PRIVILEGES FOR CERTAIN PURPOSES AND UNDER CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- PENALTY AND SUSPENSION UPON REFUSAL OF TESTS. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle in violation of the provisions of section 18-8004, Idaho Code, or section 18-8006, Idaho Code.

(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.

(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete, evidentiary testing:

(a) He is subject to a civil penalty of two hundred fifty dollars (\$250) for refusing to take the test;

(b) His driver's license will be seized by the peace officer and a temporary permit will be issued; provided however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations, and in no instance shall a temporary permit be issued to a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;

(c) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;

(d) If he does not request a hearing or does not prevail at the hearing, the court shall sustain the civil penalty and his driver's license will be suspended absolutely for one (1) year if this is his first refusal and two (2) years if this is his second refusal within ten (10) years;

(e) ~~Provided however, if he is enrolled in and is a participant in good standing in admitted to a drug problem solving court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code program and has served at least forty-five (45) days of an absolute suspension of driving privileges, then he shall may be eligible for a restricted noncommercial driving privileges permit for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court, provided that he has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by him and that he has shown proof of financial responsibility; and~~

(f) After submitting to evidentiary testing he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) above:

(a) He shall be fined a civil penalty of two hundred fifty dollars (\$250) and his driver's license or permit shall be seized by the peace officer and forwarded to the court and a temporary permit shall be issued by the peace officer which allows him to operate a motor vehicle until the date of his hearing, if a hearing is requested, but in no event for more than thirty (30) days; provided however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations and in no instance shall a temporary permit be issued to a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;

(b) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the seizure unless this period is, for good cause shown, extended by the court for one (1) additional thirty (30) day period. The court, in granting such an extension, may, for good cause shown, extend the defendant's temporary driving privileges for one (1) additional thirty (30) day period. The hearing shall be limited to the question of why the defendant did not submit to, or complete, evidentiary testing, and the burden of proof shall be upon the defendant; the court shall sustain a two hundred fifty dollar (\$250) civil penalty immediately and suspend all the defendant's driving privileges immediately for one (1) year for a first refusal and two (2) years for a second refusal within ten (10) years unless it finds that the peace officer did not have legal cause to stop and request him to take the test or that the request violated his civil rights;

(c) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the peace officer of the circumstances of the refusal, the court shall sustain a two hundred fifty dollar (\$250) civil penalty and suspend the defendant's driving privileges for one (1) year for a first refusal and two (2) years for a second refusal within ten (10) years, during which time he shall have absolutely no driving privileges of any kind;

(d) Notwithstanding the provisions of subsection (4)(b) and (c) of this section, if the defendant is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, then the defendant shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the defendant has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the defendant and that the defendant has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the defendant successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program; and

(e) After submitting to evidentiary testing at the request of the peace officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the peace officer unless the additional test was denied by the peace officer.

(5) Any sustained civil penalty or suspension of driving privileges under this section or section 18-8002A, Idaho Code, shall be a civil penalty separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes or for a conviction of an offense pursuant to this chapter, and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho, whether or not such person has privileges to practice in the hospital in which a body fluid sample is obtained or an evidentiary test is made, shall incur any civil or criminal liability for any act arising out of administering an evidentiary test for alcohol concentration or for the presence of drugs or other intoxicating substances at the request or order of a peace officer in the manner described in this section and section 18-8002A, Idaho Code; provided that nothing in this section shall relieve any such person or legal entity from civil liability arising from the failure to exercise the community standard of care.

(a) This immunity extends to any person who assists any individual to withdraw a blood sample for evidentiary testing at the request or order of a peace officer, which individual is authorized to withdraw a blood sample under the provisions of section 18-8003, Idaho Code, regardless of the location where the blood sample is actually withdrawn.

(b) A peace officer is empowered to order an individual authorized in section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary testing when the peace officer has probable cause to believe that the suspect has committed any of the following offenses:

(i) Aggravated driving under the influence of alcohol, drugs or other intoxicating substances as provided in section 18-8006, Idaho Code;

(ii) Vehicular manslaughter as provided in subsection (3) (a), (b) and (c) of section 18-4006, Idaho Code;

(iii) Aggravated operating of a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances as provided in section 67-7035, Idaho Code; or

(iv) Any criminal homicide involving a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances.

(c) Nothing herein shall limit the discretion of the hospital administration to designate the qualified hospital employee responsible to withdraw the blood sample.

(d) The law enforcement agency that requests or orders withdrawal of the blood sample shall pay the reasonable costs to withdraw such blood sample, perform laboratory analysis, preserve evidentiary test results, and testify in judicial proceedings. The court may order restitution pursuant to the provisions of section 18-8003(2), Idaho Code.

(e) The withdrawal of the blood sample may be delayed or terminated if:

(i) In the reasonable judgment of the hospital personnel withdrawal of the blood sample may result in serious bodily injury to hospital personnel or other patients; or

(ii) The licensed health care professional treating the suspect believes the withdrawal of the blood sample is contraindicated because of the medical condition of the suspect or other patients.

(7) "Actual physical control" as used in this section and section 18-8002A, Idaho Code, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

(9) For the purposes of this section and section 18-8002A, Idaho Code, "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (10) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

(10) A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the peace officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The peace officer shall state in his or her report the facts upon which that belief is based.

(11) Notwithstanding any other provision of law to the contrary, the civil penalty imposed under the provisions of this section must be paid, as ordered by the court, to the county justice fund or the county current expense fund where the incident occurred. If a person does not pay the civil penalty imposed as provided in this section within thirty (30) days of the imposition, unless this period has been extended by the court for good cause shown, the prosecuting attorney representing the political subdivision where the incident occurred may petition the court in the jurisdiction where the incident occurred to file the order imposing the civil penalty as an

order of the court. Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the civil penalty, attorney's fees, costs and interest may be assessed against any person who fails to pay the civil penalty.

SECTION 2. That Section 18-8002A, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002A. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- SUSPENSION UPON FAILURE OF TESTS. (1) Definitions. As used in this section:

(a) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or with the vehicle moving.

(b) "Administrative hearing" means a hearing conducted by a hearing officer to determine whether a suspension imposed by the provisions of this section should be vacated or sustained.

(c) "Department" means the Idaho transportation department and, as the context requires, shall be construed to include any agent of the department designated by rule as hereinafter provided.

(d) "Director" means the director of the Idaho transportation department.

(e) "Evidentiary testing" means a procedure or test or series of procedures or tests utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person, including additional testing authorized by subsection (6) of this section. An evidentiary test for alcohol concentration shall be based on a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath, or sixty-seven (67) milliliters of urine. Analysis of blood, breath or urine for the purpose of determining alcohol concentration shall be performed by a laboratory operated by the Idaho state police or by a laboratory approved by the Idaho state police under the provisions of approval and certification standards to be set by the Idaho state police, or by any other method approved by the Idaho state police. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated and approved by the Idaho state police or by any other method approved by the Idaho state police shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(f) "Hearing officer" means a person designated by the department to conduct administrative hearings. The hearing officer shall have authority to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing and make a final ruling on the issues before him.

(g) "Hearing request" means a request for an administrative hearing on the suspension imposed by the provisions of this section.

(2) Information to be given. At the time of evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if the person refuses to submit to or fails to complete evidentiary testing, or if the person submits to and completes evidentiary testing and the test results indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the person shall be informed substantially as follows (but need not be informed verbatim):

If you refuse to submit to or if you fail to complete and pass evidentiary testing for alcohol or other intoxicating substances:

(a) The peace officer will seize your driver's license and issue a notice of suspension and a temporary driving permit to you, but no peace officer will issue you a temporary driving permit if your driver's license or permit has already been and is suspended or revoked. No peace officer shall issue a temporary driving permit to a driver of a commercial vehicle who refuses to submit to or fails to complete and pass an evidentiary test;

(b) You have the right to request a hearing within seven (7) days of the notice of suspension of your driver's license to show cause why you refused to submit to or to complete and pass evidentiary testing and why your driver's license should not be suspended;

(c) If you refused or failed to complete evidentiary testing and do not request a hearing before the court or do not prevail at the hearing, your driver's license will be suspended. The suspension will be for one (1) year if this is your first refusal. The suspension will be for two (2) years if this is your second refusal within ten (10) years. You will not be able to obtain a temporary restricted license during that period;

(d) If you complete evidentiary testing and fail the testing and do not request a hearing before the department or do not prevail at the hearing, your driver's license will be suspended. This suspension will be for ninety (90) days if this is your first failure of evidentiary testing, but you may request restricted noncommercial vehicle driving privileges after the first thirty (30) days. The suspension will be for one (1) year if this is your second failure of evidentiary testing within five (5) years. You will not be able to obtain a temporary restricted license during that period;

(e) ~~However, if you become enrolled in and are a participant in good standing in are admitted to a drug problem solving court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code program and have served at least forty-five (45) days of an absolute suspension of driving privileges, you shall may be eligible for a restricted noncommercial driving privileges permit for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court, provided that you have served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by you and that you have shown proof of financial responsibility; and~~

(f) After submitting to evidentiary testing you may, when practicable, at your own expense, have additional tests made by a person of your own choosing.

(3) Rulemaking authority of the Idaho state police. The Idaho state police may, pursuant to chapter 52, title 67, Idaho Code, prescribe by rule:

(a) What testing is required to complete evidentiary testing under this section; and

(b) What calibration or checking of testing equipment must be performed to comply with the department's requirements. Any rules of the Idaho state police shall be in accordance with the following: a test for alcohol concentration in breath as defined in section 18-8004, Idaho Code, and subsection (1) (e) of this section will be valid for the purposes of this section if the breath alcohol testing instrument was approved for testing by the Idaho state police in accordance with section 18-8004, Idaho Code, at any time within ninety (90) days before the evidentiary testing. A test for alcohol concentration in blood or urine as defined in section 18-8004, Idaho Code, that is reported by the Idaho state police or by any laboratory approved by the Idaho state police to perform this test will be valid for the purposes of this section.

(4) Suspension.

(a) Upon receipt of the sworn statement of a peace officer that there existed legal cause to believe a person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances and that the person submitted to a test and the test results indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the department shall suspend the person's driver's license, driver's permit, driving privileges or nonresident driving privileges:

(i) For a period of ninety (90) days for a first failure of evidentiary testing under the provisions of this section. The first thirty (30) days of the suspension shall be absolute and the person shall have absolutely no driving privileges of any kind. Restricted noncommercial vehicle driving privileges applicable during the remaining sixty (60) days of the suspension may be requested as provided in subsection (9) of this section.

(ii) For a period of one (1) year for a second and any subsequent failure of evidentiary testing under the provisions of this section within the immediately preceding five (5) years. No driving privileges of any kind shall be granted during the suspension imposed pursuant to this subsection.

The person may request an administrative hearing on the suspension as provided in subsection (7) of this section. Any right to contest the suspension shall be waived if a hearing is not requested as therein provided.

(b) The suspension shall become effective thirty (30) days after service upon the person of the notice of suspension. The notice shall be in a form provided by the department and shall state:

(i) The reason and statutory grounds for the suspension;

(ii) The effective date of the suspension;

(iii) The suspension periods to which the person may be subject as provided in subsection (4) (a) of this section;

(iv) The procedures for obtaining restricted noncommercial vehicle driving privileges;

(v) The rights of the person to request an administrative hearing on the suspension and that if an administrative hearing is not requested within seven (7) days of service of the notice of suspension the right to contest the suspension shall be waived;

(vi) The procedures for obtaining an administrative hearing on the suspension;

(vii) The right to judicial review of the hearing officer's decision on the suspension and the procedures for seeking such review.

(c) Notwithstanding the provisions of subsection (4) (a) (i) and (ii) of this section, a person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the offender and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the

offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(5) Service of suspension by peace officer or the department. If the driver submits to evidentiary testing after the information in subsection (2) of this section has been provided and the results of the test indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code:

(a) The peace officer shall take possession of the person's driver's license, shall issue a temporary permit which shall be valid for a period not to exceed thirty (30) days from the date of issuance, and, acting on behalf of the department, will serve the person with a notice of suspension in the form and containing the information required under subsection (4) of this section. The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4) (b) of this section.

(b) Within five (5) business days following service of a notice of suspension the peace officer shall forward to the department a copy of the completed notice of suspension form upon which the date of service upon the driver shall be clearly indicated, a copy of any completed temporary permit form along with any confiscated driver's license, a certified copy or duplicate original of the results of all tests for alcohol concentration, as shown by analysis of breath administered at the direction of the peace officer, and a sworn statement of the officer, which may incorporate any arrest or incident reports relevant to the arrest and evidentiary testing setting forth:

- (i) The identity of the person;
- (ii) Stating the officer's legal cause to stop the person;
- (iii) Stating the officer's legal cause to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code;
- (iv) That the person was advised of the consequences of taking and failing the evidentiary test as provided in subsection (2) of this section;
- (v) That the person was lawfully arrested;
- (vi) That the person was tested for alcohol concentration, drugs or other intoxicating substances as provided in this chapter, and that the results of the test indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code.

If an evidentiary test of blood or urine was administered rather than a breath test, the peace officer or the department shall serve the notice of suspension once the results are received. The sworn statement required in this subsection shall be made on forms in accordance with rules adopted by the department.

(c) The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4) (b) of this section.

(6) Additional tests. After submitting to evidentiary testing at the request of the peace officer, the person may, when practicable, at his own expense, have additional tests for alcohol concentration or for the presence

of drugs or other intoxicating substances made by a person of his own choosing. The person's failure or inability to obtain additional tests shall not preclude admission of the results of evidentiary tests administered at the direction of the peace officer unless additional testing was denied by the peace officer.

(7) Administrative hearing on suspension. A person who has been served with a notice of suspension after submitting to an evidentiary test may request an administrative hearing on the suspension before a hearing officer designated by the department. The request for hearing shall be in writing and must be received by the department within seven (7) calendar days of the date of service upon the person of the notice of suspension, and shall include what issue or issues shall be raised at the hearing. The date on which the hearing request was received shall be noted on the face of the request.

If a hearing is requested, the hearing shall be held within twenty (20) days of the date the hearing request was received by the department unless this period is, for good cause shown, extended by the hearing officer for one ten (10) day period. Such extension shall not operate as a stay of the suspension and any temporary permit shall expire thirty (30) days after service of the notice of suspension, notwithstanding an extension of the hearing date beyond such thirty (30) day period. Written notice of the date and time of the hearing shall be sent to the party requesting the hearing at least seven (7) days prior to the scheduled hearing date. The department may conduct all hearings by telephone if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

The hearing shall be recorded. The sworn statement of the arresting officer, and the copy of the notice of suspension and any temporary permit issued by the officer shall be admissible at the hearing without further evidentiary foundation. The results of any tests for alcohol concentration or the presence of drugs or other intoxicating substances by analysis of blood, urine or breath administered at the direction of the peace officer and the records relating to calibration, certification, approval or quality control pertaining to equipment utilized to perform the tests shall be admissible as provided in section 18-8004(4), Idaho Code. The arresting officer shall not be required to participate unless directed to do so by a subpoena issued by the hearing officer.

The burden of proof shall be on the person requesting the hearing. The hearing officer shall not vacate the suspension unless he finds, by a preponderance of the evidence, that:

- (a) The peace officer did not have legal cause to stop the person; or
- (b) The officer did not have legal cause to believe the person had been driving or was in actual physical control of a vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (c) The test results did not show an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (d) The tests for alcohol concentration, drugs or other intoxicating substances administered at the direction of the peace officer were not conducted in accordance with the requirements of section 18-8004(4), Idaho Code, or the testing equipment was not functioning properly when the test was administered; or
- (e) The person was not informed of the consequences of submitting to evidentiary testing as required in subsection (2) of this section.

If the hearing officer finds that the person has not met his burden of proof, he shall sustain the suspension. The hearing officer shall make findings of fact and conclusions of law on each issue and shall enter an order vacating or sustaining the suspension. If the suspension is vacated, the person's driver's license, unless unavailable by reason of an existing suspension,

revocation, cancellation, disqualification or denial shall be returned to him. The findings of fact, conclusions of law and order entered by the hearing officer shall be considered a final order pursuant to the provisions of chapter 52, title 67, Idaho Code, except that motions for reconsideration of such order shall be allowed and new evidence can be submitted.

The facts as found by the hearing officer shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension required to be imposed under the provisions of this section. If a license is suspended under this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, both the suspension under this section and the suspension imposed pursuant to the provisions of section 18-8005 or 18-8006, Idaho Code, shall be imposed, but the periods of suspension shall run concurrently, with the total period of suspension not to exceed the longer of the applicable suspension periods, unless the court ordering the suspension in the criminal case orders to the contrary.

(8) Judicial review. A party aggrieved by the decision of the hearing officer may seek judicial review of the decision in the manner provided for judicial review of final agency action provided in chapter 52, title 67, Idaho Code.

(9) Restricted noncommercial vehicle driving privileges. A person served with a notice of suspension for ninety (90) days pursuant to this section may apply to the department for restricted noncommercial vehicle driving privileges, to become effective after the thirty (30) day absolute suspension has been completed. The request may be made at any time after service of the notice of suspension. Restricted noncommercial vehicle driving privileges will be issued for the person to travel to and from work and for work purposes not involving operation of a commercial vehicle, to attend an alternative high school, work on a GED, for postsecondary education, or to meet the medical needs of the person or his family if the person is eligible for restricted noncommercial vehicle driving privileges. Any person whose driving privileges are suspended under the provisions of this chapter may be granted privileges to drive a noncommercial vehicle but shall not be granted privileges to operate a commercial motor vehicle.

(10) Rules. The department may adopt rules under the provisions of chapter 52, title 67, Idaho Code, deemed necessary to implement the provisions of this section.

SECTION 3. That Section 18-8004C, Idaho Code, be, and the same is hereby amended to read as follows:

18-8004C. EXCESSIVE ALCOHOL CONCENTRATION -- PENALTIES. Notwithstanding any provision of section 18-8005, Idaho Code, to the contrary:

(1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time, but who has an alcohol concentration of 0.20, as defined in section 18-8004(4), Idaho Code, or more, as shown by an analysis of his blood, breath or urine by a test requested by a police officer, shall be guilty of a misdemeanor; and:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year;

(b) May be fined an amount not to exceed two thousand dollars (\$2,000);

(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of this section and violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and

a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; ~~and.~~

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, and who has an alcohol concentration of 0.20, as defined in section 18-8004(4), Idaho Code, or more, as shown by an analysis of his blood, breath or urine by a test requested by a police officer, and who previously has been found guilty of or has pled guilty to one (1) or more violations of the provisions of section 18-8004, Idaho Code, in which the person had an alcohol concentration of 0.20 or more, or any substantially conforming foreign criminal violation wherein the defendant had an alcohol concentration of 0.20 or more, or any combination thereof, within five (5) years, notwithstanding the form of judgment or withheld judgment shall be guilty of a felony; and:

(a) Shall be sentenced to the custody of the state board of correction for a term not to exceed five (5) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall surrender his driver's license or permit to the court;

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for a period not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory license suspension period.

(3) Notwithstanding the provisions of subsections (1) (e) and (2) (d) of this section, a person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the offender, and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(4) All the provisions of section 18-8005, Idaho Code, not in conflict with or otherwise provided for in this section, shall apply to this section.

(5) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

SECTION 4. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) May be sentenced to jail for a term not to exceed six (6) months;

(b) May be fined an amount not to exceed one thousand dollars (\$1,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and

(d) Shall have his driving privileges suspended by the court for a period of thirty (30) days which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which the defendant may request restricted driving privileges which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

(a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject to:

(a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, as required by 23 U.S.C. section 164, and may be sentenced to not more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work de-

tail program within the custody of the county sheriff during the period of incarceration;

(b) May be fined an amount not to exceed two thousand dollars (\$2,000);

(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and

(f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the one (1) year mandatory license suspension period.

(5) If the person has pled guilty or was found guilty for the second time within ten (10) years of a violation of the provisions of section 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(6) Except as provided in section 18-8004C, Idaho Code, any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and

(a) Shall be sentenced to the custody of the state board of correction for not to exceed ten (10) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C. section 164; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall surrender his driver's license or permit to the court;

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory one (1) year license suspension period.

(7) Notwithstanding the provisions of subsections (4)(e) and (6)(d) of this section, any person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health

court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the offender and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(8) For the purpose of computation of the enhancement period in subsections (4), (6) and (9) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal shall also be excluded.

(9) Notwithstanding the provisions of subsections (4) and (6) of this section, any person who has pled guilty or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code, a violation of the provisions of section 18-8006, Idaho Code, a violation of the provisions of section 18-4006 3.(b), Idaho Code, notwithstanding the form of the judgment(s) or withheld judgment(s) or any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment(s) or withheld judgment(s), and within fifteen (15) years pleads guilty or is found guilty of a further violation of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (6) of this section.

(10) For the purpose of subsections (4), (6) and (9) of this section and the provisions of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(11) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code,) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and welfare; provided however, if the defendant has no prior or pending charges with respect to the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the records and information required under subsections (12) (a), (b) and (c) of this section or possesses information from other reliable sources relating to the defendant's use or nonuse of alcohol or drugs which does not give the court any reason to believe that the defendant regularly abuses alcohol or drugs and is in need of treatment, the court may, in its discretion, waive the evaluation with respect to sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court may also, in its discretion, waive the requirement of an alcohol evaluation with respect to a defendant's violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a presentence investigation report, substance abuse assessment, criminogenic risk assessment, or other assessment which

evaluates the defendant's degree of alcohol abuse and need for alcohol treatment conducted within twelve (12) months preceding the date of the defendant's sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(12) At the time of sentencing, the court shall be provided with the following information:

- (a) The results, if administered, of any evidentiary test for alcohol and/or drugs;
- (b) A computer or teletype or other acceptable copy of the person's driving record;
- (c) Information as to whether the defendant has pled guilty to or been found guilty of violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and
- (d) The alcohol evaluation required in subsection (11) of this section, if any.

(13) A minor may be prosecuted for a violation of the provisions of section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of twenty-one (21) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(14) In the event that the alcohol evaluation required in subsection (11) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable

program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(15) Any person who is disqualified, or whose driving privileges have been suspended, revoked or canceled under the provisions of this chapter, shall not be granted restricted driving privileges to operate a commercial motor vehicle.

SECTION 5. This act shall be in full force and effect on and after January 1, 2012.

Approved April 8, 2011.

CHAPTER 266
(H.B. No. 234)

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8329, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTERED SEXUAL OFFENDERS AND ACCESS TO SCHOOLS.

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

SECTION 1. That Section 18-8329, Idaho Code, be, and the same is hereby amended to read as follows:

18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

(a) Be upon or to remain on the premises of any school building or school grounds in this state, or upon other properties posted with a notice that they are used by a school, when the person has reason to believe children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(b) Knowingly loiter on a public way within five hundred (500) feet from the property line of school grounds in this state, including properties posted with a notice that they are used by a school, when children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(c) Be in any conveyance owned or leased by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.

(d) Reside within five hundred (500) feet of the property on which a school is located, measured from the nearest point of the exterior wall of the offender's dwelling unit to the school's property line, provided however, that this paragraph (d) shall not apply if such person's residence was established prior to July 1, 2006.

~~(e)~~ The posted notices required in this subsection (1) shall be at least one hundred (100) square inches, shall make reference to section 18-8329, Idaho

Code, shall include the term "registered sex offender" and shall be placed at commonly used all public entrances to the property. ~~In addition, there shall be at least one (1) notice posted every six hundred sixty (660) feet along the property line.~~

(2) The provisions of subsections (1) (a) and (1) (b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

~~(b) Is attending an academic conference or other scheduled extracurricular school event with school officials present when the offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event. "Extracurricular" means any school-sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours including, but not limited to, academic, artistic, athletic or recreational activities; or~~

~~(c) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or~~

~~(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or~~

~~(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery; or~~

~~(fc) Is exercising his right to vote in public elections; or~~

~~(gd) Is taking delivery of his mail through an official post office located on school grounds; or~~

~~(h) Has written permission from a school principal, vice-principal, or the equivalent, to be on the school grounds or upon other property posted with a notice that the property is used by a school; or~~

~~(ie) Stays at a homeless shelter or resides at a recovery facility if such shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief; or~~

(f) Contacts the school district office annually and prior to his first visit of a school year and has obtained written permission from the district to be on the school grounds or upon other property posted with a notice that the property is used by a school. For the purposes of this section, "contacts the school district office" shall include mail, facsimile machine, or by computer using the internet. The provisions of this subsection are required for an individual who:

(i) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(ii) Is attending an academic conference or other scheduled extracurricular school event with school officials present when the offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event. "Extracurricular" means any school-sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours including, but not limited to, academic, artistic, athletic or recreational activities; or

(iii) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties. If adopting more stringent safety and security requirements, the school district shall provide the requirements to any individual listed in subsection (2) (f) (i) through (iii) by mail, facsimile machine or by computer using the internet.

CHAPTER 267
(H.B. No. 240)

AN ACT

RELATING TO THE INDUSTRIAL COMMISSION; AMENDING SECTION 72-523, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN PREMIUM TAX AND TO REVISE PROVISIONS RELATING TO THE DEDUCTION OF A CERTAIN PREMIUM TAX.

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

SECTION 1. That Section 72-523, Idaho Code, be, and the same is hereby amended to read as follows:

72-523. SOURCE OF FUND -- PREMIUM TAX. The state insurance fund, every authorized self-insurer and every surety authorized under the Idaho insurance code or by the director of the department of insurance to transact worker's compensation insurance in Idaho, in addition to all other payments required by statute, shall semiannually, within thirty (30) days after February 1 and July 1 of each year, pay into the state treasury to be deposited in the industrial administration fund a premium tax as follows:

(1) Commencing July 1, 1993, every surety, other than self-insurers authorized to transact worker's compensation insurance, a sum equal to two and one-half percent (2.5%) of the net premiums written by each respectively on worker's compensation insurance in this state during the preceding six (6) months' period, but in no case less than seventy-five dollars (\$75.00); and

(2) Each self-insurer, a sum equal to two and one-half percent (2.5%) of the amount of premium such employer who is a self-insurer would be required to pay as premium to the state insurance fund, but in no case less than seventy-five dollars (\$75.00);

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, for the period January 1, 2012, through December 31, 2013:

(a) Every surety, other than self-insurers authorized to transact worker's compensation insurance, a sum equal to two percent (2%) of the net premiums written by each respectively on worker's compensation insurance in this state during the preceding six (6) months' period, but in no case less than seventy-five dollars (\$75.00); and

(b) Each self-insurer, a sum equal to two percent (2%) of the amount of premium such employer who is a self-insurer would be required to pay as premium to the state insurance fund, but in no case less than seventy-five dollars (\$75.00).

(4) Any insurer making any payment into the industrial administration fund under the provisions of subsection (1) of this section or, during the period January 1, 2012, through December 31, 2013, any insurer making any payment into the industrial administration fund under the provisions of subsection (3) of this section, shall be entitled to deduct one and three-tenths fifty percent (1.350%) of the net premiums written as computed above premium tax paid pursuant to this section from any sum that it is required to pay into the department of insurance as a tax on worker's compensation premiums.

(45) In arriving at net premiums written, dividends paid, declared or payable shall not be deducted.

(56) For the purposes of this section and section 72-524, Idaho Code, net premiums written shall mean the amount of gross direct premiums written, less returned premiums and premiums on policies not taken.

Approved April 8, 2011.

CHAPTER 268
(H.B. No. 257)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2012; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2012, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

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

SECTION 1. Except as provided in Sections 2, 3 and 4 of this act, every rule, as that term is defined in Section 67-5201, Idaho Code, that would expire on July 1, 2011, pursuant to the provisions of subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in full force and effect until July 1, 2012, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Sixty-first Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2012, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Sixty-first Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5291, Idaho Code.

SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending or repealing rules which have been continued in full force and effect until July 1, 2012, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 8, 2011.

CHAPTER 269
(H.B. No. 262)

AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING SECTION 56-211, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS RELATING TO AN APPLICATION FOR CERTAIN PUBLIC ASSISTANCE, TO PROVIDE EXCEPTIONS, TO GRANT THE STATE DEPARTMENT OF HEALTH AND WELFARE RULEMAKING AUTHORITY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 56-211, Idaho Code, be, and the same is hereby amended to read as follows:

56-211. APPLICATION FOR PUBLIC ASSISTANCE -- VERIFICATION FOR FEDERAL FOOD STAMP PROGRAM. (1) Application for public assistance under this act shall be made in the manner and form prescribed by the state department, and the application shall contain such ~~informatin~~ information bearing on the applicant's eligibility as the state department may require and as required in subsection (2) of this section.

(2) Applicants seeking benefits under the federal food stamp program shall verify to the state department the identity of each household member the applicant lists on the application for such benefits. Identification may be verified either through readily available documentary evidence, such as a birth certificate, or through a collateral contact as set forth in federal law, 7 CFR 273.2. Upon a showing of good cause by the applicant as to why such documentary evidence or collateral contact has not been provided, the state department shall grant an extension and the applicant may receive the public assistance for which he or she has applied for one (1) month. A showing of good cause shall be required each month the applicant fails to provide the state department with the required documentary evidence or collateral contact. Good cause is not shown where a delay in providing documentary evidence or providing a collateral contact is due to illness, lack of transportation or temporary absences. The provisions of this subsection shall not apply to applicants who provide, or who have previously provided, a document as set forth in section 67-7903(4) (b) (viii) or (ix), Idaho Code.

(3) The state department may promulgate rules to implement the provisions of this section.

Approved April 8, 2011.

CHAPTER 270
(H.B. No. 280)

AN ACT

RELATING TO FARM EQUIPMENT; AMENDING THE HEADING FOR CHAPTER 23, TITLE 28, IDAHO CODE, TO PROVIDE FOR THE REPURCHASE OF FARM EQUIPMENT UPON THE TERMINATION OF CONTRACTS; AMENDING SECTION 28-23-101, IDAHO CODE, TO PROVIDE FOR CERTAIN PAYMENT OR CREDIT TO A RETAILER RELATING TO EQUIPMENT, TO PROVIDE FOR PAYMENT OF THE NET COST OF UNSOLD AND UNDAMAGED COMPLETE FARM IMPLEMENTS AND EQUIPMENT, TO REMOVE A TIME CONDITION, TO PROVIDE THAT CERTAIN PROVISIONS SHALL APPLY TO PURCHASES BY RETAILERS FROM PERSONS, FIRMS OR CORPORATIONS IN THE BUSINESS OF SELLING OR RETAILING FARM EQUIPMENT, IMPLEMENTS AND PARTS, TO REVISE PROVISIONS RELATING TO THE AMOUNT OF THE PAYMENT OR CREDIT FOR DEMON-

STRATION OR RENTAL EQUIPMENT, TO PROVIDE THAT THE SUPPLIER ASSUMES OWNERSHIP OF EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-102, IDAHO CODE, TO PROVIDE FOR CERTAIN PAYMENT OR CREDIT TO A RETAILER RELATING TO EQUIPMENT, TO REMOVE A TIME CONDITION, TO PROVIDE FOR THE PASSAGE OF TITLE RELATING TO EQUIPMENT, TO PROVIDE FOR POSSESSION OF EQUIPMENT, TO PROVIDE FOR PAYMENT WITHIN NINETY DAYS FROM THE TERMINATION DATE OF THE DEALER AGREEMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-103, IDAHO CODE, TO PROVIDE THAT SPECIFIED PROVISIONS ARE SUPPLEMENTAL TO CERTAIN AGREEMENTS RELATING TO EQUIPMENT AND TO PROVIDE THAT DESIGNATED REMEDIES SHALL APPLY TO CERTAIN EQUIPMENT; AMENDING SECTION 28-23-104, IDAHO CODE, TO PROVIDE FOR THE REPURCHASE OF EQUIPMENT FROM HEIRS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-105, IDAHO CODE, TO PROVIDE FOR CIVIL LIABILITY RELATING TO VIOLATIONS OF SPECIFIED PROVISIONS, TO PROVIDE FOR LIABILITY UPON FAILURE TO PAY FOLLOWING CANCELLATION OF CONTRACTS RELATING TO EQUIPMENT, TO PROVIDE THAT JUDGMENTS MAY INCLUDE DAMAGES IN THE AMOUNT OF TWO TIMES THE COMPENSATORY DAMAGES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-23-107, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-108, IDAHO CODE, TO PROVIDE CERTAIN NOTICE REQUIREMENTS RELATING TO WHOLESALERS, MANUFACTURERS AND DISTRIBUTORS OF EQUIPMENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-23-110, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR FAILURE TO GIVE CERTAIN NOTICE OR OBTAIN CONSENT RELATING TO MANUFACTURERS, WHOLESALERS AND DISTRIBUTORS OF FARM EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 23, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-23-112, IDAHO CODE, TO PROVIDE FOR JURISDICTION AND VENUE; AMENDING CHAPTER 23, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-23-113, IDAHO CODE, TO PROVIDE THAT SPECIFIED DEFINITIONS SHALL APPLY; AMENDING THE HEADING FOR CHAPTER 24, TITLE 28, IDAHO CODE, TO PROVIDE FOR AGREEMENTS BETWEEN SUPPLIERS AND DEALERS OF FARM EQUIPMENT; AMENDING SECTION 28-24-101, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 28-24-102, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 28-24-104B, IDAHO CODE, TO REMOVE A PROVISION RELATING TO DEALER OPTIONS TO ACCEPT THE SUPPLIERS' REIMBURSEMENT TERMS AND CONDITIONS IN LIEU OF THE TERMS AND CONDITIONS SET FORTH IN SPECIFIED LAW; AMENDING SECTION 28-24-105, IDAHO CODE, TO PROVIDE THAT JUDGMENTS MAY INCLUDE DAMAGES IN THE AMOUNT OF TWO TIMES THE COMPENSATORY DAMAGES; AND AMENDING CHAPTER 24, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-24-108, IDAHO CODE, TO PROVIDE FOR JURISDICTION AND VENUE.

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

SECTION 1. That the Heading for Chapter 23, Title 28, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 23

REPURCHASE OF FARM MACHINERY AND EQUIPMENT UPON TERMINATION OF CONTRACT

SECTION 2. That Section 28-23-101, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-101. REPURCHASE OF FARM MACHINERY, EQUIPMENT, CONSTRUCTION EQUIPMENT, IMPLEMENTS, ATTACHMENTS, ACCESSORIES AND PARTS UPON TERMINATION OF CONTRACT AND OBLIGATION TO REPURCHASE. Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and or equipment, or repair parts for farm implements or equipment, enters into a written or parol contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements or equipment, machinery, attachments, accessories

or repair parts to maintain a stock of parts which may include, but is not limited to, complete or whole machines, attachments, or demonstration and rental equipment and thereafter the written or parol contract, sales agreement or security agreement is terminated, canceled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred percent (100%) of the net cost of all unused, unsold and undamaged complete farm implements or equipment, machinery and or repair parts and stock of parts, attachments in new condition which have been purchased by the retailer from the wholesaler, manufacturer or distributor within the thirty-six (36) months immediately preceding notification by either party of intent to cancel or discontinue the contract, including the transportation charges to the retailer. The payment or credit for demonstration or rental equipment that has not been retailed to an end user is a sum equal to the depreciated value of the equipment ~~to which the supplier and the retailer have agreed~~. The wholesaler, manufacturer, or distributor shall pay to the retailer a reasonable reimbursement for services performed in connection with the assembly and predelivery inspections of the farm equipment and attachments. The supplier assumes ownership of farm implements or equipment, machinery and or repair parts and stock FOB the dealer location.

A supplier must repurchase any specific data processing hardware, software, telecommunications equipment and computer communications hardware specifically required by the supplier to meet the supplier's minimum requirements and purchased by the dealer in the prior five (5) years and held by the dealer on the date of termination. The purchase price is the original net cost to the dealer, less twenty percent (20%) per year.

SECTION 3. That Section 28-23-102, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-102. **REPURCHASE OF REPAIR PARTS.** Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and or equipment, or repair parts for farm implements or equipment, enters into a written or parol contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements or equipment, machinery, attachments, accessories or repair parts to maintain a stock of parts or complete or whole machines, or attachments, manuals and repair manuals and thereafter the written or parol contract, sales agreement or security agreement is terminated, canceled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred percent (100%) of the current net prices, including the transportation charges from the retailer to the wholesaler, manufacturer or distributor which have been paid by the retailer, or invoiced to a retailer's account by the wholesaler, manufacturer or distributor, on manuals and repair manuals, repair parts, including superseded or previously included parts listed in current price lists or catalogs or electronic catalogs in use, or previously used within thirty-six (36) months prior to the latest parts price list issue date by the wholesaler, manufacturer or distributor on the date of cancellation or discontinuance of the contract, which parts had previously been purchased by the retailer from the wholesaler, manufacturer, or distributor and are held by the retailer on the date of the cancellation or discontinuance of the contract or thereafter received by the retailer from the wholesaler, manufacturer or distributor.

The wholesaler, manufacturer, or distributor shall also pay the retailer or credit to his account a sum equal to five percent (5%) of the current net price of all parts returned for the handling, packing, and loading of the parts back to the wholesaler, manufacturer, or distributor unless the wholesaler, manufacturer or distributor elects to perform inventorying, packing and loading of the parts themselves.

Upon the payment or allowance of credit to the retailer's account of the sum required by this section and section 28-23-101, Idaho Code, the title to the farm implements, ~~farm equipment~~, machinery, attachments, accessories or repair parts shall pass to the manufacturer, wholesaler or distributor making the payment or allowing the credit and the manufacturer, wholesaler or distributor shall be entitled to the possession of the farm implements, equipment, machinery, attachments, accessories or repair parts. Title to farm implements, equipment, attachments, accessories and repair parts is transferred to the supplier FOB the dealer location. The provisions of this section shall apply to any part return adjustment agreement made between a dealer and a supplier. All payments or allowances of credit due retailers under this section shall be paid or credited by the manufacturer, wholesaler, or distributor within ninety (90) days after ~~the return of the farm implements, farm machinery, attachments, accessories or repair parts from the termination date of the dealer agreement~~. After the ninety (90) days all sums of credits due shall include interest at the rate specified in section 28-22-104(1), Idaho Code. However, this section and section 28-23-101, Idaho Code, shall not in any way affect any security interest which the wholesaler, manufacturer or distributor may have in the inventory of the retailer.

A supplier shall repurchase at one hundred percent (100%) of net dealer cost, manuals and repair manuals purchased in the previous six (6) years and at fifty percent (50%) for manuals and repair manuals purchased in the previous seven (7) through twelve (12) years as required by the supplier and held by the dealer on the date of termination. Manuals and repair manuals must be unique to the supplier's product line and must be in complete and in readable condition.

A supplier must repurchase, and the dealer must sell to the supplier, specialized repair tools. As applied in this section, "specialized repair tools" is defined as those tools required by the supplier and unique to the diagnosis or repair of the supplier's products. For specialized repair tools that are in new, unused condition and are applicable to the supplier's current products, the purchase price is one hundred percent (100%) of the original net cost to the dealer. For all other specialized repair tools, in complete and resalable condition, the purchase price is the original net cost to the dealer less twenty percent (20%) per year depreciation, but not less than fifty percent (50%) of the original purchase price.

A supplier must repurchase, and the dealer must sell to the supplier, current signage. As used in this section, "current signage" means the principal outdoor signage required by the supplier that displays the supplier's current logo or similar exclusive identifier, and that identifies the dealer as representing either the supplier or the supplier's products, or both. The purchase price shall be the original net cost to the dealer less twenty percent (20%) per year, but may in no case be less than fifty percent (50%) of the original cost to the dealer.

SECTION 4. That Section 28-23-103, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-103. PROVISIONS OF CONTRACT SUPPLEMENTED. The provisions of this section shall be supplemental to any agreement between the retailer and the manufacturer, wholesaler or distributor covering the return of farm implements, equipment, machinery, attachments and or repair parts. The re-

tailer can elect to pursue either his contract remedy or the remedy provided herein, and an election by the retailer to pursue his contract remedy shall not bar his right to the remedy provided herein as to those farm implements, equipment, machinery, attachments and or repair parts not affected by the contract remedy. Notwithstanding anything contained herein, the rights of a manufacturer, wholesaler or distributor to charge back to the retailer's account amounts previously paid or credited as a discount incident to the retailer's purchase of goods shall not be affected. Further, any repurchase hereunder shall not be subject to the provisions of the bulk sales law.

SECTION 5. That Section 28-23-104, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-104. DEATH OF DEALER -- REPURCHASE FROM HEIRS. In the event of the death of the retail dealer or a stockholder in a corporation operating a retail dealership in the business of selling and retailing farm implements, equipment, machinery, attachments or repair parts therefor, at the election of the dealer or corporation, the manufacturer, wholesaler or distributor shall, unless the heir or heirs of the deceased elect to continue to operate the dealership, repurchase the merchandise from the heir or heirs upon the same terms and conditions as are otherwise provided in this act chapter. In the event the heir or heirs do not agree to continue to operate the retail dealership, it shall be deemed a cancellation or discontinuance of the contract by the retailer under the provisions of sections 28-23-101 and 28-23-102, Idaho Code.

SECTION 6. That Section 28-23-105, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-105. FAILURE TO PAY SUMS SPECIFIED ON CANCELLATION OF CONTRACTS -- LIABILITY. In the event that any manufacturer, wholesaler, or distributor of farm implements, equipment, machinery, attachments, accessories and or repair parts, upon the cancellation of a contract by either a retailer or such manufacturer, wholesaler or distributor, fails or refuses to make payment to the dealer or his heir or heirs as required by ~~this section~~ the provisions of this chapter, or any other violations of the provisions of this chapter, the manufacturer, wholesaler or distributor shall be liable in a civil action to be brought by the retailer or his heir or heirs for (a) one hundred percent (100%) of the net cost of the farm implements, equipment, machinery, attachments and accessories, (b) transportation charges required in section 28-23-102, Idaho Code, which have been paid by the retailer, or invoiced to the retailer's account, (c) one hundred percent (100%) of the current net price of repair parts, (d) five percent (5%) for handling, packing and loading, if applicable, (e) one hundred percent (100%) of the current net price for manuals and repair manuals, and (f) reasonable reimbursement for services performed in connection with assembly and predelivery inspections of the equipment and (g) additionally, any judgment rendered by a court of competent jurisdiction for the plaintiff in a suit filed pursuant to this section may include damages in the amount of two (2) times the compensatory damages found due and owing. A person, firm or corporation which brings an action under this section must commence the action in the county in which the principal place of business of the retailer is located.

SECTION 7. That Section 28-23-107, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-107. DEFINITION. For the purposes of this act chapter, "farm implements" means every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or used upon

the highways and all other consumer products supplied by the wholesaler, manufacturer or distributor of farm implements, equipment, machinery, attachments or repair parts to the retailer pursuant to a written or oral contract, sales agreement or security agreement.

SECTION 8. That Section 28-23-108, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-108. GUARANTY AND SECURITY AGREEMENT NOTICE REQUIREMENTS. All wholesalers, manufacturers, or distributors of farm implements, equipment, machinery, attachments, accessories or repair parts shall give the retailer a minimum of ninety (90) days' notice in writing and obtain consent from the dealer before changing the time and manner of payment of any indebtedness owed by retailer to manufacturer, distributor or wholesaler, and before taking and making any changes in notes or security for any indebtedness, and before releasing or adding additional guarantors, and before granting renewals or extensions of such indebtedness.

SECTION 9. That Section 28-23-110, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-110. PENALTY FOR FAILURE TO GIVE NOTICE OR OBTAIN CONSENT. In the event that any manufacturer, wholesaler or distributor of farm implements, equipment, machinery, attachments and repair parts fails to give notice or obtain consent pursuant to section 28-23-108, Idaho Code, or fails or refuses to comply with section 28-23-109, Idaho Code, the guaranty or security agreement thereby affected will be deemed canceled and terminated.

SECTION 10. That Chapter 23, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-23-112, Idaho Code, and to read as follows:

28-23-112. JURISDICTION -- VENUE. (1) The courts of this state shall have jurisdiction over any legal dispute between a wholesaler, manufacturer or distributor of farm implements or equipment, machinery, repair parts, stock parts and attachments located in or outside this state and an equipment dealer located in this state. The laws of the state of Idaho shall exclusively apply to such disputes.

(2) Venue for a dispute as provided in subsection (1) of this section shall be in the judicial district wherein the dealer's principal place of business is located.

SECTION 11. That Chapter 23, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-23-113, Idaho Code, and to read as follows:

28-23-113. DEFINITIONS. The definitions set forth in section 28-24-102, Idaho Code, shall apply to the provisions of this chapter.

SECTION 12. That the Heading for Chapter 24, Title 28, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 24

AGREEMENTS BETWEEN SUPPLIERS AND DEALERS IN AGRICULTURE OF FARM EQUIPMENT

SECTION 13. That Section 28-24-101, Idaho Code, be, and the same is hereby amended to read as follows:

28-24-101. LEGISLATIVE FINDINGS AND INTENT. The legislature of this state finds that the retail distribution and sale of agricultural equipment,

outdoor power equipment, industrial equipment and construction equipment utilizing independent retail businesses operating under agreements with the manufacturers and distributors thereof, vitally affects the general economy of the state, public interests and public welfare and that it is necessary to regulate the business relations between independent dealers and the equipment manufacturers, wholesalers and distributors.

SECTION 14. That Section 28-24-102, Idaho Code, be, and the same is hereby amended to read as follows:

28-24-102. DEFINITIONS. As used in this chapter:

(1) "Assigned area of responsibility" means the geographic region for which a particular dealer is responsible for the marketing, selling, leasing or servicing of equipment pursuant to a dealer agreement as assigned by the supplier.

(2) "Continuing commercial relationship" means any relationship in which the equipment dealer has been granted the right to sell or service equipment manufactured by supplier.

(3) "Dealer agreement" means a contract or agreement, either expressed or implied, whether oral or written, between a supplier and an equipment dealer, by which the equipment dealer is granted the right to sell, distribute or service the supplier's equipment, where there is a continuing commercial relationship between the supplier and the equipment dealer.

(4) "Demonstration and/or rental equipment" is equipment that has been used but has not been sold to an end user.

(5) "Equipment" means machines designed for or adapted and used for agriculture, horticulture, livestock and grazing and related industries but not exclusive to agricultural use. Equipment also includes:

(a) "All-terrain vehicles" or "ATVs," including three-wheeled and four-wheeled motorized vehicles, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering. All-terrain vehicles are intended for off-road use.

(b) "Outdoor power equipment" means equipment powered by a two-cycle or four-cycle gas or diesel engine, or electric motor, which is used to maintain commercial, public or residential lawns and gardens or used in landscape, turf, golf course or plant nursery maintenance.

(c) "Industrial and construction equipment" means equipment used in building and maintaining structures and roads including, but not limited to, loaders, loader backhoes, wheel loaders, crawlers, graders and excavators.

(6) "Equipment dealer," "dealer" or "equipment dealership" means any person, partnership, corporation, association or other form of business enterprise, primarily engaged in the retail sale and/or service of equipment in this state, pursuant to any oral or written agreement for a definite or indefinite period of time in which there is a continuing commercial relationship in the marketing of the equipment or related services. "Equipment dealer," "dealer" or "equipment dealership" does not include an individual, partnership or corporation that:

(a) Is primarily engaged in the retail sale and service of industrial and construction equipment;

(b) Has purchased seventy-five percent (75%) or more of the dealer's total new product inventory from a single supplier under all agreements with that supplier; and

(c) Has a total annual average sales volume in excess of twenty million dollars (\$20,000,000) for the preceding three (3) years with that single supplier for the territory for which the dealer is responsible.

(7) "Good cause" means failure by an equipment dealer to substantially comply with essential and reasonable requirements imposed upon the

equipment dealer by the dealer agreement, provided, such requirements are not different from those requirements imposed on other similarly situated equipment dealers in the state either by their terms or in the manner of their enforcement.

(8) "Supplier" means the manufacturer, wholesaler or distributor of the equipment to be sold by the equipment dealer, or any successor in interest to or assignee of the supplier. A successor in interest includes any purchaser of assets or stock, any surviving corporation resulting from merger or liquidation, any receiver or any trustee of the original supplier.

(9) "Used equipment" means equipment that has been sold or retailed to an end user and money has been exchanged between the end user and the equipment dealer.

(10) "Warranty claim" means a claim for payment submitted by an equipment dealer to a supplier for service, ~~or parts~~ or complete components, or both any or all of the three (3), provided to a customer under a:

- (a) Warranty issued by the supplier; or
- (b) Recall or modification order issued by the supplier.

SECTION 15. That Section 28-24-104B, Idaho Code, be, and the same is hereby amended to read as follows:

28-24-104B. WARRANTY CLAIMS. (1) An equipment dealer may submit a warranty claim to a supplier if a warranty defect is identified and documented prior to the expiration of a supplier's warranty:

- (a) While a dealer agreement is in effect; or
- (b) After the termination of a dealer agreement if the claim is for work performed while the dealer agreement was in effect.

(2) A supplier shall accept or reject a warranty claim submitted under subsection (1) of this section, within thirty (30) days of the date the supplier received the claim. A warranty claim not rejected within thirty (30) days of the date the supplier received the claim is considered to be accepted by the supplier.

(3) No later than thirty (30) days after the date a warranty claim is accepted or rejected under subsection (2) of this section, the supplier shall:

- (a) Pay an accepted warranty claim; or
- (b) Send the dealer written notice of the reason the warranty claim was rejected.

(4) A supplier shall compensate the dealer for the warranty claim as follows:

(a) The dealer's established customer hourly retail labor rate multiplied by the reasonable and customary amount of time required to complete such work by similarly situated dealers, including diagnostic time, and cleanup time, expressed in hours and fractions of an hour;

(b) The dealer's current net price on repair parts reimbursed at not less than net plus twenty percent (20%) of the cost for warranty service performed on behalf of the supplier to compensate for reasonable costs of doing business; and

(c) Extraordinary freight and handling costs. For purposes of this subsection (4) (c), "extraordinary freight and handling costs" means costs that are above and beyond the normal reimbursement policy of the supplier for warranty repair work;

(d) When the repair work is for safety or mandatory modifications ordered by the supplier, the supplier shall reimburse the dealer for transportation costs incurred by the dealer.

(5) After payment of a warranty claim, a supplier may not charge back, off-set or otherwise attempt to recover from the dealer all or part of the amount of the claim unless:

- (a) The warranty claim was submitted in error;

(b) The services for which the warranty claim was made were not properly performed or were unnecessary to comply with the warranty; or

(c) The dealer did not substantiate the warranty claim according to the written requirements of the supplier that were in effect when the equipment was delivered to the dealer by the customer for warranty repairs.

(6) If a supplier denies a warranty claim due to a particular item or part of the claim, the denial shall only affect the items or parts in question and not the complete warranty claim.

(7) A supplier may not pass the cost of covering warranty claims under this chapter on to a dealer through any means including:

(a) Surcharges;

(b) Reduction of discounts; or

(c) Certification standards.

~~(8) Notwithstanding the provisions of subsection (4) of this section, a dealer may accept the supplier's reimbursement terms and conditions in lieu of the terms and conditions set forth in subsection (4) of this section.~~

SECTION 16. That Section 28-24-105, Idaho Code, be, and the same is hereby amended to read as follows:

28-24-105. REMEDIES AND ENFORCEMENT. Monetary damages may be recovered for losses sustained as a consequence of any violation of the provisions of this chapter. Such recovery may also include a requirement that the supplier repurchase at fair market value any data processing hardware, software and specialized repair tools and equipment previously purchased from the supplier or approved vendor of the supplier pursuant to requirements of the supplier. Additionally, any judgment rendered by a court of competent jurisdiction for the plaintiff in a suit filed pursuant to this section may include damages in the amount of two (2) times the compensatory damages found due and owing. Injunctive relief may also be granted against any actual or threatened violation of the provisions of this chapter. In any action brought under this chapter the prevailing party shall be entitled to recover reasonable attorney's fees and costs. The remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law. A person, firm or corporation which brings an action under this section must commence the action in the county in which the principal place of business of the retailer is located.

SECTION 17. That Chapter 24, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-24-108, Idaho Code, and to read as follows:

28-24-108. JURISDICTION -- VENUE. (1) The courts of this state shall have jurisdiction over any legal dispute between a wholesaler, manufacturer or distributor of farm implements or equipment, machinery, repair parts, stock parts and attachments located in or outside this state and an equipment dealer located in this state. The laws of the state of Idaho shall exclusively apply to such disputes.

(2) Venue for a dispute as provided in subsection (1) of this section shall be in the judicial district wherein the dealer's principal place of business is located.

Approved April 8, 2011.

CHAPTER 271
(H.B. No. 296)

AN ACT

RELATING TO THE INCOME TAX CREDIT FOR CAPITAL INVESTMENT; AMENDING SECTION 63-3029B, IDAHO CODE, TO REVISE WHAT A QUALIFIED INVESTMENT SHALL NOT INCLUDE AND TO REVISE REFERENCES TO THE INTERNAL REVENUE CODE; 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:

- (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.

(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 9-340D, 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) (d) of this section 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.

(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. 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, so long as the qualified investment property for which the unused credit was granted still maintains Idaho situs. 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. No credit or carryover of credit is permitted under this section if the credit or carryover relates to property that does not have a situs in Idaho during the taxable year for which the credit or carryover is claimed. The Idaho situs of property must be established by records maintained by the taxpayer which 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;

(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.

(11) ~~Only for the purposes of subsections (3)(a) and (8) of this section,~~ References to sections 46, 48 and 49 of the "Internal Revenue Code" mean the those sections referred to 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, 2010.

Approved April 8, 2011.

CHAPTER 272
(H.B. No. 306)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT WITH REGARD TO THE PHASE 3 TAX COMPLIANCE INITIATIVE; PROVIDING LEGISLATIVE INTENT WITH REGARD TO A SOFTWARE MAINTENANCE CONTRACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Tax Commission, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$3,947,900	\$2,762,900		\$6,710,800
Multistate Tax Compact				
Fund		82,400	\$65,700	148,100
Administration and Accounting				
Fund	5,900	125,300	2,500	133,700
Administration Services for Transportation				
Fund	427,300	515,700	107,400	1,050,400
Seminars and Publications				
Fund	<u>0</u>	<u>9,100</u>	<u>0</u>	<u>9,100</u>
TOTAL	\$4,381,100	\$3,495,400	\$175,600	\$8,052,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. AUDIT AND COLLECTIONS:				
FROM:				
General				
Fund	\$12,539,800	\$2,008,400		\$14,548,200
Multistate Tax Compact				
Fund	1,242,400	475,500		1,717,900
Administration and Accounting				
Fund	43,900	230,500		274,400
Administration Services for Transportation				
Fund	<u>1,545,400</u>	<u>345,500</u>		<u>1,890,900</u>
TOTAL	\$15,371,500	\$3,059,900		\$18,431,400
III. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$3,154,400	\$1,476,500		\$4,630,900
Multistate Tax Compact				
Fund		500		500
Administration and Accounting				
Fund	162,200	75,200		237,400
Administration Services for Transportation				
Fund	509,500	242,900	\$2,300	754,700
Seminars and Publications				
Fund	<u>0</u>	<u>14,400</u>	<u>0</u>	<u>14,400</u>
TOTAL	\$3,826,100	\$1,809,500	\$2,300	\$5,637,900
IV. PROPERTY TAX:				
FROM:				
General				
Fund	\$2,323,100	\$371,300		\$2,694,400
Seminars and Publications				
Fund	<u>0</u>	<u>131,000</u>	<u>\$16,500</u>	<u>147,500</u>
TOTAL	\$2,323,100	\$502,300	\$16,500	\$2,841,900
GRAND TOTAL	\$25,901,800	\$8,867,100	\$194,400	\$34,963,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-four and five-tenths (444.5) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2012, the State Tax Commission 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the State Tax Commission provide quarterly reports to the Governor and the Joint Finance-Appropriations Committee comparing the total costs from all funding sources used for compliance efforts and the collections related to those efforts. The report will track the Phase 3 Compliance Initiative separately. Should the Governor determine his quarterly threshold for the Phase 3 Compliance Initiative is not met, the funding of temporary employees assigned to expand collection efforts related to the Tax Gap will revert to the General Fund for the subsequent quarter. Furthermore, it is the intent of the Legislature that for the period July 1, 2011, through June 30, 2012, temporary appointments assigned to the Phase 3 Compliance Initiative are exempt from the 1,385 hour per twelve (12) month limitation imposed by Section 67-5302(33), Idaho Code.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the State Tax Commission may use up to \$50,000 in state funding from the existing fiscal year 2011 Property Tax (County Support) program budget to replace moneys previously withheld from the ProVal tax software maintenance contract.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 2011.

CHAPTER 273
(H.B. No. 309)

AN ACT

TRANSFERRING MONEYS FROM THE MISCELLANEOUS REVENUE FUND TO THE SMALL BUSINESS ASSISTANCE FUND; TRANSFERRING MONEYS FROM THE BUSINESS AND JOBS DEVELOPMENT FUND TO THE SMALL BUSINESS ASSISTANCE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2012.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$8,500 from the Miscellaneous Revenue Fund to the Small Business Assistance Fund on July 1, 2011, or as soon thereafter as is practicable.

SECTION 2. There is hereby appropriated and the State Controller shall transfer \$11,500 from the Business and Jobs Development Fund to the Small Business Assistance Fund on July 1, 2011, or as soon thereafter as is practicable.

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1171, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, there is hereby appropriated to the Department of

Commerce \$50,000 from the Small Business Assistance Fund to be expended for trustee and benefit payments for the period July 1, 2011, through June 30, 2012.

Approved April 8, 2011.

CHAPTER 274

(H.B. No. 129, As Amended in the Senate)

AN ACT

RELATING TO DAYCARE; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE CERTAIN FEES; AMENDING SECTION 39-1108, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PERMIT CERTAIN COUNTING IN DETERMINING CERTAIN RATIOS; AND AMENDING SECTION 39-1109, IDAHO CODE, TO REVISE STAFFING REQUIREMENTS.

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

SECTION 1. That Section 39-1107, Idaho Code, be, and the same is hereby amended to read as follows:

39-1107. FEES. (1) The department shall establish by rule the maximum total fee to be assessed for a basic daycare license which shall not exceed one three hundred seventytwo-five dollars (\$17325) for daycare centers with more than twenty-five (25) children in attendance at any given time, two hundred fifty dollars (\$250) for daycare centers with thirteen (13) to twenty-five (25) children in attendance at any given time and one hundred dollars (\$100) for group daycare facilities. Criminal history background check fees shall be in addition, but at actual cost. No other fees shall be charged for each license period. The department may allocate the fees to daycare licensing administration costs as it deems appropriate.

(2) The department is authorized to utilize Idaho child care program funds as otherwise allowed by law to pay for the costs associated with ~~certification and~~ licensing of daycare facilities to the extent that fees collected from the facilities do not fully cover such costs. It is the intent of the legislature that licensing fees and Idaho child care program funds shall fully fund daycare facility licensing administration.

SECTION 2. That Section 39-1108, Idaho Code, be, and the same is hereby amended to read as follows:

39-1108. LOCAL OPTION. (1) If a city or county, within its respective jurisdiction, has adopted an ordinance for regulation and/or licensing of daycare services, then the provisions of this chapter shall not apply with such city or county unless the ordinance is subsequently repealed. To qualify for exemption, regulation of centers must include a criminal history background check at least as stringent as the check required in section 39-1105, Idaho Code, compliance with safety standards at least as stringent as required in section 39-1109, Idaho Code, compliance with health standards at least as stringent as required in section 39-1110, Idaho Code, compliance with immunization requirements at least as stringent as required in section 39-1118, Idaho Code, and compliance with training requirements at least as stringent as required in section 39-1119, Idaho Code. Cities and counties are hereby granted authority and may adopt ordinances for regulation and/or licensing of daycare services.

(2) For purposes of determining whether or not local options are more stringent than as required in section 39-1109, Idaho Code, a city or county

within its respective jurisdiction may, but is not required to, count a child or children of a provider for purposes of determining child:staff ratios.

SECTION 3. That Section 39-1109, Idaho Code, be, and the same is hereby amended to read as follows:

39-1109. SAFETY STANDARDS. (1) Daycare facilities, owners and operators shall comply with the following safety standards in the area of the daycare facility in which daycare is provided:

- (a) Adequate fire and smoke alarms;
- (b) A functional telephone located on the daycare premises during the hours of operation;
- (c) Adequate fire extinguishers;
- (d) Adequate exits;
- (e) Firearms or other weapons which are stored on the premises of a daycare facility must be kept in a locked container that is inaccessible to children while daycare attendees are present;
- (f) Pools, hot tubs, ponds and other bodies of water that are on the daycare facility premises must provide the following safeguards:

(i) The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements:

1. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;
2. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;
3. Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool; and

(ii) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child;

(iii) Wading pools must be empty when not in use;

(iv) Children must be under direct supervision of an at least one (1) adult employee while using a pool, hot tub, pond or other body of water; and

(v) A minimum of a four (4) foot high fence must be present that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water; and

(g) The owner or operator of a daycare facility shall ensure that at all times when a child or children are present, at least one (1) adult employee on the premises has current certification in pediatric rescue breathing and first-aid treatment from a certified instructor.

(2) No fire standards developed pursuant to this chapter shall be more stringent than the standards contained in the International Fire Code, as adopted by Idaho.

(3) ~~An At least one (1) adult employee must be present at all times during business hours on the daycare facility premises when a child or children are in attendance.~~

(4) ~~(a) In addition to the safety standards identified in subsection (1) of this section, safety standards shall be established by the department to govern t~~The maximum allowable child:staff ratio of children

to staff subject to shall be a maximum of twelve (12) points per staff member using the following restrictions point system:

(ai) In no event shall the child-staff ratio require more than one (1) staff member to six (6) children for all children age twenty-four (24) months or less; more than one (1) staff member to eight (8) children for all children above age twenty-four (24) months but less than three (3) years; more than one (1) staff member to ten (10) children for all children age three (3) years but less than four (4) years; more than one (1) staff member to twelve (12) children for all children age four (4) years but less than five (5) years; and more than one (1) staff member to eighteen (18) children for all children whose age is five (5) years or more. The maximum group size for all groups shall not exceed twice the number of children allowed for a single staff member. Each child in attendance under the age of twenty-four (24) months shall equal two (2) points.

(ii) Each child in attendance from twenty-four (24) months to under thirty-six (36) months of age shall equal one and one-half (1 1/2) points.

(iii) Each child in attendance from thirty-six (36) months to under five (5) years of age shall equal one (1) point.

(iv) Each child in attendance from five (5) years to under thirteen (13) years of age shall equal one-half (1/2) point.

Number of Children Allowed and Maximum Group Size Table

	Children:		Children:		Children:
	above	Children:	Children:	Children:	
		twenty-		four	
	Children:	four (24)	Children:	four	
	birth	months	three (3)	(4) years	
	to	but	years	but less	
	twenty-	less than	but	than	Children:
Number of	four	three	less than	five	five (5)
required	(24)	(3)	four	(5)	years or
staff	months	years	(4) years	years	more
	1	6	8	10	12
	2	12	16	20	24
Maximum					
group size	12	16	20	24	36

(b) The maximum ratio of children to staff in mixed age groups shall be determined by the age of the youngest child in attendance.

(c) All adults providing direct supervision to the children shall be counted as staff for purposes of computing a child-staff ratio. Employees sixteen (16) and seventeen (17) years of age under the supervision of an adult employee, when providing direct supervision to children, may be counted as staff for the purposes of computing the child-staff ratio.

(d) Each child in attendance shall count as one (1) child be counted by the department for purposes of computing a child-staff ratio calculating maximum allowable points, counting the number of children in attendance and for determining compliance with child:staff ratios.

(e) Daycare facilities shall have a maximum allowable child-staff ratio based on the age of the children in attendance. The maximum group

~~size is twelve (12) children. If more than two (2) children are in attendance under the age of two (2) years, the maximum group size shall be ten (10) children. If three (3) or more children under the age of two (2) years are in attendance, the maximum group size shall be nine (9) children.~~

~~Daycare Facility Ratio and Maximum Group Size Table~~

	No more than	Three (3) or more
No children under	two (2) children	children under
the age	under the age	the age
of	of	of
two (2) years	two (2) years	two (2) years
Maximum group size	12	9

~~(f) Family daycare homes shall not provide daycare services for more than six (6) children at a time.~~

Approved April 11, 2011.

CHAPTER 275
(H.B. No. 175)

AN ACT

RELATING TO UNCLAIMED PROPERTY LAW; AMENDING SECTION 14-523, IDAHO CODE, TO REMOVE REFERENCE TO TRANSFERS TO THE INHERITANCE TAX ACCOUNT; AND AMENDING SECTION 14-525, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 14-523, Idaho Code, be, and the same is hereby amended to read as follows:

14-523. DISPOSITION OF MONEY RECEIVED. (1) All money received under this chapter, including the proceeds from the sale of property under section 14-522, Idaho Code, shall be deposited in the unclaimed property account.

(2) An amount equal to the funds received from unclaimed shares and dividends of any corporation incorporated under the laws of the state of Idaho shall be transferred from the unclaimed property account to the public school permanent endowment fund created pursuant to section 4, article IX, of the constitution of the state of Idaho. In the event that any funds are required to refund any funds deposited in the public school permanent endowment fund under this section or under section 14-113 or 15-3-914, Idaho Code, the state treasurer shall offset the amount of such refund against future transfers to the public school permanent endowment fund. In the event that in one (1) fiscal year there are insufficient amounts to effect the offset, the balance shall be recaptured from the public school earnings reserve fund established under section 33-902A, Idaho Code.

(3) All other money in the unclaimed property account is hereby continuously appropriated to the state treasurer, without regard to fiscal years, for expenditure in accordance with law in carrying out and enforcing the provisions of this chapter, including, but not limited to, the following purposes:

(a) For payment of claims allowed by the state treasurer under the provisions of this chapter.

(b) For refund, to the person making such deposit of amounts, including overpayments, deposited in error in such account.

(c) For payment of the cost of appraisals incurred by the state treasurer covering property held in the name of the account.

(d) For payment of the cost incurred by the state treasurer for the purchase of lost instrument indemnity bonds, or for payment to the person entitled thereto, for any unpaid lawful charges or costs which arose from holding any specific property or any specific funds which were delivered or paid to the state treasurer, or which arose from complying with this chapter with respect to such property or funds.

(e) For payment of amounts required to be paid by the state as trustee, bailee, or successor in interest to the preceding owner.

(f) For payment of costs of official advertising in connection with the sale of property held in the name of the account.

(g) For transfer to the general fund as provided in subsection (4) of this section.

~~(h) For transfer to the inheritance tax account of the amount of any inheritance taxes determined to be due and payable to the state by any claimant with respect to any property claimed by him under the provisions of this chapter.~~

(4) At the end of each month, or more often, if he or she deems it advisable, the state treasurer shall transfer all money in the unclaimed property account in excess of two hundred fifty thousand dollars (\$250,000) to the general fund. Within sixty (60) days of making this transfer, he or she shall record the name and last known address, if available, of each person appearing from the holder's report to be entitled to the property. The record shall be available for public inspection at all reasonable business hours.

(5) All money received under this chapter, including the proceeds from the sale of property under section 14-522, Idaho Code, deposited in the general fund shall be retained by the state of Idaho for the purposes of this section and administered pursuant to this section for a period of ten (10) years. At the end of such period, those moneys which have not been claimed and paid over or delivered as an allowed claim under this section and section 14-524, Idaho Code, shall become due and payable by escheat to the state of Idaho and become the property of the state of Idaho without further action on the part of the administrator.

SECTION 2. That Section 14-525, Idaho Code, be, and the same is hereby amended to read as follows:

14-525. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY -- PROCEDURE. (1) At any time after property has been paid or delivered to the administrator under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and, under the laws of that state, the property escheated to or was subject to a claim of abandonment by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that

state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subjected to custody by this state under section 14-503(3)(b), Idaho Code, and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a travelers check, money order, or other similar instrument that was subjected to custody by this state under section 14-504, Idaho Code, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

(2) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the administrator, who shall decide the claim within ninety (90) days after it is presented. The administrator shall allow the claim if he determines that the other state is entitled to the abandoned property under subsection (1) of this section.

(3) The administrator shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against any liability on a claim for the property.

Approved April 11, 2011.

CHAPTER 276
(H.B. No. 191)

AN ACT

RELATING TO PARI-MUTUEL BETTING; AMENDING SECTION 54-2512, IDAHO CODE, TO AUTHORIZE PARI-MUTUEL BETTING ON THE RESULT OF A LIVE HORSE RACE MEET AT A FACILITY NOT LOCATED ON THE GROUNDS WHERE THE WAGERING OCCURS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE PROCEDURES, TO PROVIDE FEES AND TO PROVIDE FOR THE CREATION OF THE LIVE HORSE RACE PURSE DISTRIBUTION FUND AND TO PROVIDE FOR DISTRIBUTION OF EXCESS PROCEEDS FROM THE FUND.

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

SECTION 1. That Section 54-2512, Idaho Code, be, and the same is hereby amended to read as follows:

54-2512. PARI-MUTUEL BETTING -- OTHER BETTING ILLEGAL. (1) Any licensee conducting a race meet under this chapter may provide a place or places in the race meet grounds or enclosure at which such licensee may conduct and supervise the use of the pari-mutuel system by patrons on the result of the races conducted by such licensee at such race meet and, upon written application by a licensee and approval by the commission, on the result of simulcast and/or televised races. The commission shall issue no more than one (1) license to simulcast per live race meet licensee and there shall be no more simulcasting sites in the state than there are licensed live race meet sites.

(2) Licenses authorizing simulcast and/or televised races will be regulated by the commission, in addition to its other responsibilities, for the purpose of enhancing, promoting, and protecting the live race industry in the state of Idaho. No license authorizing simulcasting and/or televised races shall be issued to or renewed for persons that are not also licensed to conduct live race meets in the state of Idaho. Persons applying for a simulcast and/or televised race license shall have an agreement reached voluntarily or pursuant to binding arbitration in conformance with chapter 9, title 7, Idaho Code, with a horsemen's group as the term "horsemen's group" is defined in section 54-2502, Idaho Code. The agreement shall address, but

not be limited to, number of live race days and percentage of the live race and simulcast handle that is dedicated to the live horse race purse structure. In addition, the agreement shall provide that all simulcast purse moneys that are accrued as required by the horsemen's agreement be held in the simulcast purse moneys fund created pursuant to the provisions of section 54-2508, Idaho Code. Race days agreed upon shall be submitted to the Idaho racing commission for its approval.

(3) Upon written application by a live horse race licensee and approval by the Idaho state racing commission, a license may be issued to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races in a facility not located on the grounds of a live horse race meet facility, but within the county that the live horse race facility is located, subject to the following restrictions:

(a) In addition to the distribution and payment of the handle as described in section 54-2513, Idaho Code, a licensee operating under a license described in this subsection shall pay to the Idaho state racing commission for deposit in the live horse race purse distribution fund, a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races. The Idaho state racing commission shall distribute the moneys from the live horse race purse distribution fund to those live horse race licensees that ran less than fifteen (15) live race days during the preceding calendar year. The distribution shall be made by dividing the total number of live race days of all of the qualified live horse racetracks combined into the moneys collected by the fund in any one (1) calendar year and by multiplying the result by the number of days run by each of the respective live horse racetracks individually; and

(b) Additionally, the licensee shall pay to the Idaho state racing commission a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races conducted pursuant to the race purse distribution fund to the licensee whose license is being utilized to conduct simulcast and/or televised races pursuant to this section. These moneys shall be used by the licensee solely for live horse race meet purses; and

(c) Approval must be obtained from the board of county commissioners; and

(d) A license to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races issued pursuant to this section may be leased to another person or entity but only with the approval of the Idaho state racing commission. A lessee of such a license shall be held by the Idaho state racing commission to the same standards as the original licensee.

(4) Upon written application by a live horse race licensee and approval by the Idaho state racing commission, a license may be issued to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races in a facility located in another county within the state other than the county where the licensee's live racetrack facility is located subject to the following restrictions:

(a) In addition to the distribution and payment of the handle as described in section 54-2513, Idaho Code, a licensee operating under a license described in this subsection shall pay to the Idaho state racing commission for deposit in the live horse race purse distribution fund, a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races. The Idaho state racing commission shall distribute the moneys from the live horse race purse distribution fund to those live horse race licensees that ran less than fifteen (15) live race days during the preceding calendar year. The distribution shall be made by dividing the total number of live race days of all of the qualified live horse racetracks combined into the moneys collected by the

fund in any one (1) calendar year and by multiplying the result by the number of days run by each of the respective live horse racetracks individually; and

(b) Additionally, the licensee shall pay to the Idaho state racing commission a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races conducted pursuant to the live horse race purse distribution fund to the licensee whose license is being utilized to conduct simulcast and/or televised races pursuant to this section. These moneys shall be used by the licensee solely for live horse race meet purses; and

(c) Approval must be obtained from the board of county commissioners of the county in which the simulcast and/or televised race facility is to be located; and

(d) A license to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races issued under this section may be leased to another person or entity, but only with the approval of the Idaho state racing commission. A lessee of such a license shall be held by the Idaho state racing commission to the same standards as the original licensee.

(e) No simulcast and/or televised race license transferred from one (1) county to another shall be located in a facility within thirty (30) miles of a live horse racetrack without the approval of that live horse racetrack facility.

(f) No simulcast and/or televised race license can be transferred into a county that has had a live race license within the prior five (5) years.

(5) No more than one (1) simulcast and/or televised race facility per county shall be allowed. This includes the one (1) simulcast license authorized in section 54-2514A, Idaho Code.

(6) There is hereby created in the state treasury the live horse race purse distribution fund, to which shall be deposited moneys received by the Idaho state racing commission for the purposes described in this section. All moneys in the live horse race purse distribution fund are hereby perpetually appropriated to the Idaho state racing commission for payment as required in this section. Payments by the Idaho state racing commission from the live horse race purse distribution fund to the recipient live horse racetracks shall be made no later than thirty (30) days after Idaho state racing commission approval of a live race meet license application for the forthcoming calendar year.

(7) Once a total handle exceeding fourteen million dollars (\$14,000,000) is realized from simulcasting and/or televised races conducted pursuant to this section in any one (1) calendar year, the Idaho state racing commission shall submit to the Idaho horse board a sum of five percent (5%) of the balance over fourteen million dollars (\$14,000,000), but not to exceed twelve thousand five hundred dollars (\$12,500) to be used by the Idaho horse board for youth programs and to the "Idaho Robert R. Lee Promise Scholarship Program" as detailed in chapter 43, title 33, Idaho Code, a sum of five percent (5%) of the balance over fourteen million dollars (\$14,000,000), but not to exceed twelve thousand five hundred dollars (\$12,500).

(8) Such pari-mutuel system conducted at such race meet shall not under any circumstances, if conducted under the provisions of this chapter and in conformity thereto and to the rules of the commission, be held or construed to be unlawful, other statutes of this state to the contrary notwithstanding.

(49) The participation by a licensee in an interstate combined wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(510) Advance deposit wagering on live and/or simulcast horse racing conducted by licensees is hereby declared to be lawful and within the scope of the licensee's license. As used in this section, "advance deposit wagering" means a form of wagering in which an account holder may deposit money with a licensee and then use the balance to fund wagers. The bettor can then contact the licensee from a location without actually being physically present at the licensee's premises in order to communicate the desired use of those funds for wagering purposes. However, no wager can be accepted by the licensee that exceeds the amount in the account held by the licensee for the person placing the wager. Any advance deposit wagering conducted by a person with a provider outside of the state by telephone or other electronic means shall be illegal unless that provider is licensed by the Idaho state racing commission and provides a source market fee of not less than ten percent (10%) of the handle forwarded monthly to the commission. All moneys in the advance deposit wagering accounts held by the commission are hereby continuously appropriated to the commission for payment as required by this section. Payments to recipients shall be made annually. Distribution of the source market fee shall be forty percent (40%) to purses to be deposited directly into the horsemen's purse account at all tracks weighted by number of races ran through the year of distribution, thirty percent (30%) to the simulcast sites in the state weighted by the annual simulcast handle, five percent (5%) to the track distribution fund, five percent (5%) to the breed distribution fund, five percent (5%) to the Idaho state racing commission, five percent (5%) to the public school income fund, and ten percent (10%) for track operating expenses at the live tracks with distribution weighted on the number of race days. All moneys in the track operating accounts are hereby continuously appropriated to the commission for payment as required by this section. For purposes of this section, wagering instructions concerning funds held in an advance deposit account shall be deemed to be issued within the licensee's enclosure. As used in this section, "source market fee" means that part of a wager, made outside of the state by an Idaho resident, that is returned to the state of Idaho. The commission may promulgate rules pursuant to chapter 52, title 67, Idaho Code, to implement the provisions of this subsection.

(611) Pari-mutuel taxes or commissions may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(712) It shall be unlawful to conduct pool selling, bookmaking, or to circulate handbooks, or to bet or wager on a race of any licensed race meet, other than by the pari-mutuel system; and it shall further be unlawful knowingly to permit any minor to use the pari-mutuel system.

Approved April 11, 2011.

CHAPTER 277

(H.B. No. 193, As Amended, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004, IDAHO CODE, TO PROVIDE THAT IN CERTAIN ACTIONS OR PROCEEDINGS THE COURT MAY REQUIRE BOND, TO PROVIDE FOR THE SATISFACTION OF CERTAIN ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR THE PAYMENT OF ALL AWARDED AMOUNTS TO THE STATE HIGHWAY ACCOUNT, TO PROVIDE THAT WHERE THERE ARE CERTAIN FINAL JUDGMENTS THE COURT MAY DETERMINE THE ACTUAL DAMAGES CAUSED TO THE DEPARTMENT OR OTHER STATE ACTOR AND MAY AWARD UP TO THAT AMOUNT TO THE PARTY OR PARTIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL PILOT PROJECT ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of, or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

Number of axles	Column 1	Column 2
	Gross weight of vehicle and load in pounds	Gross weight of vehicle and load in pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents (\$1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special pilot project route permit authorizing travel on pilot project routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such pilot project routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a pilot project route which provides a thoroughfare for interstate carriers to pass through the state. State pilot project routes designated by the legislature and identified on a map entitled "Designated Pilot Project Routes" are:

- (a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction with US-30; US-30 to its junction with SH-74; SH-74 to its junction with US-93; US-93 to the Nevada border.
- (b) US-91 from its junction with SH-34 to the Utah border.
- (c) US-30 from its junction with I-15 to the Wyoming border.
- (d) US-95 south from milepost 66 (Fruitland) to its junction with SH-55.
- (e) SH-19 from its junction with US-95 (Wilder) to its junction with I-84B (Caldwell).
- (f) SH-78 from its junction with SH-55 (Marsing) to its junction with SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with I-84B (Hammett).
- (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction with SH-78 (Grandview).
- (h) SH-55 from intersection with Farmway Road to junction with US-95.
- (i) SH-25 from its junction with SH-24 to its junction with SH-27 (Paul).
- (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- (l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.
- (m) SH-34 from milepost 78 to the junction with US-91.
- (n) US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.
- (o) US-91 from the intersection with Canyon Road to the junction with US-26.
- (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its junction with SH-33.
- (q) SH-45 from its junction with SH-78 to its junction with I-84 business loop; I-84 business loop to its junction with exit 35 (Nampa Boulevard/Northside Boulevard).
- (r) SH-87 from Montana border to junction with US-20.
- (s) SH-33 from its junction with SH-31 (Victor) to its junction with SH-33 spur; SH-33 spur to its junction with US-20.
- (t) SH-28 from junction with SH-22 to junction with SH-33.
- (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oakley).
- (w) SH-81 from its junction with SH-77 (Malta) to its junction with US-30 (Burley).

- (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at Kimberly.
- (y) US-93 spur from junction with US-30 to junction with US-93 at Twin Falls.
- (z) US-93 from junction with US-93 spur to junction with US-30 at Twin Falls.
- (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84 business loop at Bliss.
- (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its junction with I-84 exit 141 westbound ramps to its junction with US-30 (Bliss).
- (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction with I-84 exit 155 eastbound ramps.
- (dd) SH-46 from its junction with US-20 to its junction with I-84 exit 157 eastbound ramps (Wendell).
- (ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.
- (ff) SH-51 from junction with SH-67 to junction with SH-78.
- (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with I-84 exit 25 eastbound ramps.
- (hh) US-20/26 from its junction with US-95 (Parma) to its junction with I-84 exit 26 westbound ramps.
- (ii) US-20 from junction with US-33 at Sugar City south to junction with US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue south to junction with US-26/Yellowstone; US-26 from intersection with US-20 business loop/Holmes Avenue south to Gallatin.

Additions or deletions to the approved state pilot project routes specified in this subsection (4) shall be made only with the approval of the state legislature.

(5) An annual administrative permit fee for operating on pilot project routes at the weights specified in subsection (4) of this section shall be set by the board for travel on state pilot project routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. The annual administrative permit fee shall cover administrative costs. Local public highway agencies are authorized to issue special pilot project permits and such permits shall be in writing. Administrative permit fees for permits issued by a local public highway agency shall be retained by the local public highway agency to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

(6) (a) In any action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the department, other appropriate authority, the state of Idaho or any party requesting the permit, the court may require bond as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount not to exceed ten percent (10%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney's fees and/or costs are awarded to the department or other state actor, such bond may be used

to satisfy that award and all awarded amounts shall be paid to the state highway account established in section 40-702, Idaho Code.

(b) Where there is a final judgment in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section against the party or parties who brought such action or proceeding, the court may determine the actual damages resulting from the action or proceeding caused to the department or other state actor and may award up to that amount to the party or parties.

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

Approved April 11, 2011.

CHAPTER 278
(H.B. No. 214)

AN ACT

RELATING TO THE USE TAX; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE THE USE TAX SHALL NOT APPLY TO ANY USE OF A MOTOR VEHICLE WHICH IS 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; 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. 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.

(a) 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.

(b) 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 pur-

chaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(c) 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.

(d) 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.

(e) 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 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 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.

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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 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.

(k) The use tax herein imposed shall not apply to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than a cumulative period of time totaling ninety (90) days in any consecutive twelve (12) months, and which is not required to be registered or licensed under the laws of this state. The use tax herein shall also not apply to any use of a motor vehicle which is 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.

(l) The use tax herein imposed 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 if an article was acquired less than three (3) months 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. For purposes of this subsection, "resident" shall be as defined in section 63-3013 or 63-3013A, Idaho Code.

(m) The use tax herein imposed shall not apply to the storage, use or other consumption of tangible personal property which is or will be incorporated into real property and which has been donated to and has become the property of:

- (1) A nonprofit organization as defined in section 63-36220, Idaho Code; or
- (2) The state of Idaho; or
- (3) Any political subdivision of the state.

This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor or subcontractor of the donee, or any other person.

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, 2011.

Approved April 11, 2011.

CHAPTER 279
(H.B. No. 224)

AN ACT

RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6519, IDAHO CODE, TO REVISE THE APPLICATION GRANTING PROCESS AND TO PROVIDE 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.

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

SECTION 1. 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 similar applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.

(2) ~~Each application required or authorized under this chapter shall first be submitted to the zoning or planning and zoning commission for its recommendation or decision.~~ Where the commission hears an application, tThe 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 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 relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicular, 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 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.

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.

Approved April 11, 2011.

CHAPTER 280
(H.B. No. 230)

AN ACT

RELATING TO VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES; AMENDING SECTION 67-7903, IDAHO CODE, TO PROVIDE FOR AN ACTION TO BE SUBJECT TO CRIMINAL PENALTY AND TO REVISE CRIMINAL PENALTIES.

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

SECTION 1. That Section 67-7903, Idaho Code, be, and the same is hereby amended to read as follows:

67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORTING. (1) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, each agency or political subdivision of this state shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.

(2) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

(3) Verification of lawful presence in the United States shall not be required:

- (a) For any purpose for which lawful presence in the United States is not required by law, ordinance or rule;
- (b) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;
- (c) For short-term, noncash, in-kind emergency disaster relief;
- (d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;
- (e) For programs, services or assistance, such as soup kitchens, crisis counseling and intervention and short-term shelter specified by federal law or regulation that:
 - (i) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;
 - (ii) Do not condition the provision of assistance, the amount of assistance provided or the cost of assistance provided on the individual recipient's income or resources; and

- (iii) Are necessary for the protection of life or public safety;
- (f) For prenatal care;
- (g) For postnatal care not to exceed twelve (12) months; or
- (h) For food assistance for a dependent child under eighteen (18) years of age.

Notwithstanding the provisions of this subsection (3), for the county indigent program, the limitations contained in section 31-3502(16)B., Idaho Code, shall apply.

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen (18) years of age or older for federal public benefits or state or local public benefits by:

(a) Employing electronic means to verify an applicant is legally present in the United States; or

(b) Requiring the applicant to provide:

(i) An Idaho driver's license or an Idaho identification card issued pursuant to section 49-2444, Idaho Code;

(ii) A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual that the director of the department of health and welfare or, with regard to unemployment compensation benefits, the director of the department of labor finds, by rule, sufficient for purposes of this section;

(iii) A United States military card or a military dependent's identification card;

(iv) A United States coast guard merchant mariner card;

(v) A native American tribal document;

(vi) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, granting asylee status;

(vii) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, indicating that the individual may lawfully remain in the United States;

(viii) Any United States citizenship and immigration service issued document showing refugee or asylee status or that the individual may lawfully remain in the United States;

(ix) Any department of state or customs and border protection issued document showing the individual has been permitted entry into the United States on the basis of refugee or asylee status, or on any other basis that permits the individual to lawfully enter and remain in the United States; or

(x) A valid United States passport; and

(c) Requiring the applicant to provide a valid social security number that has been assigned to the applicant; and

(d) Requiring the applicant to attest, under penalty of perjury and on a form designated or established by the agency or the political subdivision, that:

(i) The applicant is a United States citizen or legal permanent resident; or

(ii) The applicant is otherwise lawfully present in the United States pursuant to federal law.

(5) Notwithstanding the requirements of subsection (4) (b) of this section, the agency or political subdivision may establish by appropriate legal procedure such rules or regulations to ensure that certain individuals lawfully present in the United States receive authorized benefits including, but not limited to, homeless state citizens.

(6) For an applicant who has attested pursuant to subsection (4) (d) of this section stating that the applicant is an alien lawfully present in the

United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, which may be referred to as the "SAVE" program, operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the attestation may be presumed to be proof of lawful presence for purposes of this section.

(a) Errors and significant delays by the SAVE program shall be reported to the United States department of homeland security to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of this state.

(b) Agencies or political subdivisions may adopt variations of the requirements of subsection (4) (d) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state; except that the variations shall be no less stringent than the requirements of subsection (4) (d) of this section.

(c) A person who knowingly makes a false, fictitious or fraudulent statement or representation in an attestation executed pursuant to subsection (4) (d) or (6) (b) of this section or who knowingly provides a social security number that has not been assigned to him pursuant to subsection (4) (c) of this section shall be:

(i) Guilty of a misdemeanor for the first and second offense; and

(ii) Guilty of a felony for each subsequent offense.

(7) An agency or political subdivision may accept as prima facie evidence of an applicant's lawful presence in the United States the information required in subsection (4) of this section, as may be modified by subsection (5) of this section, when issuing a professional license or a commercial license.

Approved April 11, 2011.

CHAPTER 281

(H.B. No. 231, As Amended)

AN ACT

RELATING TO HUNTING; AMENDING SECTION 36-1101, IDAHO CODE, TO PROHIBIT THE USE OF AIRCRAFT TO LOCATE ANY BIG GAME ANIMAL FOR THE PURPOSE OF HUNTING THOSE ANIMALS DURING THE SAME CALENDAR DAY THOSE ANIMALS WERE LOCATED FROM THE AIR AND TO CLARIFY THAT CERTAIN PROVISIONS SHALL NOT LIMIT OR PROHIBIT THE LAWFUL CONTROL OF WOLVES OR PREDATORY OR UNPROTECTED WILDLIFE THROUGH THE USE OF AIRCRAFT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlawful, except as may be otherwise provided by Idaho law, including this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state.

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, it is unlawful for any person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission rule; provided however, that the commission shall promulgate rules which shall allow a physically disabled person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically disabled person means a person who has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to one (1) or more of the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

The commission shall specify the form of application for and design of the special permit which shall allow a physically disabled person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically disabled person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. In addition to other penalties any unauthorized use of the special permit shall be grounds for revocation of the permit.

2. Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

3. Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

4. Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected animals through the use of helicopters when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.

5. Hunt with Aid of Aircraft. Make use of any aircraft to locate any big game animal for the purpose of hunting those animals during the same calendar day those animals were located from the air. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected wildlife through the use of air-

craft when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.

6. Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit. Other provisions of this subsection notwithstanding, the commission may establish rules allowing the hunting of raccoon with the aid of an artificial light.

67. Regulation of Dogs.

(A) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.

(B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty as provided in section 36-1401(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harborer.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

78. Attempt to take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating either this subparagraph, or subparagraph (B) of this paragraph, provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (b) or (d) of section 36-1402, Idaho Code, and shall pay restitution in an amount of no less than fifty dollars (\$50.00) for the repair or replacement of the simulated wildlife.

89. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of chapter 37, title 25, Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section 36-1402, Idaho Code.

Approved April 11, 2011.

CHAPTER 282
(H.B. No. 232)

AN ACT

RELATING TO ENCROACHMENTS; AMENDING SECTION 40-2319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IMMEDIATE REMOVAL OF CERTAIN ENCROACHMENTS BY A COUNTY OR HIGHWAY DISTRICT AND TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT BE CONSTRUED TO LIMIT, ABROGATE OR SUPERSEDE SPECIFIED LAW GOVERNING THE POWER, AUTHORITY OR JURISDICTION OF A COUNTY OR HIGHWAY DISTRICT.

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

SECTION 1. That Section 40-2319, Idaho Code, be, and the same is hereby amended to read as follows:

40-2319. ENCROACHMENTS -- REMOVAL -- NOTICE -- PENALTY FOR FAILURE TO REMOVE -- REMOVAL BY COUNTY OR HIGHWAY DISTRICT -- ABATEMENT. (1) If any highway or public right-of-way under the jurisdiction of a county or highway district is encroached upon by gates, fences, buildings, or otherwise, the appropriate county or highway district may require the encroachment to be removed. If the encroachment is of a nature as to effectually obstruct and prevent the use of the an open highway ~~or public right-of-way~~ for vehicles, the county or highway district shall immediately cause the encroachment to be removed.

(2) Notice shall be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence if he resides in the highway jurisdiction. If not, it shall be posted on the encroachment, specifying the place and extent of the encroachment, and requiring him to remove the encroachment within ten (10) days.

(3) If the encroachment is not removed, or commenced to be removed, prior to the expiration of ten (10) days from the service or posting the notice, the person who caused, owns or controls the encroachment shall forfeit up to one hundred fifty dollars (\$150) for each day the encroachment continues unremoved.

(4) If the encroachment is denied, and the owner, occupant, or person controlling the encroachment, refuses either to remove it or to permit its removal, the county or highway district shall commence in the proper court an action to abate the encroachment as a nuisance. If the county or highway district recovers judgment, it may, in addition to having the encroachment abated, recover up to one hundred fifty dollars (\$150) for every day the nuisance remained after notice, as well as costs of the legal action and removal.

(5) If the encroachment is not denied, but is not removed within five (5) days after the notice is complete, the county or highway district may remove it at the expense of the owner, occupant, or person controlling the encroachment, and the county or highway district may recover costs and expenses, as well as the sum of up to one hundred fifty dollars (\$150) for each day the encroachment remained after notice was complete.

(6) Nothing in this chapter shall be construed to limit, abrogate or supersede the provisions of this title governing the power, authority or jurisdiction of a county or highway district, including the authority to regulate the use of highways or public rights-of-way for pedestrian and motorist safety.

Approved April 11, 2011.

CHAPTER 283
(H.B. No. 233)

AN ACT

RELATING TO DUTIES OF THE STATE CONTROLLER; AMENDING SECTION 9-340C, IDAHO CODE, TO ALLOW THE RELEASE OF INFORMATION TO THE STATE CONTROLLER AS THE STATE SOCIAL SECURITY ADMINISTRATOR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-348, IDAHO CODE, TO ALLOW THE RELEASE OF INFORMATION TO THE STATE CONTROLLER AS THE STATE SOCIAL SECURITY ADMINISTRATOR AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 11, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1101A, IDAHO CODE, TO ALLOW THE STATE CONTROLLER AS THE STATE SOCIAL SECURITY ADMINISTRATOR TO ACCESS CERTAIN RECORDS AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-340C, Idaho Code, be, and the same is hereby amended to read as follows:

9-340C. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the

public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records; and

(f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3) (a), (3) (b) or (3) (d) of section 9-342, Idaho Code. Notwithstanding the provisions of section 9-342, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or

medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency which has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

- (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
- (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration card on file in the county clerk's office; however, a redacted copy of said card shall be made available consistent with the requirements of this section. Information from the voter registration card maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (2830) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

- (a) If requested by a law enforcement agency, to the law enforcement agency; or
- (b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(289) Documents and records related to continuing education and record-keeping violations that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(2830) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

- (a) If directed by a court order, to a person identified in the court order;
- (b) If requested by a law enforcement agency, to the law enforcement agency;
- (c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or
- (d) If the law enforcement officer provides written permission for disclosure of such information.

(31) 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.

SECTION 2. That Section 9-348, Idaho Code, be, and the same is hereby amended to read as follows:

9-348. PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS -- PENALTY. (1) Except as provided in subsections (2), (3), (4), (5), (6), (7), (8) and (9) of this section, in order to protect the privacy of those who deal with public agencies or an independent public body corporate and politic:

- (a) No agency or independent public body corporate and politic may distribute or sell for use as a mailing list or a telephone number list any list of persons without first securing the permission of those on the list; and
- (b) No list of persons prepared by the agency or independent public body corporate and politic may be used as a mailing list or a telephone number list except by the agency or independent public body corporate and politic or another agency without first securing the permission of those on the list.

(2) Except as may be otherwise provided in this chapter, this section does not prevent an individual from compiling a mailing list or a telephone number list by examination or copying of public records, original documents or applications which are otherwise open to public inspection.

(3) The provisions of this section do not apply to the lists of registered electors compiled pursuant to title 34, Idaho Code, or to lists of the names of employees governed by chapter 53, title 67, Idaho Code.

(4) The provisions of this section shall not apply to agencies which issue occupational or professional licenses.

(5) This section does not apply to the right of access either by Idaho law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(6) This section does not apply to a corporate information list developed by the office of the secretary of state containing the name, address,

registered agent, officers and directors of corporations authorized to do business in this state or to a business information list developed by the department of commerce containing the name, address, telephone number or other relevant information of Idaho businesses or individuals requesting information regarding the state of Idaho or to business lists developed by the department of agriculture, division of marketing and development, used to promote food and agricultural products produced in Idaho.

(7) This section does not apply to lists to be used for ordinary utility purposes which are requested by a person who supplies utility services in this state. Ordinary utility purposes, as used in this chapter only, do not include marketing or marketing research.

(8) This section does not apply to lists to be used to give notice required by any statute, ordinance, rule, law or by any governing agency.

(9) This section does not apply to student directory information provided by colleges, universities, secondary schools and school districts to military recruiters for military recruiting purposes pursuant to the requirements of federal laws.

(10) 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.

(11) If a court finds that a person or public official has deliberately and in bad faith violated the provisions of subsection (1) (a) or (1) (b) of this section, the person or public official shall be liable for a civil penalty assessed by the court in an amount not in excess of one thousand dollars (\$1,000) which shall be paid into the general account.

SECTION 3. That Chapter 11, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1101A, Idaho Code, and to read as follows:

59-1101A. **AUTHORITY TO ACCESS RECORDS.** The state controller serving as the state social security administrator shall take such actions as may be necessary to ensure compliance with 42 U.S.C. section 418 and for this purpose shall have the power and authorization to inspect and copy, at any reasonable time, the records maintained by an agency whenever it is necessary for such compliance purposes. Access shall include, but not be limited to, examining, copying, transferring, receiving and making use of records, papers, letters, correspondence and transactions, whether printed or electronic. Such records may include otherwise nonpublic confidential employer and individual information necessary for the purposes of complying with 42 U.S.C. section 418. The administrator as recipient will implement, maintain and comply with technical and physical safeguards to protect the security, confidentiality and integrity of information consistent with the confidentiality rules and requirements of the issuing department or agency. For purposes of this section, "agency" shall mean each department, division, public body corporate and politic, elected and appointed board and commission, office and institution, educational or otherwise and instrumentalities thereof, including agencies hereinafter created in state and local government as set forth in chapter 11, title 59, 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 April 11, 2011.

CHAPTER 284
(H.B. No. 264)

AN ACT

RELATING TO VETERAN PREFERENCES; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 65-503, IDAHO CODE, TO REVISE VERBIAGE RELATING TO PREFERENCES, TO PROVIDE A CORRECT CODE REFERENCE AND TO REMOVE PROVISIONS RELATING TO EMPLOYER OBLIGATIONS RELATING TO VETERAN PREFERENCES; AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-503A, IDAHO CODE, TO PROVIDE FOR EMPLOYER OBLIGATIONS RELATING TO VETERAN PREFERENCES; AMENDING SECTION 65-504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICANTS WHO ARE PREFERENCE ELIGIBLE, TO PROVIDE FOR THE APPLICATION OF PREFERENCE IN CIVIL SERVICE POSITIONS, TO REVISE PROVISIONS RELATING TO THE ADDITION OF POINTS TO EARNED RATINGS, TO REVISE PROVISIONS RELATING TO PLACEMENT ON THE REGISTER AND TO REVISE PROVISIONS RELATING TO VETERANS DISCHARGED UNDER HONORABLE CONDITIONS WHO HAVE CERTAIN SERVICE-CONNECTED DISABILITIES; AMENDING SECTION 65-506, IDAHO CODE, TO REVISE VERBIAGE RELATING TO APPEALS, TO PROVIDE FOR NOTICE OF APPEAL, TO PROVIDE THAT CERTAIN APPLICANTS MAY FILE APPEALS DIRECTLY AND TO PROVIDE FOR COMMENCEMENT OF THE THIRTY-FIVE DAY PERIOD OF APPEAL; AND AMENDING CHAPTER 5, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-512, IDAHO CODE, TO PROVIDE FOR CERTAIN EDUCATION AND TECHNICAL ASSISTANCE BY THE DIVISION OF VETERANS SERVICES AND THE DEPARTMENT OF LABOR.

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

SECTION 1. That Section 65-502, Idaho Code, be, and the same is hereby amended to read as follows:

65-502. DEFINITIONS. As used in this chapter:

(1) "Applicant" means an individual applying for a position with a public employer.

(2) "Armed forces" means the army, navy, marine corps, coast guard, air force, and the reserve components thereof.

(3) "Civil service position" means a position for which the public employee is selected from a pool of applicants through a competitive examination, a merit system or any other rating system based on experience and qualifications.

(24) "Disabled veteran" means those ~~honorably~~ veterans separated veterans under honorable conditions who:

(a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or

(b) Are purple heart recipients.

(35) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."

(46) "Initial appointment" means the first time a qualified veteran is hired by a county or a municipal government or the state, provided however, subsequent separation from the county, municipal government or the state shall not result in the award of new preference or preference points with that governmental entity. "Initial appointment" shall not include:

(a) Jobs held by patients, inmates or students in or enrolled at a state institution;

(b) Temporary or casual employment; or

(c) An office filled by election.

(57) "Key employee" means an individual specifically hired for an "at will" or nonclassified position for which there is no selection process, such as a position as a private secretary or deputy of an official or department ~~who~~ that is not a civil service position and where:

(a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee's duties;

(b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;

(c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or

(d) The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.

(68) "Military duty" means training and service performed by an inductee, enlistee or reservist or any entrant into a component of the armed forces of the United States, provided "military duty" shall not include active duty training as a reservist in the armed forces of the United States or as a member of the national guard of the United States where the call is for training only.

(79) "Position" means a job held by a public employee but shall not include:

(a) A job held by a patient, inmate or student in or enrolled at a state institution;

(b) Temporary or casual employment; or

(c) An office filled by election.

(10) "Preference eligible" means an individual eligible for preference under section 65-503, Idaho Code.

(811) "Public employee" means any person holding a position in public employment.

(912) "Public employer" means any government, department or agency mentioned in subsection (103) of this section employing a public employee in a position.

(103) "Public employment" means employment ~~of~~ by the government of this state, or ~~of~~ by any county, municipality or other political subdivision of the state, including any department or agency thereof.

~~(114) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified civil service position as determined on the basis of examination and merit factors as established in a civil service system.~~

(125) "Service-connected disability" means that the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the department of defense.

(136) "Temporary or casual employment" means employment for a brief, nonrecurrent period where there is no reasonable expectation that such employment will continue indefinitely or for a significant period of time.

(147) "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:

(a) Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;

(b) Served on active duty as defined in 38 U.S.C. section 101(21) at any time in the armed forces for a period of more than one hundred eighty

(180) consecutive days, any part of which occurred after January 31,

1955, and before October 15, 1976, not including service under 10 U.S.C. section 12103(d) pursuant to an enlistment in the army national guard or the air national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve or coast guard reserve;

(c) Served on active duty as defined in 38 U.S.C. section 101(21) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or

(d) Served as may be further defined in 38 5 U.S.C. section 101(11)-2108.

SECTION 2. That Section 65-503, Idaho Code, be, and the same is hereby amended to read as follows:

65-503. ELIGIBILITY FOR PREFERENCE TO BE GIVEN QUALIFIED VETERANS, SPOUSES, WIDOWS AND WIDOWERS BY PUBLIC EMPLOYERS. ~~(1) Eligibility~~ The following individuals are eligible for preference.

(a1) Veterans and disabled veterans as defined in section 56-502 65-502, Idaho Code;

(b2) A widow or widower of any veteran as long as he or she remains unmarried;

(e3) The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

~~(2) Employer obligations.~~

~~(a) Public employers must give notice in all announcements and advertisements of vacancies that preference in appointment will be given to eligible veterans, and application forms must inquire whether the applicant is claiming veteran's preference and whether the applicant has previously claimed such a preference. An applicant claiming preference is responsible for providing required documentation at the time of making application. The employer must inform applicants of the requirements for documentation.~~

~~(b) In all public employment, excluding key employee positions, the hiring official shall give preference to the employment of veterans.~~

~~(c) An application for appointment to a public employment position 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 his or her separation from the armed forces or hospitalization and prior to the expiration of any register established as a result of the examination.~~

~~(d) A disabled veteran may file an application at any time up until a selection has been made for any position for which a register is then maintained 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. If a register is not used as part of the selection process, a disabled veteran may file an application after the closing date, but such application will only be considered if a selection has not been made and the selection process is still active.~~

~~(e) An appointing authority may refuse to accept an application from an otherwise qualified veteran who is deemed unqualified through his or her actions. Examples of such actions include dismissal for cause from a public entity, a felony conviction, or conduct unbecoming a public employee. Such refusal must be supported by good cause and is appealable pursuant to section 65-506, Idaho Code.~~

SECTION 3. That Chapter 5, Title 65, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 65-503A, Idaho Code, and to read as follows:

65-503A. EMPLOYER OBLIGATIONS. (1) Public employers must give notice in all announcements and advertisements of vacancies that preference in appointment will be given to preference applicants. Application forms must inquire whether the applicant is claiming veteran's preference and whether the applicant has previously claimed such a preference. An applicant claiming preference is responsible for providing required documentation at the time of making application. The employer must inform applicants of the requirements for documentation.

(2) In all public employment, excluding key employee positions, the hiring official shall give preference to preference eligible applicants.

(3) An application for appointment to a position will be accepted after the closing date of the examination from an applicant 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 the applicant's separation from the armed forces or hospitalization, prior to the expiration of any register established as a result of the examination, and prior to the selection for the position.

(4) A disabled veteran may file an application at any time up until a selection has been made for any position for which a register is then maintained 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. If a register is not used as a part of the selection process, a disabled veteran may file an application after the closing date, but such application will only be considered if a selection has not been made and the selection process is still active.

(5) An appointing authority may refuse to accept an application from an otherwise qualified preference eligible applicant who is deemed unqualified through his or her actions. Examples of such actions include dismissal for cause from a public entity, a felony conviction, or conduct unbecoming a public employee. Such refusal must be supported by good cause and is appealable pursuant to section 65-506, Idaho Code.

SECTION 4. That Section 65-504, Idaho Code, be, and the same is hereby amended to read as follows:

65-504. BASIC PREFERENCE AND ADDITION OF POINTS TO COMPETITIVE EXAMINATION RATINGS. (1) An individual applicant who qualifies for a veteran's employment preference is preference eligible is entitled to a preference in initial appointment with a public employer over other applicants for the same position who are not more qualified.

(2) Application of preference in civil service positions:

(a) Five (5) percentage points shall be added to the earned rating of any veteran and the widow or widower of any veteran as long as he or she remains unmarried, ~~when required to take competitive examination for any position in any state department, county or municipal government, which may now or which may hereafter require competitive examination under merit system or civil service plan of selecting employees.~~ The names of all five (5) point preference eligibles ~~resulting from any merit system or civil service examination~~ applicants shall be placed on the register in accordance with their augmented rating. The additional points added by reason of veteran's preference shall be used only for the purpose of initial appointment and not for the purpose of any promotion, transfer or reassignment.

(3b) Ten (10) percentage points shall be added to the earned rating of veterans discharged under honorable conditions who qualify as disabled veterans because they have served on active duty in the armed forces at any time and have a current service-connected disability of ten percent (10%) or more. Alternatively, ten (10) percentage points shall be added to the earned rating of 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. The names of all ten (10) point preference eligibles ~~resulting from any merit system or civil service examination~~ applicants shall be placed on the register in accordance with their augmented rating. The additional points added by reason of veteran's preference shall be used only for the purpose of initial appointment and not for the purpose of any promotion, transfer or reassignment.

(4c) Veterans discharged under honorable conditions who served on active duty in the armed forces at any time and have a current service-connected disability of thirty percent (30%) or more shall be offered an interview if they are one (1) of the ~~top ten (10)~~ qualified applicants on the register for the position. If applicants are not ranked, an interview must be offered to such veterans who fully meet all qualifications for the position. Notwithstanding this subsection, employers shall not be required to interview more than a total of ten (10) applicants regardless of the number of such qualified veteran applicants.

SECTION 5. That Section 65-506, Idaho Code, be, and the same is hereby amended to read as follows:

65-506. FAILING OR REFUSING TO GIVE PREFERENCE -- CIVIL LIABILITY. (1) Individuals Applicants who believe they have been denied a right or benefit under this chapter may file an appeal with the governing body of ~~such~~ the jurisdiction or unit of government within thirty-five (35) days of the alleged denial of preference. If an applicant has notified the public employer of the applicant's eligibility for preference pursuant to section 65-503A, Idaho Code, the public employer shall provide notice of the appeal process at the conclusion of the selection process. If an the public employer does not initiate the appeal process does not exist for that jurisdiction or unit of government within thirty-five (35) days of a written request by the applicant, the complainant applicant may file an appeal directly in district court pursuant to subsection (3) of this section. The thirty-five (35) day period for appeal shall commence upon the issuance of notice of the appeal process by the public employer. If the public employer fails to issue such notice, the thirty-five (35) day period for appeal shall commence when the applicant becomes aware that he was not selected for the position.

(2) The division of veterans services is authorized and directed to issue rules for the enforcement of this chapter. Such rules shall include, but are not limited to, procedures public employers may implement for an internal process which must be exhausted prior to gaining access to the courts.

(3) Any public employer who deliberately or willfully refuses or fails to give preference to qualified veterans required by the provisions of this chapter shall be subject to writs of mandate pursuant to sections 7-301 through 7-314, Idaho Code, and if found in violation of any such provisions shall be required to pay the costs of suit and reasonable attorney's fees incurred in such action, and may further be required to employ or reemploy the veteran, and shall be required to pay as damages such amount as the court may award, but in no event shall the amount of such damages and costs of suit exceed the sum of five thousand dollars (\$5,000) or ten percent (10%) of the annual salary of the position, whichever is higher. Such action must be commenced not more than one hundred eighty (180) days from the alleged denial of preference, provided however, applicants for classified state employment

remain subject to the procedures set forth in section 67-5316, Idaho Code. If an appeal process is in place pursuant to subsection (1) of this section, the one hundred eighty (180) days will not begin until that process has been exhausted.

SECTION 6. That Chapter 5, Title 65, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 65-512, Idaho Code, and to read as follows:

65-512. EDUCATION AND TECHNICAL ASSISTANCE. To the extent of funds available therefor, the division of veterans services and the department of labor are authorized to provide programs of education and technical assistance to public employers, veterans and other interested parties concerning the provisions of this chapter.

Approved April 11, 2011.

CHAPTER 285
(H.B. No. 275, As Amended)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 31-871, IDAHO CODE, TO REVISE PROCEDURES REGARDING CLASSIFICATION AND RETENTION OF RECORDS; AMENDING CHAPTER 2, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-217, IDAHO CODE, TO PROVIDE PROCEDURES FOR RETENTION OF COUNTY ELECTION RECORDS; AMENDING SECTION 34-408A, IDAHO CODE, TO REVISE PROCEDURES REGARDING ELECTION DAY REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-502, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE COUNTY CLERK SHALL DELIVER IN WRITING TO EACH PRECINCT COMMITTEEMAN A CERTAIN NOTICE; AMENDING SECTION 34-624, IDAHO CODE, TO REVISE REQUIREMENTS FOR A PRECINCT COMMITTEEMAN; AMENDING SECTION 34-708A, IDAHO CODE, TO REVISE QUALIFICATIONS FOR INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT AND TO PROVIDE RESIDENCY QUALIFICATIONS FOR PETITION CIRCULATORS; AMENDING SECTION 34-732, IDAHO CODE, TO REVISE PROCEDURES FOR SELECTION OF CANDIDATES FOR NOMINATION IN PRESIDENTIAL PRIMARIES; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE WHAT SHALL APPEAR ON ELECTION BALLOTS; AMENDING SECTION 34-910, IDAHO CODE, TO PROVIDE THAT UPON RECEIPT OF THE BALLOTS AND SUPPLIES, THE CHIEF JUDGE OF ELECTIONS OR OTHER DESIGNATED JUDGE MUST RETURN A WRITTEN RECEIPT TO THE COUNTY CLERK; AMENDING SECTION 34-1005, IDAHO CODE, TO REVISE PROCEDURES FOR RETURN OF AN ABSENTEE BALLOT; AMENDING SECTION 34-1201, IDAHO CODE, TO REVISE PROCEDURES FOR CANVASS OF VOTES; AMENDING SECTION 34-1402, IDAHO CODE, TO REVISE REGISTRATION PROVISIONS; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1413, IDAHO CODE, TO PROVIDE FOR MODIFIED PROCEDURES FOR CERTAIN POLITICAL SUBDIVISION ELECTIONS; AMENDING SECTION 34-1802, IDAHO CODE, TO REVISE DATES FOR INITIATIVE PETITIONS; AMENDING SECTION 34-2301, IDAHO CODE, TO REVISE PROVISIONS AND PROCEDURES RELATING TO AN APPLICATION FOR RECOUNT OF BALLOTS; AMENDING SECTION 34-2302, IDAHO CODE, TO PROVIDE THAT THE RECOUNT APPLICATION SHALL BE REMITTED TO THE ATTORNEY GENERAL OR COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-2303, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL OR COUNTY CLERK SHALL CAUSE ALL BALLOT BOXES IN PRECINCTS TO BE RECOUNTED TO BE IMPOUNDED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-2304, IDAHO CODE, TO PROVIDE THE ATTORNEY GENERAL OR COUNTY CLERK SHALL ISSUE AN ORDER FOR RECOUNT; AMENDING SECTION 34-2305, IDAHO CODE, TO REVISE THE MANNER OF RECOUNTING; AMENDING SECTION 34-2306, IDAHO CODE, TO

REVISE PROVISIONS REGARDING WHEN THE PERSON IS RELIEVED OF COSTS OF THE RECOUNT; AMENDING SECTION 34-2307, IDAHO CODE, TO REVISE PROVISIONS WHEN A GENERAL RECOUNT IS ORDERED; AMENDING SECTION 34-2308, IDAHO CODE, TO REVISE PROCEDURES WHEN A CANDIDATE OR A PERSON ON EITHER SIDE OF A MEASURE DISAGREES WITH RECOUNT RESULTS; AMENDING SECTION 34-2309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN AUTOMATIC RECOUNT; AMENDING CHAPTER 23, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-2313, IDAHO CODE, TO PROVIDE RECOUNT PROCEDURES FOR AUTOMATED TABULATION SYSTEMS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-871, Idaho Code, be, and the same is hereby amended to read as follows:

31-871. CLASSIFICATION AND RETENTION OF RECORDS. (1) County records shall be classified as follows:

(a) "Permanent records" shall consist of, but not be limited to, the following: proceedings of the governing body, ordinances, resolutions, building plans and specifications for commercial projects and government buildings, bond register, warrant register, budget records, general ledger, cash books and records affecting the title to real property or liens thereon, and other documents or records as may be deemed of permanent nature by the board of county commissioners.

(b) "Semipermanent records" shall consist of, but not be limited to, the following: claims, contracts, canceled checks, warrants, duplicate warrants, license applications, building applications for commercial projects and government buildings, departmental reports, purchase orders, vouchers, duplicate receipts, bonds and coupons, ~~registration and other election records excluding election ballots and tally books,~~ financial records, and other documents or records as may be deemed of semipermanent nature by the board of county commissioners.

(c) "Temporary records" shall consist of, but not be limited to, the following: correspondence not related to subsections (1) and (2) of this section, building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval, cash receipts subject to audit, ~~election ballots and tally books,~~ and other records as may be deemed temporary by the board of county commissioners.

(d) Those records not included in subsection (1) (a), (b) or (c) of this section shall be classified as permanent, semipermanent or temporary by the board of county commissioners and upon the advice of the office of the prosecuting attorney.

(2) County records shall be retained as follows:

(a) Permanent records shall be retained for not less than ten (10) years.

(b) Semipermanent records shall be kept for not less than five (5) years after date of issuance or completion of the matter contained within the record.

(c) Temporary records shall be retained for not less than two (2) years.

(d) Records may only be destroyed by resolution of the board of county commissioners after regular audit and upon the advice of the prosecuting attorney. A resolution ordering destruction must list, in detail, records to be destroyed. Such disposition shall be under the direction and supervision of the elected official or department head responsible for such records.

(e) The provisions of this section shall control the classification and retention schedules of all county records unless otherwise provided in Idaho Code or any applicable federal law.

SECTION 2. That Chapter 2, 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 34-217, Idaho Code, and to read as follows:

34-217. RETENTION OF COUNTY ELECTION RECORDS. County election records shall be maintained by the county clerk for the time periods outlined in this section. Records shall be maintained for the period specified beginning with the date the record is created or has become no longer valid, whichever is greater.

(1) The following records shall be retained for not less than five (5) years:

(a) Voter registration cards for electors whose registration has been terminated.

(b) Combination election record and poll book.

(c) Declaration of candidacy.

(d) Maps of precinct boundaries with legal descriptions.

(e) List of absentee voters.

(2) The following shall be retained for two (2) years:

(a) Correspondence relating to an elector's voter registration.

(b) Completed absentee ballot request forms.

(3) The following shall be maintained for one (1) year:

(a) Tally books.

(b) Absentee ballot affidavit envelopes.

(c) Notice of election.

(d) Personal identification affidavit.

(e) Voted ballots.

(f) Unvoted ballots from the primary election.

(g) Ballot tracking logs.

(h) Any ballots that were required to be duplicated before being counted.

(i) Automated tabulation election logs.

(j) Copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device.

(k) Record of the number of ballots printed and furnished to each polling place.

(4) Other election supplies including, but not limited to, unused ballots, official election stamps, spoiled ballots may be disposed of sixty (60) days following the deadline for requesting a recount or filing an election contest pursuant to chapters 20 and 21, title 34, Idaho Code.

SECTION 3. That Section 34-408A, Idaho Code, be, and the same is hereby amended to read as follows:

34-408A. ELECTION DAY REGISTRATION. An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or

(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or

(3) Showing a current valid student photo identification card from a ~~post-secondary~~ postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct ~~together with a picture identification card.~~

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

SECTION 4. That Section 34-502, Idaho Code, be, and the same is hereby amended to read as follows:

34-502. COUNTY CENTRAL COMMITTEE -- MEMBERS -- OFFICERS -- DUTIES OF CHAIRMAN -- NOTICE TO CHAIRMAN. The county central committee of each political party in each county shall consist of the precinct committeemen representing the precincts within the county and the county chairman elected by the precinct committeemen. The precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman, and shall organize by electing a chairman, vice chairman, a secretary, a state committeeman, a state committeewoman, and such other officers as they may desire who shall hold office at the pleasure of the county central committee or until their successors are elected.

Unless state party rules, adopted as provided in section 34-505, Idaho Code, provide otherwise, when a vacancy exists in the office of county central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the county, and the precinct committeemen shall proceed to elect a chairman of the county central committee for the balance of the unexpired term.

The county central committee shall fill by appointment all vacancies that occur or exist in the office of precinct committeeman who shall be a qualified elector of the precinct.

The county clerk shall deliver in writing to the chairman of the county central committee of each political party on or before January 20 of each year in which a general election is to be held, a list of the election precincts in the county and the names and addresses of the precinct committeemen who were elected at the last primary election, or who have since been appointed as precinct committeemen, as such election or appointment is shown on the records of the county clerk. If the county clerk has no record of precinct committeemen, he shall in writing, so inform the chairman of the county central committee.

The chairman of the county central committee shall on or before February 1 of each year in which a general election is to be held, and at such other times as changes occur, certify to the county clerk the names and addresses of the precinct committeemen of his political party. ~~Immediately upon receipt of certification, the county clerk shall deliver in writing to each precinct committeeman a notice of the provisions of subsection (1) of section 34-406, Idaho Code.~~

SECTION 5. That Section 34-624, Idaho Code, be, and the same is hereby amended to read as follows:

34-624. ELECTION OF PRECINCT COMMITTEEMEN -- QUALIFICATIONS. (1) At the primary election, 1980, and every two (2) years thereafter, a precinct committeeman for each political party shall be elected in every voting precinct within each county. The term of office of a precinct committeeman shall be from the eighth day following the primary election until the eighth day following the next succeeding primary election.

(2) No person shall be elected to the office of precinct committeeman unless he has attained the age of eighteen (18) years at the time of his election, is a citizen of the United States, a registered elector of and shall

have resided within the voting precinct for a period of six (6) months next preceding his election.

(3) Each candidate shall file a declaration of candidacy with the county clerk.

(4) No filing fee shall be charged any candidate at the time of his filing his declaration of candidacy.

SECTION 6. That Section 34-708A, Idaho Code, be, and the same is hereby amended to read as follows:

34-708A. INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT. Persons who desire to be independent candidates for the offices of president and vice-president, must file, prior to August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by a number of one thousand (1,000) qualified electors not less than one percent (1%) of the number of votes cast in this state for presidential electors at the previous general election at which a president of the United States was elected.

The candidates for president and vice-president shall be considered as candidates for one (1) office, and only one (1) such petition need be filed for both offices.

Signatures on the petitions required in this section shall be verified in the manner prescribed in section 34-1807, Idaho Code, provided that the petition circulators are not required to be Idaho residents.

SECTION 7. That Section 34-732, Idaho Code, be, and the same is hereby amended to read as follows:

34-732. SELECTION OF CANDIDATES FOR NOMINATION IN PRESIDENTIAL PRIMARY. Each qualified elector shall have the opportunity to vote on the official presidential preference primary ballot for one (1) person to be the candidate for nomination by a party for president of the United States. The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only:

(1) If the secretary of state shall have determined, in his sole discretion, that the person's candidacy is generally advocated or recognized in national news media throughout the United States. For the purpose of promoting the aspect of a regional primary in this regard, the secretary of state may consult with the chief election officers of neighboring states which conduct a presidential primary election on the third Tuesday in May. The secretary of state shall publish the names of such persons determined by him to be such candidates, together with their party affiliation, not less than ~~sixty (60)~~ seventy-five (75) days prior to the date of the presidential preference primary; or

(2) Any candidate who was not placed upon the ballot by the secretary of state under the provisions of subsection (1) of this section shall be placed upon the ballot after filing a declaration of candidacy accompanied by a petition containing signatures of five hundred (500) qualified electors and a one thousand dollar (\$1,000) filing fee. The declaration shall be filed with the secretary of state no later than the ~~fiftieth~~ sixtieth day prior to the date of the presidential preference primary.

SECTION 8. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) The names of all candidates which appear on any election ballots for federal, state, county and city offices shall be rotated in the manner determined by the secretary of state. The order of candidates for office in other elections shall be determined by applying the first letter of each candidate's last name to a random alphabet selected prior to each election by the secretary of state.

(5) No candidate's name may appear on a ballot for more than one (1) office, except that a candidate for precinct committeeman may seek one (1) additional office upon the same ballot. The provisions of this subsection shall not apply to the election of electors of president and vice-president of the United States.

SECTION 9. That Section 34-910, Idaho Code, be, and the same is hereby amended to read as follows:

34-910. DUTY OF COUNTY CLERK TO FURNISH SUFFICIENT BALLOTS TO EACH VOTING PRECINCT -- RECORD OF NUMBER OF BALLOTS PRINTED AND FURNISHED. It shall be the duty of the county clerk to furnish and cause to be delivered a sufficient number of election ballots to the judges of elections of each voting precinct. The ballots shall be delivered to the polling place within the precinct on or before the opening of the polls for the election together with the official stamp and ink pad in sealed packages. Upon delivery receipt of the ballots and supplies, the chief judge of elections or other designated judge must return a written receipt to the county clerk.

The county clerk shall keep a record of the number of ballots printed and furnished to each polling place within the county and preserve the same for one (1) year.

SECTION 10. That Section 34-1005, Idaho Code, be, and the same is hereby amended to read as follows:

34-1005. RETURN OF ABSENTEE BALLOT. The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 8:00 p.m. on the day of election before such ballot may be counted.

Upon receipt of an absent elector's ballot the county clerk of the county wherein such elector resides shall verify the authenticity of the affidavit and shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office and record the information pursuant to section 34-1011, Idaho Code. He shall safely keep

and preserve all absent electors' ballots unopened until the time prescribed for delivery to the judges ~~in accordance with this act~~ polls or to the central count ballot processing center.

SECTION 11. That Section 34-1201, Idaho Code, be, and the same is hereby amended to read as follows:

34-1201. CANVASS OF VOTES. (1) When the polls are closed the judges must immediately proceed to count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting shall ~~may~~ begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed at which time all election personnel shall complete the counting of the ballots.

(3) The county clerk may designate paper ballots be returned to a central count location for counting by special counting boards. If the paper ballots are to be counted at a central count location, a procedure may be adopted to deliver the voted ballots to the county clerk prior to the closing of the polls. The results of this early count shall not be released to the public until after 8:00 p.m. of election day.

SECTION 12. That Section 34-1402, Idaho Code, be, and the same is hereby amended to read as follows:

34-1402. REGISTRATION. All electors must register with the county clerk before being able to vote in any primary, general, special or any other election conducted in this state. The county clerk shall determine, for each registered elector, the elections for which he is eligible to vote by a determination of the applicable code areas. The determination of tax code area shall be made for all political subdivisions including those otherwise exempt from the provisions of this chapter.

The county clerk shall conform to the provisions of chapter 4, title 34, Idaho Code, in the administration of registration for all political subdivisions within the county. ~~The county clerk shall appoint each city clerk for any city within the county and each election official designated by a political subdivision, as an at-large registrar as provided in section 34-406, Idaho Code, except that no compensation shall be paid by the county clerk for electors registered by these special registrars.~~

SECTION 13. That Chapter 14, 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 34-1413, Idaho Code, and to read as follows:

34-1413. PROCEDURES FOR CERTAIN POLITICAL SUBDIVISION ELECTIONS TO MODIFY VOTING PROCEDURES. Any county that has a political subdivision in which there is more than one (1) county contained in the political subdivision boundaries and that wishes to modify voting procedures shall submit an election plan to the secretary of state for approval for the modified voting procedures to be effective at least forty (40) calendar days prior to an election. The secretary of state shall notify the political subdivision of its approval, disapproval and, if it is disapproved, what remedial measures may be taken that would allow for approval of the voting plan.

SECTION 14. That Section 34-1802, Idaho Code, be, and the same is hereby amended to read as follows:

34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES -- TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING. (1) Except as provided in section 34-1804, Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the petitioners receive the official ballot title from the secretary of state and extending eighteen (18) months from that date or April 30 of the year that an election on the initiative will be held of the next general election, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be the last day of April in the year an election on the initiative will be held.

(2) The person or persons or organization or organizations under whose authority the measure is to be initiated shall submit the petitions containing signatures to the county clerk for verification pursuant to the provisions of section 34-1807, Idaho Code. The signatures required shall be submitted to the county clerk not later than the close of business on the first day of May in the year an election on the initiative will be held, or eighteen (18) months from the date the petitioner receives the official ballot title from the secretary of state, whichever is earlier.

(3) The county clerk shall, within sixty (60) calendar days of the deadline for the submission of the signatures, verify the signatures contained in the petitions, but in no event shall the time extend beyond the last day of June in the year an election on the initiative will be held.

(4) Initiative petitions with the requisite number of signatures attached shall be filed with the secretary of state not less than four (4) months before the election at which they are to be voted upon.

SECTION 15. That Section 34-2301, Idaho Code, be, and the same is hereby amended to read as follows:

34-2301. APPLICATION FOR RECOUNT OF BALLOTS. (1) Any candidate for federal, state, county or municipal office desiring a recount of the ballots cast in any nominating or general election or person supporting or opposing a state, county or city measure, may apply to the attorney general therefor, within twenty (20) days of the canvass of such election, by the state board of canvassers if for federal and state office, or within twenty (20) days of the canvass of such election by the county commissioners if for a county or municipal office.

(2) Candidates for all other offices and supporters and opponents to all other ballot measures desiring a recount may apply to the county clerk within twenty (20) days of the canvass of said election by the board of county commissioners.

SECTION 16. That Section 34-2302, Idaho Code, be, and the same is hereby amended to read as follows:

34-2302. PRECINCTS SPECIFIED FOR RECOUNT -- REMITTANCE. In his application he shall state the precinct or precincts in which he desires recount to be made and shall remit to the attorney general or county clerk, pursuant to section 34-2301, Idaho Code, together with his application the sum of one hundred dollars (\$100-00) for each such precinct in which he desires a recount made.

SECTION 17. That Section 34-2303, Idaho Code, be, and the same is hereby amended to read as follows:

34-2303. BALLOTS ORDERED IMPOUNDED BY ATTORNEY GENERAL. Upon receiving the application for recount together with the remittance required by the preceding section 34-2302, Idaho Code, the attorney general or county clerk, pursuant to section 34-2301, Idaho Code, shall cause all ballot boxes used in

such election in the precinct or precincts in which recount is to be made to be immediately impounded and taken into custody by the sheriff of the county or counties in which precinct or precincts are located. In the event that the recount is of the results of a primary election the ballot boxes used to hold the blank half of the ballot shall also be impounded.

SECTION 18. That Section 34-2304, Idaho Code, be, and the same is hereby amended to read as follows:

34-2304. ORDER FOR RECOUNT -- PROCEDURE -- NOTICE. The attorney general or county clerk shall then issue an order for recount. The order shall name the prior election judges and clerks of the precinct to act in the same capacity and receive the same compensation as they did on election day. The order shall provide for the place where the recount is to be made; that all candidates named on the ballot for the office contested, or a representative of either or all of them, may be present to watch the counting; and that every other person interested may be present. The order shall state the date on which the recount is to be made which shall not be more than ten (10) days from the date of the order. Copies of the order shall be mailed to each candidate named on the ballot for the office to be recounted.

SECTION 19. That Section 34-2305, Idaho Code, be, and the same is hereby amended to read as follows:

34-2305. MANNER OF RECOUNTING. At the time and place fixed for recounting the ballots cast in any precinct all ballots shall be recounted in plain view of the candidates or their representatives, and if the recount is of a primary election the blank ballots shall be counted against the ballots that were voted. The recount shall commence at the time and place so ordered, and shall continue until the recount is finished and the results tabulated. ~~The recount shall be conducted under the same conditions and in the same manner as the original count.~~ The attorney general shall be the final authority concerning any question which arises during the recount for federal, state, county or municipal elections. The county prosecuting attorney shall be the final authority concerning any question that arises during the recount of other elections.

SECTION 20. That Section 34-2306, Idaho Code, be, and the same is hereby amended to read as follows:

34-2306. DIFFERENCE REVEALED BY RECOUNT -- CANDIDATE RELIEVED OF COSTS. If the results of the recount indicate a difference, which if projected across all the precincts of the office in question would change the result of the election in favor of the candidate requesting the recount or change in the measure being recounted, then the cost of such recount shall be borne by the county or state and the sums of money theretofore paid for the recount shall be returned to the candidate or person who requested the recount of a ballot measure.

In order to be relieved of the costs of the recount, the candidate or person must request that at least twenty (20) precincts containing not less than five thousand (5,000) votes cast be recounted if for a federal or state office or measure, or five (5) precincts containing not less than one thousand two hundred fifty (1,250) votes cast be recounted for a state legislative district office, or at least two (2) precincts having not less than five hundred (500) votes cast be recounted for a county office or measure, or two (2) precincts having not less than two hundred (200) votes cast to be recounted in city or district elections.

SECTION 21. That Section 34-2307, Idaho Code, be, and the same is hereby amended to read as follows:

34-2307. WHEN GENERAL RECOUNT ORDERED. If the candidate or person who requested the recount is relieved of the costs of the recount as described in section 34-2306, Idaho Code, the attorney general shall require a recount to be made in all the remaining precincts of the office in question. The state shall pay for a general recount of a federal, state, or legislative district office, while the county shall pay for a general recount of a county, city or district office.

SECTION 22. That Section 34-2308, Idaho Code, be, and the same is hereby amended to read as follows:

34-2308. CANDIDATE DISAGREEING WITH RECOUNT RESULTS -- APPEAL. (1) Any candidate or person may appeal the results of a recount or the determination that a recount is not necessary when:

- (a) Any candidate for the office or the person on either side of a measure for which a recount has been requested disagrees with the results of the recount and alleges that the law has been misinterpreted or misapplied;
- (b) It appears that a different application or interpretation of the law would have required a general recount where no general recount was ordered; or
- (c) It appears that a different application or interpretation of the law would not have required a general recount where a general recount was ordered;

then the candidate claiming the misinterpretation or the misapplication of law may appeal to the district court in the county concerned if the office is a county, ~~or~~ municipal or district office or to the district court in Ada county if the office is a federal or state office.

(2) The submittal on appeal shall be by brief and submitted within twenty-four (24) hours following the recount. The appeal submittal shall be served upon the attorney general of Idaho or the county prosecuting attorney within twenty-four (24) hours of filing it within the district court. The appeal submittal shall also be served upon the opposing candidate(s) or representatives of the pro and con sides of the ballot measure within twenty-four (24) hours of filing the appeal in the district court.

(3) The attorney general, in consultation with the secretary of state, may respond to the submittal by brief or the prosecuting attorney, in consultation with the county clerk, may respond for district elections.

(4) The opposing candidate(s) or parties, regarding a measure, may respond to the submittal by brief.

(5) At the discretion of the district court judge, a hearing may be ordered within five (5) days of the filing of the appeal. All parties required to be served with the appeal may participate fully in the hearing. The judge may determine that the appeal may be decided on the brief without a hearing.

(6) A decision thereon shall be given within five (5) days. Any appeal from the decision of the district court must be taken within twenty-four (24) hours after a decision is rendered. A decision on the appeal shall be given within five (5) days. No further appeal shall be allowed.

SECTION 23. That Section 34-2309, Idaho Code, be, and the same is hereby amended to read as follows:

34-2309. AUTOMATIC RECOUNT. A losing candidate for nomination, or election to a federal, state, or county office, or person supporting or opposing a ballot measure, may request a recount of the votes cast for the nomination or election to that office or passage or failure of a measure if the difference between the vote cast for that candidate and for the winning candidate for nomination or election, or the difference between the yes and no votes on a measure, is less than or equal to one-tenth of one percent

(0.1%) of the total votes cast for that office. All requests shall be in writing, and filed with the attorney general during the time mentioned in section 34-2301, Idaho Code.

The state shall pay for the automatic recount of a federal, state, or legislative district office, or state measure while the county shall pay for the automatic recount of a county, city or district office or measure.

SECTION 24. That Chapter 23, 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 34-2313, Idaho Code, and to read as follows:

34-2313. RECOUNT PROCEDURES FOR AUTOMATED TABULATION SYSTEMS. (1) To ensure the accuracy of automated vote tabulation systems, the county clerk shall follow the recount procedures provided in this section.

(2) The votes from a random selection of ballots shall be tallied by hand and the votes from the same ballots shall be tabulated by an electronic ballot tabulating system. For statewide and federal office or a statewide measure, the number of ballots to be tallied and tabulated shall be equal to at least two (2) precincts of the ballots cast in each county. For all other offices or measures, the number of ballots to be tallied and tabulated shall be equal to the greater of one hundred (100) or five percent (5%) of the ballots cast for the office or measure, distributed by county where applicable.

(3) For a statewide or federal office or a statewide measure, if the results of the hand-tally and the automated vote tally system tabulation within the county differ by one-fourth of one percent (.25%) or less, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

(4) For other offices and ballot measures, if the results of the hand-tally and electronic vote tabulating system tabulation differ by less than one percent (1%), or two (2) votes, whichever is greater, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

SECTION 25. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 11, 2011.

CHAPTER 286
(H.B. No. 286)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Executive Office of the Governor, the following amounts to be expended according to the designated programs and expense classes, from the listed fund for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200
II. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$1,625,300	\$200,900	\$1,826,200
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
GRAND TOTAL	\$1,643,500	\$205,900	\$1,849,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-six (26) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, 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 2012, 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 11, 2011.

CHAPTER 287
(H.B. No. 289)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2012; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2012.

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

SECTION 1. There is hereby appropriated to the Legislative Council, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. LEGISLATIVE SERVICES OFFICE:			
FROM:			
General			
Fund	\$3,836,100	\$173,300	\$4,009,400
Miscellaneous Revenue			
Fund	116,000	64,000	180,000
Permanent Building			
Fund	81,800	15,000	96,800
Professional Services			
Fund	<u>1,096,500</u>	<u>89,700</u>	<u>1,186,200</u>
TOTAL	\$5,130,400	\$342,000	\$5,472,400
II. OFFICE OF PERFORMANCE EVALUATIONS:			
FROM:			
General			
Fund	\$639,800	\$38,200	\$678,000
III. REDISTRICTING COMMISSION:			
FROM:			
General			
Fund	\$39,000	\$85,400	\$124,400
GRAND TOTAL	\$5,809,200	\$465,600	\$6,274,800

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2012, the Legislative Council 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Legislative Council any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated or reappropriated for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

SECTION 4. LEGISLATIVE TRANSFER FOR FISCAL YEAR 2012. On July 1, 2011, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall direct the State Controller to limit the amount transferred from the General Fund to the Legislative Fund pursuant to Section 67-451(2), Idaho Code, to \$5,846,000 for the period July 1, 2011, through June 30, 2012.

Approved April 11, 2011.

CHAPTER 288
(H.B. No. 301)

AN ACT

APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND.

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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$1,394,900	\$345,400			\$1,740,300
Indirect Cost Recovery					
Fund	114,100	220,700	\$2,900		337,700
Miscellaneous Revenue					
Fund		115,900			115,900
Federal Grant					
Fund	<u>0</u>	<u>167,200</u>	<u>0</u>		<u>167,200</u>
TOTAL	\$1,509,000	\$849,200	\$2,900		\$2,361,100
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$653,600	\$837,600			\$1,491,200
Federal Grant					
Fund	<u>10,867,400</u>	<u>14,277,300</u>			<u>25,144,700</u>
TOTAL	\$11,521,000	\$15,114,900			\$26,635,900
III. BUREAU OF HOMELAND SECURITY:					
FROM:					
General					
Fund	\$1,262,500	\$204,200			\$1,466,700
Administration and Accounting Services					
Fund	1,733,500	911,800	\$492,500		3,137,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>2,205,800</u>	<u>5,910,900</u>	<u>0</u>	<u>\$14,937,900</u>	<u>23,054,600</u>
TOTAL	\$5,201,800	\$7,026,900	\$492,500	\$14,937,900	\$27,659,100
GRAND TOTAL	\$18,231,800	\$22,991,000	\$495,400	\$14,937,900	\$56,656,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than two hundred thirty-nine and eight-tenths (239.8) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, 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 Bureau of Homeland Security's Miscellaneous Revenue Fund for the period July 1, 2011, through June 30, 2012, for the purpose of covering incurred costs arising out of hazardous substance incidents.

Approved April 11, 2011.

CHAPTER 289
(H.B. No. 304)

AN ACT
APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR
2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,031,200			\$50,400	\$1,081,600
Miscellaneous Revenue					
Fund	10,320,400	\$3,480,700	\$154,400		13,955,500
Veterans Home Endowment Income					
Fund		492,600			492,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>4,953,300</u>	<u>8,451,300</u>	<u>332,900</u>	<u>0</u>	<u>13,737,500</u>
TOTAL	\$16,304,900	\$12,424,600	\$487,300	\$50,400	\$29,267,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred four and seven-tenths (304.7) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 11, 2011.

CHAPTER 290
(H.B. No. 305)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS; PROVIDING STATE TREASURER LGIP FUND REAPPROPRIATION FOR FISCAL YEAR 2012; AND PROVIDING LEGISLATIVE INTENT REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES.

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

SECTION 1. There is hereby appropriated to the State Treasurer, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$801,100	\$508,200	\$1,309,300
State Treasurer LGIP			
Fund	364,400	70,600	435,000
Treasurer's Office - Professional Services			
Fund	364,500	88,700	453,200
Abandoned Property Trust - Unclaimed Property			
Fund	<u>430,000</u>	<u>421,400</u>	<u>851,400</u>
TOTAL	\$1,960,000	\$1,088,900	\$3,048,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The

Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2012, the State Treasurer 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, 2011, through June 30, 2012. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. STATE TREASURER LGIP FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Treasurer any unexpended and unencumbered balances of moneys made from the State Treasurer LGIP Fund for fiscal year 2011, to be used for nonrecurring expenditures, for the period July 1, 2011, through June 30, 2012.

SECTION 5. LEGISLATIVE INTENT. Of the amount appropriated in Section 1 of this act, \$435,900 or so much thereof as is necessary, is to be used solely and only for the payment of bank service fees for the period July 1, 2011, through June 30, 2012.

Approved April 11, 2011.

CHAPTER 291

(H.B. No. 310, As Amended in the Senate)

AN ACT

RELATING TO THE INDIGENT SICK; AMENDING SECTION 20-605, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A CODE REFERENCE; AMENDING SECTION 31-3302, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A CODE REFERENCE; AMENDING SECTION 31-3501, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3502, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3503, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF COUNTY COMMISSIONERS; AMENDING SECTION 31-3503A, IDAHO CODE, TO REVISE AND PROVIDE NEW POWERS AND DUTIES OF THE BOARD OF THE CATASTROPHIC HEALTH CARE COST PROGRAM; AMENDING SECTION 31-3503E, IDAHO CODE, TO REVISE THE MEDICAID ELIGIBILITY DETERMINATION; AMENDING SECTION 31-3504, IDAHO CODE, TO PROVIDE FOR A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE, TO PROVIDE FOR A THIRD PARTY APPLICANT, TO PROVIDE FOR APPLICATION BY OTHERS IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR RECORDING OF A NOTICE OF LIEN AND APPLICATION FOR FINANCIAL ASSISTANCE, TO REMOVE PROVISIONS FOR RECORDING A NOTICE OF APPLICATION FOR MEDICAL INDIGENCY BENEFITS AND TO PROVIDE FOR INVOLVEMENT OF THE BOARD IN CERTAIN MATTERS; AMENDING SECTION 31-3505, IDAHO CODE, TO REVISE AND ADD TO THE TIME AND MANNER OF FILING APPLICATIONS; AMENDING SECTION 31-3505A, IDAHO CODE, TO REVISE A CERTAIN DUTY TO COOPERATE AND TO PROVIDE A CERTAIN TIME PERIOD FOR COMPLETION OF A CERTAIN DOCUMENT; AMENDING SECTION 31-3505B, IDAHO CODE, TO REVISE AND ADD TO THE APPROVAL REQUIREMENTS FOR COUNTY COMMISSIONERS; AMENDING SECTION 31-3505C, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3505D, IDAHO CODE, TO PROVIDE FOR AN APPEAL BY A THIRD PARTY APPLICANT OF A CERTAIN INITIAL DETERMINATION; AMENDING SECTION 31-3505G, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE WHO MAY SEEK JUDICIAL REVIEW OF THE FINAL DETERMINATION; AMENDING SECTION 31-3507, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3508, IDAHO CODE, TO REVISE CERTAIN DUTIES OF THE BOARD AND THE COUNTY REGARDING PAYMENT FOR NECESSARY MEDICAL SERVICES AND TO PROVIDE

OPTIONS REGARDING UTILIZATION MANAGEMENT; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3508A, IDAHO CODE, TO PROVIDE FOR PAYMENT FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY; AMENDING SECTION 31-3509, IDAHO CODE, TO PROVIDE CERTAIN DUTIES FOR HOSPITALS, TO REVISE TERMINOLOGY, TO PROVIDE FOR SUBMISSION OR RESUBMISSION OF A BILL TO CERTAIN PERSONS AND TO PROVIDE FOR APPLICATION PURSUANT TO SPECIFIED LAW; AMENDING SECTION 31-3510, IDAHO CODE, TO PROVIDE FOR CERTAIN JOINT SUBROGATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3510A, IDAHO CODE, TO REVISE TO WHOM A CERTAIN REIMBURSEMENT OBLIGATION IS OWED; AMENDING SECTION 31-3511, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A JURISDICTIONAL REQUIREMENT; AMENDING SECTION 31-3517, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR AN EXECUTIVE COMMITTEE, TO PROVIDE FOR CERTAIN PROCEDURAL REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3518, IDAHO CODE, TO PROVIDE REFERENCE TO MATTERS AUTHORIZED BY THE CHAPTER, TO REVISE CERTAIN CONTRACT AUTHORITY OF THE BOARD AND TO PROVIDE FOR CONSULTATION WITH HOSPITALS AND ORGANIZATIONS REPRESENTING HOSPITALS; AMENDING SECTION 31-3519, IDAHO CODE, TO REVISE PROCEDURES AND CRITERIA FOR APPROVAL OF AN APPLICATION FOR FINANCIAL ASSISTANCE, TO REMOVE PROVISIONS REGARDING THE TIMING OF PAYMENT, TO REVISE CONDITIONS UNDER WHICH THERE IS AN OBLIGATION TO PAY A CLAIM, TO PROVIDE FOR BOARD AUTHORITY REGARDING UTILIZATION MANAGEMENT AND FOR PAYMENT BY THE STATE CONTROLLER PURSUANT TO SPECIFIED LAW; AMENDING SECTION 31-3520, IDAHO CODE, TO REMOVE A COUNTY REFERENCE; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3558, IDAHO CODE, TO PROVIDE FOR NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION AND TO PROVIDE FOR RETENTION OF CERTAIN DOCUMENTS; AMENDING SECTION 56-209f, IDAHO CODE, TO PROVIDE REQUIREMENTS AND LIMITATIONS, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-7903, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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. 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 ~~unadjusted medicaid~~ rate of reimbursement as provided in ~~section 31-3502(21)~~ chapter 35, title 31, Idaho Code, 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. The following are county charges:

(1) Charges incurred against the county by virtue of any provision of this title.

(2) 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) 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 unadjusted medicaid rate of reimbursement as provided in ~~section 31-3502(21)~~ chapter 35, title 31, Idaho Code, unless a rate of reimbursement is otherwise established by contract or agreement.

(4) The compensation allowed by law to county officers in criminal proceedings, when not otherwise collectible.

(5) The sum required by law to be paid to grand jurors and indigent witnesses in criminal cases.

(6) The accounts of the coroner of the county, for such services as are not provided to be paid otherwise.

(7) 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) The contingent expenses, necessarily incurred for the use and benefit of the county.

(9) 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 31-3501, Idaho Code, be, and the same is hereby amended to read as follows:

31-3501. DECLARATION OF POLICY. (1) It is the policy of this state that each person, to the maximum extent possible, is responsible for his or her own medical care and to that end, shall be encouraged to purchase his or her own medical insurance with coverage sufficient to prevent them from needing to request assistance pursuant to this chapter. However, in order to safeguard the public health, safety and welfare, and to provide suitable facilities and provisions for the care and hospitalization of persons in this state, and, in the case of medically indigent persons residents, to provide for the payment thereof, the respective counties of this state, and the board and the department shall have the duties and powers as hereinafter provided.

(2) The county medically indigent program and the catastrophic health care cost program are payers of last resort. Therefore, applicants or third party applicants seeking financial assistance under the county medically indigent program and the catastrophic health care cost program shall be subject to the limitations and requirements as set forth herein.

SECTION 4. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Applicant" means any person who is requesting financial assistance under this chapter.

(2) "Application" means an the combined application for financial state and county medical assistance pursuant to sections 31-3504 and 31-3503E, Idaho Code, and the uniform form used for the initial review and the department's medicaid eligibility determination described in section 31-3503C(4), Idaho Code. In this chapter an application for state and county medical assistance shall also mean an application for financial assistance.

(3) "Board" means the board of the catastrophic health care cost program, as established in section 31-3517, Idaho Code.

(4) "Case management" means coordination of services to help meet a patient's health care needs, usually when the patient has a condition that requires multiple services.

(5) "Catastrophic health care costs" means the cost of medically necessary ~~drugs, devices and medical~~ services received by a recipient that, when paid at the then existing reimbursement rate, ~~in aggregate exceeds the total~~ sum of eleven thousand dollars (\$11,000) in the aggregate in any consecutive twelve (12) consecutive month period.

(6) "Clerk" means the clerk of the respective counties or his or her designee.

(7) "Completed application" shall include at a minimum the cover sheet requesting services, applicant information including diagnosis and requests for services and signatures, personal information of the applicant, patient rights and responsibilities, releases and all other signatures required in the application.

(8) "County commissioners" means the board of county commissioners in their respective counties.

(89) "County hospital" means any county approved institution or facility for the care of sick persons.

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

(101) "Dependent" means any person whom a taxpayer could claim as a dependent under the income tax laws of the state of Idaho.

(112) "Emergency service" means a service provided for a medical condition in which sudden, serious and unexpected symptoms of illness or injury are sufficiently severe to necessitate or call for immediate medical care, including, but not limited to, severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent person who possesses an average knowledge of health and medicine, to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part.

(123) "Hospital" means a facility licensed and regulated pursuant to sections 39-1301 through 39-1314, Idaho Code, or an out-of-state hospital providing necessary medical services for residents of Idaho, wherein a reciprocal agreement exists, in accordance with section 31-3503B, Idaho Code, excluding state institutions.

(134) "Medicaid eligibility review" means the process used by the department to determine whether a person meets the criteria for medicaid coverage.

(15) "Medical claim" means the itemized statements and standard forms used by hospitals and providers to satisfy centers for medicare and medicaid services (CMS) claims submission requirements.

(146) "Medical home" means a model of primary and preventive care delivery in which the patient has a continuous relationship with a personal physician in a physician directed medical practice that is whole person oriented and where care is integrated and coordinated.

(157) "Medically indigent" means any person who is in need of necessary medical services and who, if an adult, together with his or her spouse, or whose parents or guardian if a minor, does not have income and other resources available to him from whatever source sufficient to pay for necessary medical services. Nothing in this definition shall prevent the board and the county commissioners from requiring the applicant and obligated persons to reimburse the county and the catastrophic health care costs program, where appropriate, for all or a portion of their medical expenses, when investigation of their application pursuant to this chapter, determines their ability to do so.

(168) A. "Necessary medical services" means health care services and supplies that:

(a) Health care providers, exercising prudent clinical judgment, would provide to a person for the purpose of preventing, evaluating, diagnosing or treating an illness, injury, disease or its symptoms;

(b) Are in accordance with generally accepted standards of medical practice;

(c) Are clinically appropriate, in terms of type, frequency, extent, site and duration and are considered effective for the covered person's illness, injury or disease;

(d) Are not provided primarily for the convenience of the person, physician or other health care provider; and

(e) Are ~~not more costly than an alternative~~ the most cost-effective service or sequence of services or supply supplies, and at least as likely to produce equivalent therapeutic or diagnostic results ~~as to the diagnosis or treatment of~~ for the person's illness, injury or disease.

B. Necessary medical services shall not include the following:

(a) Bone marrow transplants;

(b) Organ transplants;

(c) Elective, cosmetic and/or experimental procedures;

(d) Services related to, or provided by, residential, skilled nursing, assisted living and/or shelter care facilities;

(e) Normal, uncomplicated pregnancies, excluding caesarean section, and childbirth well-baby care;

(f) Medicare copayments and deductibles;

(g) Services provided by, or available to, an applicant from state, federal and local health programs;

(h) Medicaid copayments and deductibles; and

(i) Drugs, devices or procedures primarily utilized for weight reduction and complications directly related to such drugs, devices or procedures.

(179) "Obligated person" means the person or persons who are legally responsible for an applicant.

(1820) "Primary and preventive health care" means the provision of professional health services that include health education and disease prevention, initial assessment of health problems, treatment of acute and chronic health problems and the overall management of an individual's health care services.

(1921) "Provider" means any person, firm, or corporation certified or licensed by the state of Idaho or holding an equivalent license or certification in another state, that provides necessary medical services to a patient requesting a medically indigent status determination or filing an application for financial assistance.

(202) "Recipient" means an individual determined eligible for financial assistance under this chapter.

(213) "Reimbursement rate" means the unadjusted medicaid 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 service is rendered. Beginning July 1, 2011, and sunseting July 1, 2013, "reimbursement rate" shall mean ninety-five percent (95%) of the unadjusted medicaid rate.

(224) "Resident" means a person with a home, house, place of abode, place of habitation, dwelling or place where he or she actually lived for a consecutive period of thirty (30) days or more within the state of Idaho. A resident does not include a person who comes into this state for temporary purposes, including, but not limited to, education, vacation, or seasonal labor. Entry into active military duty shall not change a person's residence for the purposes of this chapter. Those physically present within the following facilities and institutions shall be residents of the county where they were residents prior to entering the facility or institution:

- (a) Correctional facilities;
- (b) Nursing homes or residential or assisted living facilities;
- (c) Other medical facility or institution.

(235) "Resources" means all property, for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest, whether tangible or intangible, real or personal, liquid or nonliquid, or pending, including, but not limited to, all forms of public assistance, crime victims compensation, worker's compensation, veterans benefits, medicaid, medicare, supplemental security income (SSI), third party insurance, other available insurance or apply for section 1011 of the medicare modernization act of 2003, if applicable, and any other property from any source ~~for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest.~~ Resources shall include the ability of an applicant and obligated persons to pay for necessary medical services, excluding any interest charges, over a period of up to five (5) years. For purposes of determining approval for medical indigency only, resources shall not include the value of the homestead on the applicant or obligated person's residence, a burial plot, exemptions for personal property allowed in section 11-605(1) through (3), Idaho Code, and additional exemptions allowed by county resolution.

(246) "Third party applicant" means a person other than an obligated person who completes, signs and files an application on behalf of a patient. A third party applicant who files an application on behalf of a patient pursuant to section 31-3504, Idaho Code, shall, if possible, deliver a copy of the application to the patient within three (3) business days after filing the application.

(27) "Third party insurance" means casualty insurance, disability insurance, health insurance, life insurance, marine and transportation insurance, motor vehicle insurance, property insurance or any other insurance coverage that may pay for a resident's medical bills.

(258) "Utilization management" means the evaluation of medical necessity, appropriateness and efficiency of the use of health care services, procedures and facilities and. "Utilization management" may include, but is not limited to, preadmission certification, the application of practice guidelines, continued stay review, discharge planning, case management, preauthorization of ambulatory procedures, retrospective review and claims review. "Utilization management" may also include the amount to be paid based on the application of the reimbursement rate to those medical services determined to be necessary medical services.

SECTION 5. That Section 31-3503, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law:

(1) Care Pay for and maintain necessary medical services for the medically indigent residents of their counties as provided in this chapter and as approved by the county commissioners at the reimbursement rate up to the total sum of eleven thousand dollars (\$11,000) per claim in the aggregate over a per resident in any consecutive twelve (12) month period with the remainder being paid by the state catastrophic health care cost program or contract for the provision of necessary medical services pursuant to sections 31-351920 and 31-3521, Idaho Code.

(2) Have the right to contract with providers, transfer patients, negotiate provider agreements, conduct utilization management or any portion thereof and all other powers incident to the county's duties created by this chapter.

(3) Cooperate with the department, the board and contractors retained by the department or the board to provide services including, but not limited to, medicaid eligibility review and utilization management on behalf of the counties and the board.

(4) Have the jurisdiction and power to provide county hospitals and public general hospitals for the county and others who are sick, injured, maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer, maintain and improve hospitals, hospital grounds, nurses' homes, shelter care facilities and residential or assisted living facilities as defined in section 39-3301, Idaho Code, superintendent's quarters, medical clinics, as that term is defined in section 39-1319, Idaho Code, medical clinic grounds or any other necessary buildings, and to equip the same, and to replace equipment, and for this purpose said commissioners may levy an additional tax of not to exceed six hundredths percent (.06%) of the market value for assessment purposes on all taxable property within the county. The term "public general hospitals" as used in this subsection shall be construed to include nursing homes.

SECTION 6. That Section 31-3503A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503A. POWERS AND DUTIES OF THE BOARD. The board shall, under such limitations and restrictions as are prescribed by law:

(1) Pay for the cost of necessary medical services for a resident medically indigent person resident, as provided in this chapter, where the cost of necessary medical services when paid at the reimbursement rate for the claim exceeds in aggregate the total sum of eleven thousand dollars (\$11,000) during a in the aggregate per resident in any consecutive twelve (12) month period;

(2) Have the right to negotiate provider agreements, contract for utilization management or any portion thereof and all other powers incident to the board's duties created by this chapter;

(3) Cooperate with the department, respective counties of the state and contractors retained by the department or county commissioners to provide services including, but not limited to, eligibility review and utilization management on behalf of the counties and the board;

(34) Require, as the board deems necessary, annual reports from each county and each hospital and provider including, but not limited to, the following:

- (a) From each county and for each applicant:
- (i) Case number and the date services began;
 - (ii) Age;
 - (iii) Residence;
 - (iv) Sex;

- (v) Diagnosis;
 - (vi) Income;
 - (vii) Family size;
 - (viii) Amount of costs incurred including provider, legal and administrative charges;
 - (ix) Approval or denial; and
 - (x) Reasons for denial.
- (b) From each hospital:
- (i) 990 tax forms or comparable information;
 - (ii) Cost of charges where charitable care was provided; and
 - (iii) Administrative and legal costs incurred in processing claims under this chapter.

(5) Authorize all disbursements from the catastrophic health care cost program in accordance with the provisions of this chapter;

(6) Make and enter into contracts;

(7) Develop and submit a proposed budget setting forth the amount necessary to perform its functions and prepare an annual report;

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

(9) Conduct examinations, investigations, audits and hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter necessary to fulfill its duties.

SECTION 7. That Section 31-3503E, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503E. **MEDICAID ELIGIBILITY DETERMINATION.** The department shall:

(1) Require the hospital to undertake an initial review of a patient upon stabilization to determine whether the patient ~~may be eligible for medicaid or~~ may be medically indigent. If the hospital's initial review determines that the patient ~~eligible for medicaid or~~ may be medically indigent, require that the hospital transmit ~~the initial review~~ a completed combined application for state and county medical assistance and a written request for medicaid eligibility determination to the department any time within thirty-one (31) working days of the completion of the initial review date of admission.

(2) Undertake a determination of possible medicaid eligibility upon receipt from the hospital of the ~~initial review~~ completed combined application for state and county medical assistance and written request for medicaid eligibility determination. The department will use the medicaid eligibility guidelines in place as of the date of submission of the ~~written request~~ completed combined application for state and county medical assistance, apply categorical and financial eligibility requirements and use all sources available to the department to obtain verification in making the determination.

(3) In order to ascertain medicaid eligibility, require the patient or the obligated person to cooperate with the department according to its rules in investigating, providing documentation, submitting to an interview and notifying the department of the receipt of resources after the initial review form has been submitted to the department.

(4) Promptly notify the ~~hospital and clerk~~ patient of potential medicaid eligibility ~~and the basis of possible eligibility.~~

(5) Act on the ~~initial review form~~ completed combined application for state and county medical assistance as an application for medicaid ~~if it appears that the patient may be eligible for medicaid.~~ An application for medicaid shall not be an application for financial assistance pursuant to section 31-3504, Idaho Code. Except as provided in this section, an application for financial assistance shall not be an application for medicaid.

(6) Utilize the verification and cooperation requirement in department rule to complete the eligibility determination.

(7) Notify the patient or the obligated person, the hospital and or the clerk of a denial and the reason therefor ~~if the applicant fails to cooperate, fails to provide documentation necessary to complete the determination or is determined to be categorically or financially ineligible for medicaid.~~ If, based on its medicaid eligibility review, the department determines that the patient is not eligible for medicaid ~~but may be medically indigent,~~ transmit a copy of the initial review completed combined application for state and county medical assistance to the clerk. ~~The transmitted copy of the initial review shall be treated by the clerk as an application for financial assistance pursuant to section 31-3504, Idaho Code.~~ Denial of medicaid eligibility is not a determination of medical indigence.

(8) Make income and resource information obtained from the medicaid eligibility determination process available to the county to assist in determination of medical indigency at the time the department notifies the county of the final medicaid eligibility determination. ~~The initial review form completed combined application for state and county medical assistance shall be deemed consent for providers, the hospital, the department, respective counties and the board to exchange information pertaining to the applicant's health and finances for the purposes of determining medicaid eligibility or medical indigency.~~

SECTION 8. That Section 31-3504, Idaho Code, be, and the same is hereby amended to read as follows:

31-3504. APPLICATION FOR FINANCIAL ASSISTANCE. (1) Except as provided for in section 31-3503E, Idaho Code, an applicant or third party applicant requesting assistance under this chapter shall complete a written application. The truth of the matters contained in the completed application shall be sworn to by the applicant or third party applicant. The completed application shall be deemed consent for the providers, the hospital, the department, respective counties and board to exchange information pertaining to the applicant's health and finances for the purposes of determining medicaid eligibility or medical indigency. The completed application shall be signed by the applicant ~~or on the applicant's behalf~~ or third party applicant, an authorized representative of the applicant, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant and filed in the clerk's office. If the clerk determines that the patient may be eligible for medicaid, within one (1) business day of the filing of the completed application in the clerk's office, the clerk shall transmit a copy of the application and a written request for medicaid eligibility determination to the department.

(a) If, based on its medicaid eligibility review, the department determines that the patient is eligible for medicaid, the department shall act on the application as an application for medicaid.

(b) If, based on its medicaid eligibility review, the department determines that the patient is not eligible for medicaid, the department shall notify the clerk of the denial and the reason therefor, in accordance with section 31-3503E, Idaho Code. Denial of medicaid eligibility is not a determination of medical indigence.

(2) If a third party completed application is filed, the application shall be ~~as complete as practicable and~~ presented in the same form and manner as set forth in subsection (1) of this section.

(3) Follow-up necessary medical services based on a treatment plan, for the same condition, preapproved by the county commissioners, may be provided for a maximum of six (6) months from the date of the original application without requiring an additional application; however, a request for additional treatment not specified in the approved treatment plan shall be filed with the clerk ten (10) days prior to receiving services. Beyond the six (6) months, requests for additional treatment related to an original diagnosis

in accordance with a preapproved treatment plan shall be filed ten (10) days prior to receiving services and an updated application may be requested by the county commissioners.

(4) Upon application for financial assistance pursuant to this chapter an automatic lien shall attach to all real and personal property of the applicant and on insurance benefits to which the applicant may become entitled. The lien shall also attach to any additional resources to which it may legally attach not covered in this section. The lien created by this section may be, in the discretion of the county commissioners and the board, perfected as to real property and fixtures by recording a document entitled: notice of lien and application for financial assistance, in any county recorder's office in this state in which the applicant and obligated person own property, ~~a notice of application for medical indigency benefits on a uniform form agreed to by the Idaho association of counties and the Idaho hospital association, which form.~~ The notice of lien and application for financial assistance shall be recorded as provided herein within thirty (30) days from receipt of an application, and such lien, if so recorded, shall have a priority date as of the date the necessary medical services were provided. The lien created by this section may also be, in the discretion of the county commissioners and the board, perfected as to personal property by filing with the secretary of state within thirty (30) days of receipt of an application, a notice of application in substantially the same manner as a filing under chapter 9, title 28, Idaho Code, except that such notice need not be signed and no fee shall be required, and, if so filed, such lien shall have the priority date as of the date the necessary medical services were provided. An application for assistance pursuant to this chapter shall waive any confidentiality granted by state law to the extent necessary to carry out the intent of this section.

(5) In accordance with rules and procedures promulgated by the ~~department or the board~~, each hospital and provider seeking reimbursement under this chapter shall submit all known billings for necessary medical services provided for each applicant in a standard or uniform format to the ~~department's or the board's~~ contractor for its utilization management review within ten (10) business days of receiving notification that the patient is not eligible for medicaid; provided that, upon a showing of good cause, the time period may be extended. A copy of the results of the reviewed billings shall be transmitted by the ~~department's or the board's~~ contractor to the clerk of the obligated county.

SECTION 9. That Section 31-3505, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505. TIME AND MANNER OF FILING APPLICATIONS AND ~~REQUESTS~~ FOR FINANCIAL ASSISTANCE. Applications and ~~requests~~ for financial assistance shall be filed with the clerk according to the following time limits. Filing is complete upon receipt by the clerk or the department.

(1) An completed application for nonemergency necessary medical services shall be filed with the clerk ten (10) days prior to receiving services from the provider or the hospital.

(2) An completed application for emergency necessary medical services shall be made filed with the clerk any time within thirty-one (31) days beginning with the first day of the provision of necessary medical services from the provider ~~or in the case of hospitalization, thirty-one (31) days beginning with the date of admission, or if a request for medicaid eligibility determination has been denied by the department pursuant to, except as provided in subsection 31-3503E, Idaho Code, within thirty-one (31) days of receiving notice of the denial~~ (3) of this section.

(3) In the case of hospitalization, a completed application for emergency necessary medical services shall be filed with the department any time within thirty-one (31) days of the date of admission.

(4) Requests for additional treatment related to an original diagnosis in accordance with a preapproved treatment plan shall be filed ten (10) days prior to receiving services.

(45) A delayed application for necessary medical services may be filed up to one hundred eighty (180) days beginning with the first day of the provision of necessary medical services provided that:

(a) Written documentation is included with the application or no later than forty-five (45) days after an application has been filed showing that a bona fide application or claim has been filed for social security disability insurance, supplemental security income, third party insurance, medicaid, medicare, crime victim's compensation, and/or worker's compensation. A bona fide application means that:

(i) The application was timely filed within the appropriate agency's application or claim time period; and

(ii) Given the circumstances of the patient and/or obligated persons, the patient and/or obligated persons, and given the information available at the time the application or claim for other resources is filed, would reasonably be expected to meet the eligibility criteria for such resources; and

(iii) The application was filed with the appropriate agency in such a time and manner that, if approved, it would provide for payment coverage of the bills included in the county application; and

(iv) In the discretion of the county commissioners, bills on a delayed application which would not have been covered by a successful application or timely claim to the other resource(s) may be denied by the county commissioners as untimely; and

(v) In the event an application is filed for supplemental security income, an Idaho medicaid application must also have been filed within the department of health and welfare's application or claim time period to provide payment coverage of eligible bills included in the county application.

(b) Failure by the patient and/or obligated persons to complete the application process described in this section, up to and including any reasonable appeal of any denial of benefits, with the applicable program noted in paragraph (a) of this subsection, shall result in denial of the county assistance application.

(6) No application for financial assistance under the county medically indigent program or the catastrophic health care cost program shall be approved by the county commissioners or the board unless the provider or the hospital completes the application process and complies with the time limits prescribed by this section.

(57) Any application or request which fails to meet the provisions of this section, and/or other provisions of this chapter, shall be denied.

(68) In the event that a county determines that a different county is the obligated, such county, shall notify the applicant or third party applicant of the denial and shall also notify the county it believes to be the obligated county and provide the basis for the determination. An application may be filed by the applicant or third party applicant in the other indicated county within thirty (30) days of the date of the initial county denial.

SECTION 10. That Section 31-3505A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505A. INVESTIGATION OF APPLICATION BY THE CLERK. (1) The clerk shall interview the applicant and investigate the information provided on

the application, along with all other required information, in accordance with the procedures established by the county commissioners, the board and this chapter. The clerk shall promptly notify the applicant, or third party filing an application on behalf of an applicant, of any material information missing from the application which, if omitted, may cause the application to be denied for incompleteness. In addition, any provider requesting notification shall be notified at the same time. When necessary, such persons as may be deemed essential, may be compelled by the clerk to give testimony and produce documents and other evidence under oath in order to complete the investigation. The clerk is hereby authorized to issue subpoenas to carry out the intent of this provision and to otherwise compel compliance in accordance with provisions of Idaho law.

(2) The applicant ~~or~~ and third party filing an application on behalf of an applicant to the extent they have knowledge, shall have a duty to cooperate with the clerk in investigating, providing documentation, submitting to an interview and ascertaining eligibility and shall have a continuing duty to notify the obligated county of the receipt of resources after an application has been filed.

(3) The clerk shall have twenty (20) days to complete the investigation of an application for nonemergency necessary medical services.

(4) The clerk shall have forty-five (45) days to complete the investigation of an application for emergency necessary medical utilization management services or a portion thereof.

(5) In the case of follow-up treatment, the clerk shall have ten (10) days to complete an interview on a request for additional treatment to update the financial and other information contained in a previous application for an original diagnosis in accordance with a treatment plan previously approved by the county commissioners.

(6) Upon completion of the interview and investigation of the application or request, a statement of the clerk's findings shall be filed with the county commissioners.

SECTION 11. That Section 31-3505B, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505B. APPROVAL BY THE COUNTY COMMISSIONERS. The county commissioners shall approve an application for financial assistance if it determines that necessary medical services have been or will be provided to a medically indigent person resident in accordance with this chapter; provided, the amount approved when paid, at the reimbursement rate, by the obligated county for any medically indigent resident shall not exceed in aggregate the lesser of:

(1) The total sum of eleven thousand dollars (\$11,000) in the aggregate per applicant for resident in any consecutive twelve (12) month period; or

(2) The reimbursement for services recommended by any or all of the utilization management activities pursuant to section 31-3502, Idaho Code.

SECTION 12. That Section 31-3505C, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505C. INITIAL DECISION BY THE COUNTY COMMISSIONERS. (1) Except as otherwise provided in subsection (2) of this section, the county commissioners shall make an initial determination to approve or deny an application within fifteen (15) days from receipt of the clerk's statement and within five (5) days from receiving the clerk's statement on a request. The initial determination to approve or deny an application shall be mailed to the applicant or the third party making application on behalf of the applicant,

as the case may be, and each provider listed on the application within five (5) days of the initial determination.

(2) The county commissioners shall hold in suspension an initial determination to deny an application, if the sole basis for the denial is that the applicant may be eligible for other forms of public assistance, crime victims compensation, worker's compensation, veterans benefits, medicaid, medicare, supplemental security income, third party insurance or other available insurance. The decision to hold an initial determination to deny an application in suspension shall be mailed to the applicant or the third party making application on behalf of the applicant, as the case may be, and each provider listed on the application within five (5) days of the decision to suspend.

(a) If an applicant is subsequently determined to be eligible for other forms of public assistance, crime victims compensation, worker's compensation, veterans benefits, medicaid, medicare, supplemental security income, third party insurance or other available insurance, the application shall be denied. The applicant or the third party making application on behalf of the applicant, as the case may be, and each provider listed on the application shall be notified within five (5) days of the denial.

(b) If an applicant is subsequently determined not to be eligible for other forms of public assistance, crime victims compensation, worker's compensation, veterans benefits, medicaid, medicare, supplemental security income, third party insurance or other available insurance, the application for financial assistance shall be approved. The applicant or the third party making application on behalf of the applicant, as the case may be, and each provider listed on the application shall be notified within five (5) days of the approval.

(3) If the county commissioners hold in suspension an initial determination to deny an application, any time limitation used in this chapter shall be tolled and not deemed to run during the period of suspension.

SECTION 13. That Section 31-3505D, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505D. APPEAL OF INITIAL DETERMINATION DENYING AN APPLICATION. An applicant ~~or~~, provider or third party applicant may appeal an initial determination of the county commissioners denying an application by filing a written notice of appeal with the county commissioners within twenty-eight (28) days of the date of the denial. If no appeal is filed within the time allowed, the initial determination of the county commissioners denying an application shall become final.

SECTION 14. That Section 31-3505G, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505G. PETITION FOR JUDICIAL REVIEW OF FINAL DETERMINATION. If, after a hearing as provided in section 31-3505E, Idaho Code, the final determination of the county commissioners is to deny an application for financial assistance ~~with necessary medical services~~, the applicant, or a third party making application on an applicant's behalf applicant, may seek judicial review of the final determination of the county commissioners in the manner provided in section 31-1506, Idaho Code.

SECTION 15. That Section 31-3507, Idaho Code, be, and the same is hereby amended to read as follows:

31-3507. TRANSFER OF A MEDICALLY INDIGENT PATIENT. An obligated county or the board shall have the right to have an approved medically indi-

gent person resident transferred to a hospital or facility, in accordance with requirements of the federal emergency medical treatment and active labor act, 42 U.S.C., section 1395dd; provided however, treatment for the necessary medical service must be available at the designated facility, and the county contract physician, or the attending physician if no county contract physician is available, must certify that the transfer of such person would not present a significant risk of further injury. The obligated county, the board, and hospital from which or to which a person is taken or removed as herein provided, as well as the attending physician(s), shall not be liable in any manner whatsoever and shall be immune from suit for any causes of action arising from a transfer performed in accordance with this section. The immunities and freedom from liability granted pursuant to this section shall extend to any person, firm or corporation acting in accordance with this section.

SECTION 16. That Section 31-3508, Idaho Code, be, and the same is hereby amended to read as follows:

31-3508. LIMITATIONS ON PAYMENTS FOR NECESSARY MEDICAL SERVICES. (1) Each hospital and provider seeking reimbursement under the provisions of this chapter shall fully participate in the utilization management program and third party recovery system.

(2) ~~The board and the county responsible for payment of necessary medical services of a medically indigent person shall pay an amount not to exceed the amount recommended by the utilization management program and the current medicaid rate shall determine the amount to be paid based on the application of the appropriate reimbursement rate to those medical services determined to be necessary medical services. The board may use contractors to undertake utilization management review in any part of that analysis.~~ The bill submitted for payment shall show the total provider charges less any amounts which have been received under any other federal or state law. Bills of less than twenty-five dollars (\$25.00) shall not be presented for payment.

SECTION 17. That Chapter 35, 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 31-3508A, Idaho Code, and to read as follows:

31-3508A. PAYMENT FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY. (1) Upon receipt of a final determination by the county commissioners approving an application for financial assistance under the provisions of this chapter, an applicant, or the third party applicant on behalf of the applicant, shall, within sixty (60) days, submit a medical claim pursuant to the procedures provided in chapter 15, title 31, Idaho Code.

(2) Payment shall be made to hospitals or providers on behalf of an applicant and shall be made on the next payment cycle. In no event shall payment be delayed longer than sixty (60) days from receipt of the county claim.

(3) Payment to a hospital or provider pursuant to this chapter shall be payment of the debt in full and the provider or hospital shall not seek additional funds from the applicant.

(4) Within fourteen (14) days after the county payment, the clerk of the obligated county shall forward to the board any application for financial assistance exceeding, at the reimbursement rate, the total sum of eleven thousand dollars (\$11,000) in the aggregate per resident in any consecutive twelve (12) month period. A copy of the clerk's findings, the final decision of the county commissioners and a statement of which costs the clerk has paid shall be forwarded with the application to the board.

SECTION 18. That Section 31-3509, Idaho Code, be, and the same is hereby amended to read as follows:

31-3509. ADMINISTRATIVE OFFSETS AND COLLECTIONS BY HOSPITALS AND PROVIDERS. (1) Providers and hospitals shall accept payment made by an obligated county or the board as payment in full. Providers and hospitals shall not bill an applicant or any other obligated person for services that have been paid by an obligated county or the board pursuant to the provisions of this chapter for any balance on the amount paid.

(2) Hospitals and providers making claims for reimbursement of necessary medical services provided for medically indigent persons residents shall make all reasonable efforts to determine liability and attempt to collect for the account so incurred from all resources prior to submitting the bill to the county commissioners for review. In the event that a hospital or a provider has been notified that a recipient is retrospectively eligible for benefits or that a recipient qualifies for approval of benefits, such hospital(s) or provider(s) shall submit or resubmit a bill to third party insurance, medicaid, medicare, supplemental security income, crime victims compensation and/or, worker's compensation, other insurance and/or other third party sources for payment within thirty (30) days of such notice. A hospital shall apply pursuant to section 1011 of the medicare modernization act of 2003 if funds are available or provide proof that funds are no longer available. In the event any payments are thereafter received for charges which have been paid by a county and/or the board pursuant to the provisions of this chapter, said sums up to the amount actually paid by the county and/or the board shall be paid over to such county and/or board within sixty (60) days of receiving such payment from other resources.

(3) Any amount paid by an obligated county or the board under the provisions of this chapter, which amount is subsequently determined to have been an overpayment, shall be an indebtedness of the hospital or provider due and owing to the obligated county and the board. Such indebtedness may include circumstances where the applicant is subsequently determined to be eligible for third party insurance, medicaid, medicare, supplemental security income, crime victims compensation, worker's compensation, other available insurance or other third party sources.

(4) The obligated county and the board shall have a first lien prorated between such county and the board in proportion to the amount each has paid. The obligated county and the board may request a refund from a hospital or provider in the amount of the overpayment, or after notice, recover such indebtedness by deducting from and setting off the amount of the overpayment to a hospital or provider from any outstanding amount or amounts due and payable to the same hospital or provider pursuant to the provisions of this chapter.

SECTION 19. That Section 31-3510, Idaho Code, be, and the same is hereby amended to read as follows:

31-3510. RIGHT OF SUBROGATION. (1) Upon payment of a claim for necessary medical services pursuant to this chapter, the obligated county and the board making such payment shall become jointly subrogated to all the rights of the hospital and other providers and to all rights of the medically indigent person resident against any third parties who may be the cause of or liable for such necessary medical services. The board may pursue collection of the county's and the board's subrogation interests.

(2) Upon any recovery by the recipient against a third party, the obligated county and the board shall pay or have deducted from their respective subrogated portion thereof, a proportionate share of the costs and attorney's fees incurred by the recipient in obtaining such recovery, provided that such proportionate share shall not exceed twenty-five percent (25%) of the subrogated interest unless one (1) or more of the following circumstances exist:

(a) Otherwise agreed +.

(b) If prior to the date of a written retention agreement between the recipient and an attorney, the obligated county and the board have reached an agreement with the third party, in writing, agreeing to pay in full the county and the board's subrogated interest.

(3) The obligated county and the board shall have joint subrogated interests in proportion to the amount each has paid.

SECTION 20. That Section 31-3510A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3510A. REIMBURSEMENT. (1) Receipt of financial assistance pursuant to this chapter shall obligate an applicant to reimburse the obligated county from which assistance is received and the board 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 board in proportion to the amount each has paid.

(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 catastrophic health care ~~fund~~ cost program shall be credited to the respective county medically indigent fund.

(8) If, after a hearing, the final determination of the county commissioners is to require a reimbursement amount or rate the applicant believes excessive, the applicant may seek judicial review of the final determination of the county commissioners in the manner provided in section 31-1506, Idaho Code.

SECTION 21. That Section 31-3511, Idaho Code, be, and the same is hereby amended to read as follows:

31-3511. VIOLATIONS AND PENALTIES. (1) Any applicant or obligated person who willfully gives false or misleading information to the department, board, a hospital, a county or an agent thereof, or to any individual in order to obtain necessary medical services financial assistance under this chapter as or for a medically indigent person resident, or any person

who obtains ~~necessary medical services~~ financial assistance as a medically indigent person resident who fails to disclose insurance, worker's compensation, resources, or other benefits available to him as payment or reimbursement of such expenses incurred, shall be guilty of a misdemeanor and punishable under the general provisions for punishment of a misdemeanor. In addition, any applicant or obligated person who fails to cooperate with the department, board or a county or makes a material misstatement or material omission to the department in a request for medicaid eligibility determination, pursuant to section 31-3504, Idaho Code, or a county in an application pursuant to this chapter shall be ineligible for nonemergency assistance under this chapter for a period of two (2) years.

(2) ~~Neither the county commissioners nor the board shall not~~ have jurisdiction to hear and shall ~~not~~ approve an completed application for necessary medical services unless an application in the form prescribed by this chapter is received by the clerk or the board in accordance with the provisions of this chapter.

(3) The county commissioners may deny an application if material information required in the application or request is not provided by the applicant or a third party or if the applicant has divested himself or herself of resources within one (1) year prior to filing an application in order to become eligible for assistance pursuant to this chapter. An applicant who is sanctioned by federal or state authorities and loses medical benefits as a result of failing to cooperate with the respective agency or making a material misstatement or material omission to the respective agency shall be ineligible for assistance pursuant to this chapter for the period of such sanction.

(4) If the county commissioners fail to act upon an application within the timelines required under this chapter, the application shall be deemed approved and payment made as provided in this chapter.

(5) An applicant may appeal a decision rendered by the county commissioners pursuant to this section in the manner provided in section 31-1506, Idaho Code.

SECTION 22. That Section 31-3517, Idaho Code, be, and the same is hereby amended to read as follows:

31-3517. ESTABLISHMENT OF A CATASTROPHIC HEALTH CARE COST PROGRAM. (1) The governing board of the catastrophic health care cost program created by the counties pursuant to a joint exercise of powers agreement, dated October 1, 1984, and serving on June 30, 1991, is hereby continued as such through December 31, 1992, to complete the affairs of the board, to continue to pay for those medical costs incurred by participating counties prior to October 1, 1991, until all costs are paid or the moneys in the catastrophic health care cost account contributed by participating counties are exhausted, and to pay the balance of such contributions back to the county of origin in the proportion contributed. County responsibility shall be limited to the first eleven thousand dollars (\$11,000) per claim. The remainder of the eligible costs of the claim shall be paid by the state catastrophic health care cost program.

(2) Commencing October 1, 1991, a catastrophic health care cost program board is hereby established, ~~and the board shall be the administrator of~~ for the purpose of administering the catastrophic health care cost program. This board shall consist of twelve (12) members, with six (6) county commissioners, one (1) from each of the six (6) districts or regions established by the Idaho association of counties, four (4) members of the legislature, with one (1) each being appointed by the president pro tempore of the senate, the leader of the minority party of the senate, the speaker of the house of representatives and the leader of the minority party of the house of representa-

tives, one (1) member appointed by the director of the department of health and welfare, and one (1) member appointed by the governor.

(a) The county commissioner members shall be elected by the county commissioners of the member counties of each district or region, with each board of county commissioners entitled to one (1) vote. The process and procedures for conducting the election and determining the members shall be determined by the board itself, except that the election must be conducted, completed and results certified by December 31 of each year in which an election for members is conducted. The board recognized in subsection (1) of this section shall authorize and conduct the election in 1991.

(b) The term of office of a member shall be two (2) years, commencing on January 1 next following election or appointment, except that for commissioner members elected in 1991, the commissioner members from districts or regions 1, 3 and 5 shall serve for a term of one (1) year, and the commissioner members from districts or regions 2, 4 and 6 shall serve for a term of two (2) years. Members may be reelected or reappointed. Election or appointment to fill vacancies shall be for the balance of the unexpired term.

(c) The board shall have an executive committee consisting of the chair, vice-chair, secretary and such other members of the board as determined by the board. The executive committee may exercise such authority as may be delegated to it by the board between meetings.

(d) The member appointed by the governor shall be reimbursed as provided in section 59-509(b), Idaho Code, from the catastrophic health care cost account.

(3) The board shall meet at least once each year at the time and place fixed by the chair. Other necessary meetings may be called by the chair by giving notice as may be required by state statute or rule. Notice of all meetings shall be given in the manner prescribed by law.

(4) Except as may otherwise be provided, a majority of the board constitutes a quorum for all purposes and the majority vote of the members voting shall constitute the action of the board. The secretary of the board shall take and maintain the minutes of board proceedings. Meetings shall be open and public except the board may meet in closed session to prepare, approve and administer applications submitted to the board for approval by the respective counties.

(d5) At the first meeting of the board in January of each year, the board shall organize by electing a chair, a vice-chair, a secretary and such other officers as desired.

(36) The legislative council shall cause a full and complete audit of the financial statements of the catastrophic health care cost program as required in section 67-702, Idaho Code.

(47) The board shall submit a request to the governor and the legislature in accordance with the provisions of chapter 35, title 67, Idaho Code, for an appropriation for the maintenance and operation of the catastrophic health care cost program.

SECTION 23. That Section 31-3518, Idaho Code, be, and the same is hereby amended to read as follows:

31-3518. ADMINISTRATIVE RESPONSIBILITY. (1) The board shall, in order to facilitate payment to providers participating in the county medically indigent program and the catastrophic health care cost program, have on file the reimbursement rates allowed for all participating providers of medical care and authorized by this chapter. However, in no event shall the amount to be paid exceed the usual, reasonable, and customary charges for the area.

(2) The board may contract with an independent contractors to provide services to manage and operate the catastrophic health care cost program,

or the board may ~~employ staff~~ contract for or appoint agents, employees, professional personnel and any other personnel to manage and operate the catastrophic health care cost program.

(3) The board shall develop rules for a the catastrophic health care cost program after consulting with the counties, organizations representing the counties, health care providers, hospitals and organizations representing health care providers and hospitals.

(4) The board shall submit all proposed rules to the legislative council for review prior to adoption, in a manner substantially the same as proposed executive agency rules are reviewed under chapter 52, title 67, Idaho Code. Following adoption, the board shall submit all adopted rules to the legislature for review in a manner substantially the same as adopted executive agency rules are reviewed under chapter 52, title 67, Idaho Code. The legislature, by concurrent resolution, may modify, amend, or repeal any rule of the board.

SECTION 24. That Section 31-3519, Idaho Code, be, and the same is hereby amended to read as follows:

31-3519. APPROVAL AND PAYMENT FOR SERVICES BY THE BOARD. Each board of county commissioners shall make payments to hospitals or providers for necessary medical services provided to the medically indigent as follows: (1) Upon receipt of the clerk's statement, a final determination by of the county commissioners approving and the completed application, the board shall approve an application for financial assistance under the provisions of this chapter, an applicant, a hospital or provider, or the third party on behalf of the applicant, shall, within sixty (60) days, submit a county claim pursuant to the procedures provided in chapter 15, title 31, Idaho Code the catastrophic health care cost program if it determines that:

(a) Necessary medical services have been provided for a medically indigent resident in accordance with this chapter;

(b) The obligated county paid the first eleven thousand dollars (\$11,000) of necessary medical services; and

(c) The cost of necessary medical services when paid at the reimbursement rate exceeds the total sum of eleven thousand dollars (\$11,000) in the aggregate per resident in any consecutive twelve (12) month period.

(2) ~~Payment shall be made to hospitals or providers on behalf of an applicant and shall be made on the next payment cycle. In no event shall payment be delayed longer than sixty (60) days from receipt of the county claim.~~

~~(3) Payment to a hospital or provider pursuant to this chapter shall be payment of the debt in full and the hospital or provider shall not seek additional funds from the applicant.~~

~~(4) In no event shall a county the board be obligated to pay a claim, pursuant to this chapter, in excess of an amount which exceeds the reviewed claim as determined by the department's utilization management program based on the application of the appropriate reimbursement rate to those medical services determined to be necessary medical services. The board may use contractors to undertake utilization management review in any part of that analysis.~~

~~(5) The clerk shall forward claims exceeding eleven thousand dollars (\$11,000) per recipient in a consecutive twelve (12) month period to the board within fourteen (14) days after approval of an application along with a statement of which costs the clerk has or intends to pay.~~

~~(6) The board shall, within forty-five (45) days after approval by the board, submit the claim to the state controller for payment. Payment by the state controller shall be made pursuant to section 67-2302, Idaho Code.~~

SECTION 25. That Section 31-3520, Idaho Code, be, and the same is hereby amended to read as follows:

31-3520. CONTRACT FOR PROVISION OF NECESSARY MEDICAL SERVICES FOR THE MEDICALLY INDIGENT. The county commissioners in their respective counties, may contract for the provision of necessary medical services to the medically indigent ~~of the county~~ and may, by ordinance, limit the provision of and payment for nonemergency necessary medical services to a contract provider. They shall require the contractor to enter into a bond to the county with two (2) or more approved sureties, in such sum as the county commissioners may fix, conditioned for the faithful performance of his duties and obligations as such contractor, and require him to report to the county commissioners quarterly all persons committed to his charge, showing the expense attendant upon their care and maintenance.

SECTION 26. That Chapter 35, 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 31-3558, Idaho Code, and to read as follows:

31-3558. NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION. Personal identifying information about a particular utilization management reviewer or practitioner engaged by the department or the board shall not be disclosed without the prior written authorization of the reviewer or practitioner. Notwithstanding this nondisclosure of personal identifying information, redacted copies of all reports and recommendations of the department's or the board's utilization management reviewers or practitioners shall be maintained in the official record of the respective county commissioners and the board as described in chapter 52, title 67, Idaho Code, and chapter 15, title 31, Idaho Code.

SECTION 27. That Section 56-209f, Idaho Code, be, and the same is hereby amended to read as follows:

56-209f. STATE MEDICAL FINANCIAL ASSISTANCE PROGRAM FOR MEDICALLY INDIGENT RESIDENTS. ~~(1)~~ Beginning October 1, 1991, subject to the requirements and limitations of chapter 35, title 31, Idaho Code, the state shall fund the catastrophic health care cost program from the catastrophic health care cost account which shall provide financial assistance to medically indigent persons residents who are not eligible under the state plan for medicaid under title XIX of the social security act or medicare under title XVIII of that act, as amended.

SECTION 28. That Section 67-7903, Idaho Code, be, and the same is hereby amended to read as follows:

67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORTING. (1) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, each agency or political subdivision of this state shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.

(2) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

(3) Verification of lawful presence in the United States shall not be required:

(a) For any purpose for which lawful presence in the United States is not required by law, ordinance or rule;

(b) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

(c) For short-term, noncash, in-kind emergency disaster relief;

(d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(e) For programs, services or assistance, such as soup kitchens, crisis counseling and intervention and short-term shelter specified by federal law or regulation that:

(i) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

(ii) Do not condition the provision of assistance, the amount of assistance provided or the cost of assistance provided on the individual recipient's income or resources; and

(iii) Are necessary for the protection of life or public safety;

(f) For prenatal care;

(g) For postnatal care not to exceed twelve (12) months; or

(h) For food assistance for a dependent child under eighteen (18) years of age.

Notwithstanding the provisions of this subsection (3), for the county indigent program, the limitations contained in section 31-3502(168)B., Idaho Code, shall apply.

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen (18) years of age or older for federal public benefits or state or local public benefits by:

(a) Employing electronic means to verify an applicant is legally present in the United States; or

(b) Requiring the applicant to provide:

(i) An Idaho driver's license or an Idaho identification card issued pursuant to section 49-2444, Idaho Code;

(ii) A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual that the director of the department of health and welfare or, with regard to unemployment compensation benefits, the director of the department of labor finds, by rule, sufficient for purposes of this section;

(iii) A United States military card or a military dependent's identification card;

(iv) A United States coast guard merchant mariner card;

(v) A native American tribal document;

(vi) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, granting asylee status;

(vii) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, indicating that the individual may lawfully remain in the United States;

(viii) Any United States citizenship and immigration service issued document showing refugee or asylee status or that the individual may lawfully remain in the United States;

(ix) Any department of state or customs and border protection issued document showing the individual has been permitted entry into the United States on the basis of refugee or asylee status, or on any other basis that permits the individual to lawfully enter and remain in the United States; or

(x) A valid United States passport; and

(c) Requiring the applicant to provide a valid social security number that has been assigned to the applicant; and

(d) Requiring the applicant to attest, under penalty of perjury and on a form designated or established by the agency or the political subdivision, that:

(i) The applicant is a United States citizen or legal permanent resident; or

(ii) The applicant is otherwise lawfully present in the United States pursuant to federal law.

(5) Notwithstanding the requirements of subsection (4) (b) of this section, the agency or political subdivision may establish by appropriate legal procedure such rules or regulations to ensure that certain individuals lawfully present in the United States receive authorized benefits including, but not limited to, homeless state citizens.

(6) For an applicant who has attested pursuant to subsection (4) (d) of this section stating that the applicant is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, which may be referred to as the "SAVE" program, operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the attestation may be presumed to be proof of lawful presence for purposes of this section.

(a) Errors and significant delays by the SAVE program shall be reported to the United States department of homeland security to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of this state.

(b) Agencies or political subdivisions may adopt variations of the requirements of subsection (4) (d) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state; except that the variations shall be no less stringent than the requirements of subsection (4) (d) of this section.

(c) A person who knowingly makes a false, fictitious or fraudulent statement or representation in an attestation executed pursuant to subsection (4) (d) or (6) (b) of this section shall be guilty of a misdemeanor.

(7) An agency or political subdivision may accept as prima facie evidence of an applicant's lawful presence in the United States the information required in subsection (4) of this section, as may be modified by subsection (5) of this section, when issuing a professional license or a commercial license.

Approved April 11, 2011.

CHAPTER 292
(H.B. No. 323)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON STATE EMPLOYEE HEALTH INSURANCE BENEFITS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2011; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2012; PROVIDING LEGISLATIVE INTENT RELATING TO THE IDAHO EDUCATION NETWORK; 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 3, Chapter 358, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the Department of Administration for Information Technology from the Idaho Education Network Fund to be expended for the designated expense classes for the period July 1, 2010, through June 30, 2011:

FOR:

Operating Expenditures	\$1,221,200
Capital Outlay	<u>643,800</u>
TOTAL	\$1,865,000

SECTION 2. There is hereby appropriated to the Department of Administration, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIRECTOR'S OFFICE:				
FROM:				
General				
Fund	\$140,300	\$47,500		\$187,800
Indirect Cost Recovery				
Fund	488,200	240,100		728,300
Administration and Accounting Services				
Fund	25,200			25,200
Industrial Special Indemnity				
Fund	<u>147,500</u>	<u>107,200</u>		<u>254,700</u>
TOTAL	\$801,200	\$394,800		\$1,196,000
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code				
Fund	\$201,000	\$310,900		\$511,900
III. INFORMATION TECHNOLOGY RESOURCE MGMT COUNCIL:				
FROM:				
General				
Fund	\$66,800	\$9,500		\$76,300
Administration and Accounting Services				
Fund	<u>408,700</u>	<u>137,500</u>		<u>546,200</u>
TOTAL	\$475,500	\$147,000		\$622,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. INFORMATION TECHNOLOGY:				
FROM:				
General				
Fund	\$549,700	\$430,800		\$980,500
Idaho Education Network				
Fund	354,400	2,055,400	\$590,200	3,000,000
Indirect Cost Recovery				
Fund	422,400	42,700	7,500	472,600
Administration and Accounting Services				
Fund	<u>388,500</u>	<u>375,000</u>	<u>0</u>	<u>763,500</u>
TOTAL	\$1,715,000	\$2,903,900	\$597,700	\$5,216,600
V. PUBLIC WORKS:				
FROM:				
General				
Fund		\$293,100		\$293,100
Permanent Building				
Fund	\$1,688,600	669,500	\$104,000	2,462,100
Administration and Accounting Services				
Fund	<u>1,493,700</u>	<u>4,364,500</u>	<u>0</u>	<u>5,858,200</u>
TOTAL	\$3,182,300	\$5,327,100	\$104,000	\$8,613,400
VI. PURCHASING:				
FROM:				
General				
Fund	\$660,400			\$660,400
Administration and Accounting Services				
Fund	860,000	\$1,161,500	\$280,000	2,301,500
Federal Surplus Property Revolving				
Fund	<u>109,900</u>	<u>156,900</u>	<u>0</u>	<u>266,800</u>
TOTAL	\$1,630,300	\$1,318,400	\$280,000	\$3,228,700
VII. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$262,400	\$431,100		\$693,500
Retained Risk				
Fund	<u>396,900</u>	<u>177,500</u>		<u>574,400</u>
TOTAL	\$659,300	\$608,600		\$1,267,900
VIII. BOND PAYMENTS:				
FROM:				
General				
Fund		\$2,687,400	\$1,680,200	\$4,367,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Permanent Building				
Fund		9,073,200	18,288,200	27,361,400
Administration and Accounting Services				
Fund		<u>422,200</u>	<u>229,000</u>	<u>651,200</u>
TOTAL		\$12,182,800	\$20,197,400	\$32,380,200
GRAND TOTAL	\$8,664,600	\$23,193,500	\$21,179,100	\$53,037,200

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred fifty and seventy-five hundredths (150.75) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the director of the Department of Administration, in accordance with Section 67-5761, Idaho Code, negotiate with sureties a contract with an insurance provider for fiscal year 2012, wherein such contract provides the same total health benefit to the extent possible for eligible state employees, that was in place for fiscal year 2011 and took effect on June 11, 2010. No change in health insurance benefits shall be permitted until proposed rules outlining the minimum employee group insurance benefit plan design are adopted by the Idaho Legislature.

Furthermore, the director of the Department of Administration shall maintain grandfathered status from the federal Patient Protection and Affordable Care Act (PPACA) for fiscal year 2012. The director of the Department of Administration may submit a proposal during the Second Regular Session of the Sixty-first Idaho Legislature, for their approval, if the director determines that complying with the federal PPACA is more cost-effective than retaining grandfathered status. The director shall present a proposal to the Legislature that includes the following information:

- (1) A cost analysis that details changes for complying with the federal PPACA versus retaining grandfathered status;
- (2) A list of proposed benefit changes to the employee group insurance benefit package, compared to the current benefits, that would be implemented if the Legislature were to adopt removing grandfathered status; and
- (3) Proposed rules outlining the minimum employee group insurance benefit plan design that would be adopted by the Idaho Legislature with the removal of grandfathered status.

The state has generated excess reserves in the Group Insurance Fund. The director of the Department of Administration shall use these reserves in fiscal year 2012, for two (2) premium holidays for agencies that paid their full allocated costs in fiscal year 2011; two (2) premium holidays for the employees; and shall absorb premium costs greater than those appropriated and/or allocated to the extent available within the total Health Insurance Reserve Fund.

For the purposes of this intent language, the state of Idaho Group Health Insurance Plan means an insurance plan that provides coverage for medical, vision and dental claims.

SECTION 5. There is hereby appropriated and the State Controller shall transfer \$1,343,650 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2011, or as soon thereafter as practicable for the period for statewide elected officials' rent.

SECTION 6. There is hereby appropriated and the State Controller shall transfer \$1,343,650 from the Permanent Building Fund to the Administrative and Accounting Services Fund on January 1, 2012, or as soon thereafter as practicable for the period for statewide elected officials' rent.

SECTION 7. The Legislature strongly supports the benefits of a statewide high bandwidth education network. It is the intent of the Legislature that the Idaho Education Network Program and Resources Advisory Council (IPRAC) shall implement a contract monitoring procedure using the expertise of the IPRAC technical subcommittee. The Legislature also intends that IPRAC shall provide quarterly reports to the members of the Joint Finance-Appropriations Committee and the members of the Education Committees of the Senate and the House of Representatives. Quarterly reports shall include the following: budgeted and actual expenditures of the Idaho Education Network (IEN); changes to the IEN business plan; a list of public schools, institutions, and/or state agencies that have been connected to the IEN; a description of the connection technology, bandwidth provided, and the carrier company providing the IEN services to such public schools, institutions, and/or state agencies; and the IEN training opportunities offered to public schools. The IPRAC quarterly reports may also include verbal or written testimony received from recipients of the IEN services.

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

Approved April 11, 2011.

CHAPTER 293
(H.B. No. 329)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FROM THE IDAHO MILLENNIUM FUND AND DIRECTING A TRANSFER TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2011; PROVIDING LEGISLATIVE INTENT TO REVERT MONEYS TO THE IDAHO MILLENNIUM FUND FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FROM THE GENERAL FUND AND DIRECTING A TRANSFER FOR FISCAL YEAR 2012; PROVIDING LEGISLATIVE INTENT TO REVERT MONEYS TO THE GENERAL FUND FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FROM THE IDAHO MILLENNIUM FUND AND DIRECTING A TRANSFER; PROVIDING LEGISLATIVE INTENT TO REVERT MONEYS TO THE IDAHO MILLENNIUM FUND FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 324, Laws of 2010, and any other appropriation provided for in law, there is hereby appropriated to the Catastrophic Health Care Program \$4,325,000 from the Idaho Millennium Fund to be transferred to the Catastrophic Health Care Fund, for the period July 1, 2010, through June 30, 2011.

SECTION 2. LEGISLATIVE INTENT. Notwithstanding any other provision of law to the contrary, on June 30, 2011, any remaining unexpended and unencumbered moneys appropriated in Section 1 of this act shall revert to the Idaho Millennium Fund. The State Controller shall transfer said reverted moneys from the Catastrophic Health Care Fund to the Idaho Millennium Fund.

SECTION 3. There is hereby appropriated to the Catastrophic Health Care Program \$19,267,700 from the General Fund to be transferred to the Catastrophic Health Care Fund, for the period July 1, 2011, through June 30, 2012.

SECTION 4. LEGISLATIVE INTENT. Notwithstanding any other provision of law to the contrary, on June 30, 2012, any remaining unexpended and unencumbered moneys appropriated in Section 3 of this act shall revert to the General Fund. The State Controller shall transfer said reverted moneys from the Catastrophic Health Care Fund to the General Fund.

SECTION 5. There is hereby appropriated to the Catastrophic Health Care Program \$3,000,000 from the Idaho Millennium Fund to be transferred to the Catastrophic Health Care Fund, for the period July 1, 2011, through June 30, 2012.

SECTION 6. LEGISLATIVE INTENT. Notwithstanding any other provision of law to the contrary, on June 30, 2012, any remaining unexpended and unencumbered moneys appropriated in Section 5 of this act shall revert to the Idaho Millennium Fund. The State Controller shall transfer said reverted moneys from the Catastrophic Health Care Fund to the Idaho Millennium Fund.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 11, 2011.

CHAPTER 294
(H.B. No. 330)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2012; 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 4, Chapter 325, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the State Independent Living Council, the following amounts to be expended from the listed funds for the period July 1, 2010, through June 30, 2011:

FROM:	
State Independent Living Council (Ded) Fund	\$56,400
State Independent Living Council (Fed) Fund	<u>30,000</u>
TOTAL	\$86,400

SECTION 2. There is hereby appropriated to the State Independent Living Council, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

State Independent Living Council (Gen) Fund	\$96,900
State Independent Living Council (Ded) Fund	182,500
State Independent Living Council (Fed) Fund	<u>468,600</u>
TOTAL	\$748,000

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

Approved April 11, 2011.

CHAPTER 295
(H.B. No. 335)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-513, IDAHO CODE, AS AMENDED IN SECTION 1 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE EXPENDITURE OR DISTRIBUTION OF CERTAIN MONEYS FOR CERTAIN TEACHER SALARIES AND TO REVISE PROVISIONS RELATING TO THE DELEGATION OF CERTAIN AUTHORITY; AMENDING SECTION 33-515, IDAHO CODE, AS AMENDED IN SECTION 4 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO CERTAIN PROVISIONS IN ANY MASTER AGREEMENT OR NEGOTIATED CONTRACT AND TO REVISE PROVISIONS RELATING TO A PERIOD OF PROBATION; AMENDING SECTION 33-515A, IDAHO CODE, AS AMENDED IN SECTION 5 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO CERTAIN SUPPLEMENTAL CONTRACTS; AMENDING SECTION 33-1003, IDAHO CODE, AS AMENDED IN SECTION 12 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM BY PROVIDING PROVISIONS RELATING TO A DECREASE IN AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1272, IDAHO CODE, AS AMENDED IN SECTION 17 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE A DEFINITION; AMENDING SECTION 33-1273, IDAHO CODE, AS AMENDED IN SECTION 18 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE SELECTION AND DESIGNATION OF THE LOCAL EDUCATION ORGANIZATION FOR CERTAIN EMPLOYEES; AMENDING SECTION 33-1274, IDAHO CODE, AS AMENDED IN SECTION 20 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO MEDIATION AND ESTABLISHING COMPENSATION; AMENDING SECTION 33-1274A, IDAHO CODE, AS ADDED BY SECTION 21 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO CERTAIN PARTIES FAILING TO RATIFY AND APPROVE AN AGREEMENT; AMENDING SECTION 33-1275, IDAHO CODE, AS AMENDED IN SECTION 22 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE TERMS OF CERTAIN AGREEMENTS OR CONTRACTS; AMENDING SECTION 26 OF

SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE DECLARATION OF AN EMERGENCY AND EFFECTIVE DATES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-513, Idaho Code, as amended in Section 1 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district including any specially chartered district shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state superintendent of public instruction, conditioned upon the provisions of section 33-523, Idaho Code, and a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state superintendent of public instruction shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has delivered a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the date the contract is delivered, in which to sign the contract and return it to the board. If the board of trustees does not make a determination as to how long the person has to sign and return the contract, the default time limit shall be twenty-one (21) days after it is delivered to the person. Delivery of a contract may be made only in person or by certified mail, return receipt requested. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made by certified mail, delivery must be acknowledged by the return of the certified mail receipt from the person to whom the contract was sent. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the board in the designated period of time, or if no designated period of time is set by the board, the default time, the board may declare the position vacant.

(a) The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. No teacher whose salary is withheld pursuant to this provision shall have the right to any amounts owed, notwithstanding the provisions of the Idaho wage claims act or any other provision of law. Provided however, that following a determination by the board that a teacher does not hold a teaching certificate valid in this state, no moneys shall be expended or distributed by the state department of education or other appropriate entity to the district for the salary of such teacher.

(b) The board of trustees shall not contract to require any teacher to make up time spent in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers' association.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to

act as its authorized representative. The board of trustees shall conduct an annual, written formal evaluation of the work of the superintendent of the district. The evaluation shall indicate the strengths and weaknesses of the superintendent's job performance in the year immediately preceding the evaluation and areas where improvement in the superintendent's job performance, in the view of the board of trustees, is called for. For all evaluations conducted after June 30, 2012, at least fifty percent (50%) of the evaluation shall be based on objective measure(s) of growth in student achievement, as determined by the board of trustees.

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. To employ assistant superintendents, directors, principals and other district administrative employees for a term not to exceed two (2) years. A teacher holding renewable contract status in Idaho pursuant to section 33-515, Idaho Code, immediately previous to such administrative employment shall retain such eligibility. The superintendent, the superintendent's designee, or in a school district that does not employ a superintendent, the board of trustees, shall conduct an annual, written evaluation of each such employee's performance. For all evaluations conducted after June 30, 2012, at least fifty percent (50%) of the evaluation shall be based on objective measure(s) of growth in student achievement, as determined by the board of trustees. In addition, input from the parents and guardians of students shall be considered as a factor in the evaluation of principals and any other school-based administrative employees' evaluation.

5. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for a material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. Any certificated professional employee, except the superintendent, may be discharged during a contract term under the following procedures:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any certificated employee by filing with the board of trustees written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board, acting through their duly authorized administrative official, shall give the affected employee written notice of the allegations and the recommendation of discharge, along with written notice of a hearing before the board prior to any determination by the board of the truth of the allegations.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than twenty-one (21) days after receipt of the notice by the employee. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be public unless the employee requests in writing that it be in executive session.

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

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

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

(h) The board shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype

notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board upon request of the employee.

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

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

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

(l) Within fifteen (15) days following the close of the hearing, the board shall determine and, acting through their duly authorized administrative official, shall notify the employee in writing whether the evidence presented at the hearing established the truth of the allegations and whether the employee is to be retained, immediately discharged, or discharged upon termination of the current contract.

(m) If the employee appeals the decision of the board of trustees to the district court, the district court may affirm the board's decision or set it aside and remand the matter to the board of trustees upon the following grounds, and shall not set the same aside for any other grounds:

(i) That the findings of fact are not based on any substantial, competent evidence;

(ii) That the board of trustees has acted without jurisdiction or in excess of its authority;

(iii) That the findings by the board of trustees as a matter of law do not support the decision.

(n) The determination of the board of trustees shall be affirmed unless the employee's substantial rights, as that term is used in section 67-5279, Idaho Code, are violated.

6. The board of trustees has the authority to grant any employee's request for a leave of absence. The board may also delegate this authority to the district superintendent or any other individual so designated by the board. If the board delegates this authority to the district superintendent or any other individual, the board shall ratify or nullify the action regarding the request for a leave of absence at the next regularly scheduled board meeting or at a special board meeting should the next regularly scheduled board meeting not be within a period of twenty-one (21) days from the date of such action.

7. The board of trustees has the authority to delegate its authority to the district superintendent or any other individual so designated by the board. If the board delegates this authority to the district superintendent or any other individual, the board shall ratify or nullify the action of placing an employee on a period of suspension, or involuntary leave of absence at the next regularly scheduled board meeting or at a special board meeting should the next regularly scheduled board meeting not be within a period of twenty-one (21) days from the date of such action.

(a) Should an employee of the district be in a position where there is a court order preventing the employee from being in the presence of minors or students, the district may place such an employee on a period of unpaid leave of absence or probation due to the employee's inability to perform the essential functions of the employee's position.

SECTION 2. That Section 33-515, Idaho Code, as amended in Section 4 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) It is the intent of the legislature that after January 31, 2011, no new employment contract between a school district and a certificated employee shall result in the vesting of tenure, continued expectations of employment or property rights in an employment relationship. Therefore, no board of trustees shall have the authority to enter into any renewable contract with any certificated or other employee hired by such district, except as specifically addressed by this section and section 33-514(3), Idaho Code. For any certificated employees already holding renewable contract status with a district as of January 31, 2011, the provisions of this section shall apply.

(2) At least once annually, the performance of each certificated employee employed pursuant to a grandfathered renewable contract shall be evaluated according to criteria and procedures established by the board of trustees in accordance with section 33-514(4), Idaho Code, and general guidelines approved by the state board of education. Except as otherwise provided, the employee employed pursuant to a grandfathered renewable contract shall have the right to the continued automatic renewal of that employee's employment contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the twentieth day of July. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a grandfathered renewable contract of the requirement that such person must give the notice hereinabove and that failure to do so may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the first day of July, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by this section. These deadlines may not be altered by contract, including any currently existing or future negotiated agreement or master contract entered into pursuant to the professional negotiations act, sections 33-1271 through 33-1276, Idaho Code. ~~Should any existing negotiated agreement or master contract contain such a provision as of January 31, 2011, such provision is declared to be null and void and of no force and effect as of January 31, 2011.~~ Should any master agreement or negotiated contract contain a provision which conflicts with provisions of title 33, Idaho Code, such provision in the master agreement or negotiated contract is hereby declared to be null and void and of no force and effect as of January 31, 2011.

(3) Any contract automatically renewed under the provisions of this section may be renewed for a shorter term, longer term or the same length of term as the length of term stated in the current contract, and at a greater, lesser or equal salary to that stated in the current contract.

(4) Should the board of trustees determine to reassign an administrative employee who, prior to being employed as an administrative employee was employed pursuant to a renewable contract to a nonadministrative position, the board of trustees, at its discretion, shall employ such nonadministrative employee pursuant to a grandfathered renewable contract. Such contract shall be deemed to have continued in place as if the nonadministrative employee was employed by the district pursuant to a renewable contract since January 31, 2011. Such grandfathered renewable contract is subject to the provisions of this section.

(a) If the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee which contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the board of trustees.

(b) Nothing in this section shall prevent the board of trustees from offering a grandfathered renewable contract increasing the salary of any certificated person who is eligible to receive such a contract.

(5) Before a board of trustees can determine not to renew for the unsatisfactory performance of any certificated person who holds a grandfathered renewable contract, such person shall be entitled to a defined period of probation lasting at least six (6) instructional weeks as established by the board, following an observation, evaluation or partial evaluation. This period of probation shall be preceded by a written notice from the board of trustees or its designee with reasons for such probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's grandfathered renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 67-2345, Idaho Code, and the consideration and decision to place an employee on probation may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

(6) If the board of trustees takes action to immediately discharge or discharge upon termination of the current contract a certificated person whose contract would otherwise be automatically renewed, the action of the board shall be consistent with the procedures specified in section 33-513(5), Idaho Code, unless the decision to discharge upon termination has been made as part of a reduction in force, or the decision to immediately discharge has been made pursuant to section 33-515B, Idaho Code.

(7) If the board of trustees determines to change the length of the term stated in the current contract or reduce the salary of a certificated person whose contract is being automatically renewed, nothing herein shall require any due process proceedings or probationary period.

(8) If the board of trustees, for reason of a reduction in force, for the ensuing contract year determines not to renew the grandfathered renewable contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require any probationary period.

SECTION 3. That Section 33-515A, Idaho Code, as amended in Section 5 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-515A. SUPPLEMENTAL CONTRACTS. (1) In addition to the provisions of sections 33-514 and 33-515, Idaho Code, a board of trustees may enter into supplemental contracts to provide extra duty assignments for certificated employees. An extra duty assignment is, and supplemental contracts may be used for, an assignment which is not part of a certificated employee's regular teaching duties. Any such supplemental extra duty contract shall be separate and apart from a category A, B or a grandfathered renewable contract, and no property rights shall attach to a supplemental extra duty contract. The supplemental extra duty contract shall be in a form approved by the state superintendent of public instruction.

(2) In addition to the provisions of sections 33-514 and 33-515, Idaho Code, a board of trustees may enter into supplemental contracts to provide extra day assignments for certificated employees. An extra day assignment is an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of the district. Such additional days may or may not be in service of the same activities of the employee's regular teaching duties. Any supplemental contract providing extra day assignments entered into by a board of trustees pursuant to this subsection (2) shall provide the same rights to due process and procedures

related thereto, as provided by the underlying contract to which the supplemental contract is added. For purposes of this section the term "underlying contract" shall mean either a category A contract or a category B contract or a grandfathered renewable contract. Any such contract shall be separate and apart from a category A, B or a grandfathered renewable contract and no property rights shall attach to a supplemental extra day contract. The supplemental extra day contract shall be in a form approved by the state superintendent of public instruction.

SECTION 4. That Section 33-1003, Idaho Code, as amended in Section 12 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. Decrease in Average Daily Attendance. -- From the effective date of this act through June 30, 2011, any school district that has a decrease in total average daily attendance of one percent (1%) of its average daily attendance in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program may be based on the average daily attendance of the school year immediately preceding, less one percent (1%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.

(1) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

(b) Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of the school as a separate attendance unit and the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils. An elementary school operating as a previously approved hardship elementary school shall continue to be considered as a separate attendance unit, unless the hardship status of the elementary school is rescinded by the state board of education.

(c) Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

(d) Elementary/Secondary School Attendance Units. -- Elementary grades in an elementary/secondary school will be funded as a separate attendance unit if all elementary grades served are situated more than ten (10) miles distance from both the nearest like elementary grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools. Secondary grades in an elementary/secondary school will be funded as a separate attendance unit if all secondary grades served are located more than fifteen (15) miles by

an all-weather road from the nearest like secondary grades operated by the district.

(e) Hardship Secondary School. -- Any district which operated two (2) secondary schools separated by less than fifteen (15) miles, but which district was created through consolidation subsequent to legislative action pursuant to chapter 111, laws of 1947, and which school buildings were constructed prior to 1935, shall be entitled to count the schools as separate attendance units.

(f) Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

(2) Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

(3) Support Program When District Boundaries are Changed.

(a) In new districts formed by the division of a district, the support program computed for the district, divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

(b) When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in paragraph (a) of this subsection.

(c) In new districts formed by consolidation of former districts after January 1, 2007, the support program allowance, for a seven (7) year period following the formation of the new district, shall not be less than the combined support program allowances of the component districts in the last year of operation before consolidation. After the expiration of this period, the state department of education shall annually calculate the number of support units that would have been generated had the previous school districts not consolidated. All applicable state funding to the consolidated district shall then be provided based on a support unit number that is halfway between this figure and the actual

support units, provided that it cannot be less than the actual support units.

SECTION 5. That Section 33-1272, Idaho Code, as amended in Section 17 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1272. DEFINITIONS. Definition of terms as used in this act:

1. "Professional employee" means any certificated employee of a school district, including charter districts; provided, however, that superintendents, supervisors or principals may be excluded from the professional employee group if a negotiation agreement between the board and local education organization so specifies.

2. "Local education organization" means any local district organization duly chosen and selected by a majority of the professional employees as their representative organization for negotiations under this act. For the purposes of this definition, "majority" shall mean one (1) nonadministrative certificated professional employee more than fifty percent (50%) or greater of the nonadministrative professional employees in the district.

3. "Negotiations" means meeting and conferring in good faith in open session by a local board of trustees and the authorized local education organization, or the respective designated representatives of both parties, for the purpose of reaching an agreement related to the compensation of professional employees.

4. "Compensation" means salary and benefits for the professional employee.

5. "Benefits" includes employee insurance, leave time and sick leave benefits.

SECTION 6. That Section 33-1273, Idaho Code, as amended in Section 18 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1273. DESIGNATION OF THE LOCAL EDUCATION ORGANIZATION -- DESIGNATION OF REPRESENTATIVES -- OBLIGATION TO NEGOTIATE. (1) The local education organization selected by a majority of the qualifying professional employees shall be the exclusive representative for all professional employees in that district for purposes of negotiations.

~~(a) At the commencement of each school year, the local education association identified in the agreement from the prior year, if such existed, shall certify to the board of trustees that the local education association has been selected and designated as the local education organization for the professional employees of the district. This certification shall be provided in writing on a form agreed upon between the parties as one (1) of the options detailed below. The purpose of such certification is to provide the district's administration and board with notice of the appropriate entity for the administration and board to work with relating to personnel matters.~~

~~(b) Within ten (10) days of the date a request for negotiations is initiated by either the local education organization or the board of trustees or its designee, the local education organization must provide proof that it has been duly chosen by a majority of the professional employees of the district as their representative organization for negotiations under this act. Such proof may be:~~

~~(i) A list of certificated professional employees, who would be subject to the agreement, who are members of the local education~~

organization as of the date that the request for negotiations is initiated; or

(ii) Other evidence that the professional employees have chosen and selected the local education organization as their representative organization as of the date that the request for negotiations is initiated.

(eb) If the local education organization or entity seeking to be declared the local education organization cannot provide evidence that the majority of the professional employees have chosen and selected it as the representative organization, the district shall have no obligation or authority to enter into negotiations as provided in this act.

(2) The individual or individuals selected to negotiate for the professional employees shall be a member of the organization designated to represent the professional employees and shall be a certificated professional employee of the local school district. However, in the event a local board of trustees chooses to designate any individual(s) other than the superintendent or elected trustee(s) of the school district as its representative(s) for negotiations, the local educational organization is authorized to designate any individual(s) of its choosing to act as its representative(s) for negotiations. A local board of trustees or its designated representative(s) shall negotiate matters covered pursuant to section 33-1272, Idaho Code, only with the local education organization or its designated representative(s).

(3) Should there be no entity that qualifies as a local education organization by May 10, the board has no obligation or authority to negotiate as required under this act, and may establish compensation for professional employees for the ensuing school year as it deems appropriate.

SECTION 7. That Section 33-1274, Idaho Code, as amended in Section 20 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1274. MEDIATION -- ESTABLISHMENT OF COMPENSATION TERMS UPON FAILURE TO AGREE. (1) In the event the parties in negotiations are not able to come to an agreement upon compensation for professional employees by May 10, if agreed to by both parties, a mediator may be appointed. The issue or issues in dispute shall be submitted to mediation in an effort to induce the representatives of the board of trustees and the local education organization to resolve the conflict. The procedure for appointment of and compensation for the mediator shall be determined by both parties. Mediation is nonbinding, and the recommendation or recommendations of the mediator, if any, shall not be construed as having any force or effect.

(2) If no agreement regarding compensation has been reached by the parties on or before June 10, the board of trustees, at a meeting held no later than June 22, shall establish compensation for professional employees for the ensuing school year as it deems appropriate. Provided however, that such compensation shall reflect the last best good faith offer proposed by the board during negotiations.

(3) If the board of trustees establishes compensation pursuant to subsection (2) of this section, no hearing need be held by the board.

(4) The dates of June 10 and June 22 are not arbitrary or discretionary dates that may be modified by agreement of the parties. The only instance in which the days may be extended is if June 10 or June 22 fall on a Sunday. In such situation the board of trustees may, at its discretion, extend these days to June 11 or June 23.

SECTION 8. That Section 33-1274A, Idaho Code, as added by Section 21 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-

first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1274A. PROCEDURES UPON AGREEMENT. (1) In the event the parties in negotiations agree regarding compensation of professional employees at any time prior to June 10, such agreement shall be placed in writing by the persons who negotiated on behalf of the board of trustees and the local education organization. Such written agreement shall be offered for approval and ratification by the local education organization at an open meeting on or before June 15. If such written agreement is approved and ratified by the local education organization on or before June 15, it shall thereafter be approved or disapproved by the board of trustees at a board meeting held on or before June 22.

(2) Should the local education association or the board of trustees fail to ratify and approve the written agreement as provided for in this section, the board of trustees shall establish other compensation terms, as independently determined by the board and not controlled by the terms which failed ratification, for professional employees as provided in section 33-1274, Idaho Code. Provided however, that such compensation shall reflect the last best good faith offer proposed by the board during negotiations.

SECTION 9. That Section 33-1275, Idaho Code, as amended in Section 22 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1275. TERMS OF AGREEMENTS. (1) All negotiated agreements or master contracts, by any name or title, entered into pursuant to the provisions of this act, shall have a term of July 1 through June 30 of the ensuing fiscal year. The board of trustees shall not have the authority to enter into any agreement negotiated under the provisions of this act that has any clause or provision which allows for such agreement to be in any force or effect for multiple years or indefinitely, or otherwise does not expire on its own terms on or before June 30 of the ensuing fiscal year.

(2) Any agreement or contract previously entered pursuant to the provisions of sections 33-1271 through 33-1276, Idaho Code, shall be deemed to expire as of June 30, 2011, regardless of any evergreen, continuation or other clause included in such contract which provides for continuation beyond June 30, 2011. In addition, any term of any existing agreement which conflicts with the current provisions of title 33, Idaho Code, is hereby declared void and unenforceable from the date of July 1, 2011. Provided however, that should any master agreement or negotiated contract contain a provision which conflicts with the provisions of title 33, Idaho Code, such provision in the master agreement or negotiated contract is hereby declared to be null and void and of no force and effect as of January 31, 2011.

SECTION 10. That Section 26 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 26. ~~An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of this act shall be in full force and effect on and after passage and approval. Sections 6, 10, 11 and 12, shall be in full force and effect on and after July 1, 2011~~ An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

SECTION 11. 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 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 April 11, 2011.

CHAPTER 296
(H.B. No. 336)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004I, IDAHO CODE, AS ADDED BY SECTION 1 OF SENATE BILL NO. 1110, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO PAY FOR PERFORMANCE, HARD TO FILL POSITIONS AND LEADERSHIP AWARDS; AND AMENDING SECTION 4 OF SENATE BILL NO. 1110, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REMOVE PROVISIONS PROVIDING AN EFFECTIVE DATE AND TO PROVIDE PROVISIONS DECLARING AN EMERGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1004I, Idaho Code, as added by Section 1 of Senate Bill No. 1110, as enacted by the First Regular Session of the Sixty-first Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004I. PAY FOR PERFORMANCE -- HARD TO FILL POSITIONS -- LEADERSHIP AWARDS. (1) In addition to the moneys provided pursuant to the calculations for salary-based apportionment, the following amounts shall be distributed and paid, from the moneys appropriated to the educational support program, subject to the criteria contained in this section:

(a) For fiscal year 2013, an amount equal to five hundred ~~seven~~ forty-four (50744) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsection (2) of this section.

(b) For fiscal year 2014, an amount equal to ~~six~~ seven hundred ~~eighty~~ fifty-three (680753) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, in the following proportions:

(i) Seventy-four and one-tenth percent (74.1%) pursuant to subsection (2) of this section;

(ii) Seven and four-tenths percent (7.4%) pursuant to subsection (3) of this section;

(iii) Eighteen and one-half percent (18.5%) pursuant to subsection (4) of this section.

(c) For fiscal year 2015 and each fiscal year thereafter, an amount equal to ~~six~~ seven hundred ~~eighty~~ seventy (68770) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, plus fifty percent (50%) of any moneys appropriated for increased pay for certificated staff beyond the amount needed to fund the base and minimum instructional salaries, pursuant

to section 33-1004E, Idaho Code, that were in effect during fiscal year 2009. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(d) The provision in subsection (1) (c) of this section that directs that fifty percent (50%) of certain moneys be distributed pursuant to subsections (2), (3) and (4) of this section shall be effective until such time as fifteen percent (15%) of the total moneys appropriated for certificated staff salaries are being distributed pursuant to this section. After this allocation is attained, fifteen percent (15%) of the total moneys appropriated for certificated staff salaries shall be distributed pursuant to subsections (2), (3) and (4) of this section. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(e) For the purposes of this subsection, the term "statewide support units" shall mean the total number of support units calculated for the purposes of distributing salary-based apportionment in the current previous fiscal year.

(f) In the event of a reduction in the moneys appropriated for certificated staff salaries, the calculations established pursuant to subsections (1) (b) through (d) of this section shall be performed in reverse.

(2) Share-based pay for performance bonuses for student achievement growth and excellence.

(a) Certificated employees shall be awarded state shares based on the performance of whole schools.

(i) Growth -- Utilizing a state longitudinal data system for students, the state department of education shall develop a system for measuring individual student growth. Such system shall compare spring student scores on the state-mandated summative achievement tests ("spring test") from one year to the next, and establish percentile rankings for individual student growth by comparing students with an identical spring test score in the previous year with each other in the current year. A separate growth percentile shall be established for each student for each subject in which the spring test is given in consecutive grades. The median student growth percentile, based on measuring all eligible students, shall be the growth score for each school. All certificated employees at a school with a median growth score in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	1.00 shares	2.00 shares
2nd Highest Quartile	0.50 shares	1.00 shares
3rd Highest Quartile	0.25 shares	0.50 shares
4th Highest Quartile	0.00 shares	0.00 shares

(ii) Excellence -- The state department of education shall develop a system for comparing and ranking school spring test scores based on standardized scores, utilizing all grades and subjects tested. Based on each school's median standardized score, all certificated employees of a school in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	0.50 shares	1.00 shares
2nd Highest Quartile	0.25 shares	0.50 shares
3rd Highest Quartile	0.00 shares	0.00 shares
4th Highest Quartile	0.00 shares	0.00 shares

(iii) No certificated instructional employee shall receive more than one (1.00) share, the results of the quartile award tables for growth and excellence notwithstanding. No certificated administrative employee shall receive more than two (2.00) shares, the results of the quartile award tables for growth and excellence notwithstanding.

(iv) Students whose spring test results are excluded from the school's results for federal accountability purposes shall be excluded from school growth and excellence calculations.

(v) For schools that do not administer the spring test, or for which no spring test growth calculation is possible, the school and its certificated employees shall be included with the school to which the students matriculate.

(vi) For certificated employees assigned more than one (1) school, state shares shall be earned pro rata, based on the percentage of the employee's time assigned to each school at the time that students take their spring tests. In addition, for part-time employees, state shares shall be earned pro rata, based on such employee's full-time equivalency status.

(vii) The number of schools in each quartile shall be based on the number of certificated employees employed at the schools, with as close to twenty-five percent (25%) of such employees falling within each quartile as possible.

(viii) For certificated employees not assigned to a specific school, all new employment contracts signed on or after July 1, 2011, shall provide that at least five percent (5%) of the total available compensation be based on growth in student achievement, as determined by the board of trustees. Such percentage shall increase to ten percent (10%) of the total available compensation for contracts signed on or after July 1, 2015, and fifteen percent (15%) for contracts signed on or after July 1, 2019.

(b) Local shares shall be awarded to certificated employees based on performance. Each board of trustees shall develop a plan for awarding local pay for performance shares in consultation with certificated employees. Local share awards to certificated instructional employees shall be based on the performance of groups of such employees, unless there is only one (1) such employee in the school district. No employee shall receive more than one (1.00) local share. For part-time employees, local shares shall be earned pro rata, based on such employee's full-time equivalency status. Local share awards shall be based on one (1) or more of the following measures:

- (i) Student test scores;
- (ii) Student graduation rate;
- (iii) Student dropout rate;
- (iv) Percent of graduates attending postsecondary education or entering military service;
- (v) Making federally approved adequate yearly progress;
- (vi) Number of students successfully completing dual credit or advanced placement classes;
- (vii) Percent of students involved in extracurricular activities;
- (viii) Class projects;

- (ix) Portfolios;
- (x) Successful completion of special student assignments;
- (xi) Parental involvement;
- (xii) Teacher-assigned grades; and
- (xiii) Student attendance rate; and
- (xiv) Various other criteria determined by local districts, subject to approval by the state department of education.

For any school district in which the board of trustees fails to adopt a plan for awarding local pay for performance shares by September 1, local shares awarded for performance in that school year shall be identical to the number of state shares awarded for each certificated employee.

(c) Individual pay for performance bonuses shall be calculated as follows:

(i) Divide the moneys available for pay for performance bonuses by the total number of state shares earned by certificated employees statewide.

(ii) To determine the amount of pay for performance bonus funds to distribute to each school district, multiply the result of subparagraph (i) of this subsection by the number of state shares earned by certificated employees in the school district.

(iii) To establish the value of a share in each school district, the school district shall divide the funds distributed by the state department of education pursuant to subparagraph (ii) of this subsection by the total number of state and local shares earned by all certificated employees who earned at least a fraction of both a state and local share.

(iv) Multiply the total number of state and local shares earned by each certificated employee of the school district who earned at least a fraction of a state and local share by the result of subparagraph (iii) of this subsection. Certificated employees who do not earn at least a fraction of both a state and local share shall not be eligible to receive a pay for performance bonus. Pay for performance bonuses shall be paid by school districts to qualifying certificated employees in a lump sum by no later than December 15 following the spring test of the prior school year.

(3) Hard to fill position bonuses.

(a) The state board of education shall designate certificates and endorsements held by certificated instructional staff for hard to fill position bonuses. The board shall rank the certificates or endorsements to be so designated based on the relative difficulty of school districts' ability to recruit and retain such personnel. No additional certificates or endorsements may be added to the rankings beyond the first such certificate or endorsement that causes the number of certificates or endorsements to equal or exceed one-third (1/3) of the total certificates and endorsements held by certificated instructional public school employees in the state. The board shall review and alter such rankings and designations at least once every two (2) years based on market conditions. Any changes in rankings and designations shall be made by the board by no later than March 31 of the previous school year, and school districts shall be promptly notified of any changes.

(b) School district boards of trustees may choose to designate certificates and endorsements held by certificated instructional employees for hard to fill position bonuses, provided such certificates and endorsements have been so designated by the state board of education as provided in subsection (3)(a) of this section. School boards of trustees choosing to make such designations shall rank the certificates and endorsements based on the relative difficulty of recruiting and retaining such personnel. No additional certificates or endorsements may be added to the rankings beyond the first such certificate or en-

dorsement that causes the number of the district's full-time equivalent employees utilizing such certificates and endorsements to equal or exceed ten percent (10%) of the certificated instructional positions employed by the district; provided however, the number of such employees who may be designated shall not be less than one (1). The amount distributed for utilization by each district shall be based on each district's share of the total certificated instructional employees statewide. Funds so distributed shall be paid solely to certificated instructional personnel holding the certifications and endorsements designated by the local school board, in amounts that shall be determined at the discretion of the local board, which may vary between, but not within, individual certificate and endorsement areas; provided however, no award shall exceed twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section.

(c) School districts may apply to the state board of education to waive the requirement that a certificate or endorsement designated by the school district for hard to fill position bonuses first be designated for such by the state board of education. The state board of education may grant such a waiver for good and rational cause.

(d) In order to receive a hard to fill position bonus, an individual must actually be providing instruction or service within the designated certificate or endorsement area.

(e) If an individual qualifies for a hard to fill position bonus in more than one (1) certificate or endorsement, the individual shall be allocated and paid on a full-time equivalency basis, based on the relative time spent in each of the qualifying areas.

(f) School district boards of trustees choosing to utilize hard to fill position bonus funds shall designate a new list of certificates and endorsements for such bonuses for each school year by no later than June 11 of the previous school year. The new list may be identical to the list from the previous school year, subject to the current ten percent (10%) limitation requirements.

(g) If the board of trustees determines that it will be unable to attract a qualified candidate to serve in a hard to fill position, even with the addition of such bonus funds, the board may use such funds to pay for the training and coursework needed by a currently unqualified employee or other individual to gain such qualification. If such payment is authorized, the amount paid for an individual in a fiscal year shall not exceed twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section. The individual for whom training and coursework is paid in such manner must earn a passing grade for the training and coursework that is paid by the school district and must work for the school district at least one (1) year in the designated certificate or endorsement area for each fiscal year in which the school district made payments for training and coursework, or repay the funds.

(h) Hard to fill position bonuses shall be paid by school districts to qualifying certificated instructional employees by no later than December 15, in a lump sum payment.

(4) Leadership awards.

(a) School district boards of trustees may designate up to twenty-five percent (25%) of their certificated instructional employees for leadership awards. Such awards shall recognize excellence, be valid only for the fiscal year for which the awards are made and require one (1) or more of the following additional duties:

- (i) Teacher or other instructional staff mentoring;
- (ii) Content leadership;
- (iii) Lead teacher;

- (iv) Peer teaching coach;
- (v) Content specialist;
- (vi) Remedial instructor;
- (vii) Curriculum development;
- (viii) Assessment development;
- (ix) Data analysis;
- (x) Grant writing;
- (xi) Special program coordinator;
- (xii) Research project;
- (xiii) Teaching professional development course;
- (xiv) Service on local/state/national education committee or task force;
- (xv) Providing leadership to a professional learning community;
- and
- (xvi) Earning national board certification; and
- (xvii) Various other criteria determined by local districts, subject to approval by the state department of education.

Duties related to student activities and athletics shall not be eligible for leadership awards.

(b) Local school district boards of trustees shall require that the employee work additional time as a condition of the receipt of a leadership award.

(c) Local school district boards of trustees may grant multiple leadership awards with multiple additional duties. No employee, however, shall receive leadership awards in excess of twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section.

(d) Leadership awards shall be paid by school districts to qualifying certificated instructional employees in a lump sum payment upon completion of the additional duty.

(e) Employees with fewer than three (3) years of experience shall not be eligible for leadership awards. The term "experience" shall be as used for certificated instructional staff in section 33-1004A, Idaho Code.

(f) Notwithstanding the provisions of subsection (4) (a) through (e) of this section, employees who earned national board certification prior to July 1, 2011, and who are no longer receiving payments for earning such certification pursuant to section 33-1004E, Idaho Code, due to the repeal of the provision providing for such payments, shall be paid two thousand dollars (\$2,000) per year from the moneys allocated pursuant to this subsection (4) until all moneys that would have been paid under the previous provisions of section 33-1004E, Idaho Code, have been paid.

(5) School districts may shift moneys between the allocations for subsections (3) and (4) of this section. The ten percent (10%) limitation established in subsection (3) of this section and the twenty-five percent (25%) limitation established in subsection (4) of this section shall be adjusted accordingly.

(6) All distributions of moneys to school districts shall be made as part of the third payment to school districts required by section 33-1009, Idaho Code.

(7) School districts shall not enter into any contract that discriminates against those receiving a bonus award pursuant to this section.

(8) The state department of education may require reports of information as needed to implement the provisions of this section and provide reports to the governor, the legislature and the public.

(9) For the purposes of this section, the term "school district" also means "public charter school," and the term "board of trustees" also means "board of directors."

SECTION 2. That Section 4 of Senate Bill No. 1110, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

~~SECTION 4. Sections 1, 2 and 3 of this act shall be in full force and effect on and after July 1, 2012. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.~~

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

Approved April 11, 2011.

CHAPTER 297
(H.B. No. 338)

AN ACT

RELATING TO SUBSTANCE ABUSE TREATMENT AND MENTAL HEALTH SERVICES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2012; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2012; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2012; AND APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2012.

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

SECTION 1. In addition to the appropriation made in Section 3 of House Bill No. 276, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, there is hereby appropriated to the Department of Correction for community-based substance abuse treatment and the region seven community corrections project the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2011, through June 30, 2012:

FOR:

Trustee and Benefit Payments	\$1,708,600
------------------------------	-------------

FROM:

General Fund	\$1,708,600
--------------	-------------

SECTION 2. In addition to the appropriation made in Section 2 of House Bill No. 252, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, there is hereby appropriated to the Department of Juvenile Corrections for community-based substance abuse treatment the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2011, through June 30, 2012:

FOR:

Trustee and Benefit Payments	\$4,032,000
------------------------------	-------------

FROM:

General Fund	\$4,032,000
--------------	-------------

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1196, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, there is hereby appropriated to the Office of Drug Policy for region four dual diagnosis crisis intervention beds the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2011, through June 30, 2012:

FOR:

Trustee and Benefit Payments	\$787,400
------------------------------	-----------

FROM:

General Fund	\$787,400
--------------	-----------

SECTION 4. In addition to the appropriation made in Section 1 of Senate Bill No. 1200, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, there is hereby appropriated to the Supreme Court for drug and mental health court treatment the following amounts to be expended according to the designated expense class from the listed funds for the period July 1, 2011, through June 30, 2012:

FOR:

Trustee and Benefit Payments	\$4,827,700
------------------------------	-------------

FROM:

General Fund	\$1,594,800
--------------	-------------

Substance Abuse Treatment Fund	<u>3,232,900</u>
--------------------------------	------------------

TOTAL	\$4,827,700
-------	-------------

Approved April 11, 2011.

CHAPTER 298
(H.B. No. 341)

AN ACT

RELATING TO THE DEPARTMENT OF HEALTH AND WELFARE FUNDING; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2011; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2011; DIRECTING A TRANSFER FROM THE IDAHO MILLENNIUM FUND TO THE IDAHO MILLENNIUM INCOME FUND FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2012; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2012; DIRECTING A TRANSFER FROM THE IDAHO MILLENNIUM FUND TO THE COOPERATIVE WELFARE FUND FOR FISCAL YEAR 2012; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR EDUCATION STIPENDS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING MONTHLY FORECAST REPORTING FOR THE MEDICAL ASSISTANCE SERVICES AND THE INDIRECT SUPPORT SERVICES DIVISIONS; DIRECTING REPORTING FOR THE MEDICAID PROGRAM INTEGRITY STAFF COLLECTIONS; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; REQUIRING THE DIVISION OF WELFARE TO SUBMIT QUARTERLY FORECAST REPORTS; DIRECTING EXPENDITURES FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR THE GAIN ASSESSMENT; PROVIDING LEGISLATIVE INTENT FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR THE STATEWIDE MEDIA CAMPAIGN ON UNDERAGE DRINKING; PROVIDING FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR EXPENDITURES OF

COLLECTED RECEIPTS; PROVIDING NONCOGNIZABLE AUTHORITY FOR MEDICAL ASSISTANCE SERVICES FOR EXPENDITURES OF COLLECTED RECEIPTS; PROVIDING FOR TRANSFERS IN ADDITION TO TEN PERCENT FOR MEDICAL ASSISTANCE SERVICES FOR THE COORDINATED, ENHANCED AND BASIC MEDICAID PLANS; PROVIDING LEGISLATIVE INTENT FOR MEDICAL ASSISTANCE SERVICES FOR REPORTING THE IMPLEMENTATION OF HOUSE BILL NO. 260, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE; PROVIDING FOR THE COURT SERVICES FUND TRANSFER; DIRECTING THE INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE MEDICAL ASSISTANCE SERVICES DIVISION FOR FISCAL YEAR 2012 FOR MEDICAID MANAGED CARE; PROVIDING LEGISLATIVE INTENT FOR IMPLEMENTING MEDICAID MANAGED CARE; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in the following sections and chapters of Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended for the designated programs and expense classes, from the listed funds for the period July 1, 2010, through June 30, 2011:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE, Section 2, Chapter 304, Laws of 2010:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (Federal)					
Fund		\$75,000			\$75,000
B. FOSTER & ASSISTANCE PAYMENTS:					
FROM:					
Idaho Millennium Income					
Fund				\$197,300	\$197,300
Cooperative Welfare (Federal)					
Fund				<u>1,072,900</u>	<u>1,072,900</u>
TOTAL				\$1,270,200	\$1,270,200
DIVISION TOTAL					
		\$75,000		\$1,270,200	\$1,345,200
II. DEVELOPMENTALLY DISABLED, SERVICES FOR, Section 3, Chapter 305, Laws of 2010:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (Federal)					
Fund		\$664,900			\$664,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. IDAHO STATE SCHOOL AND HOSPITAL:					
FROM:					
Idaho Millennium Income					
Fund	\$211,100	\$40,100		\$3,100	\$254,300
DIVISION TOTAL	\$211,100	\$705,000		\$3,100	\$919,200
III. MEDICAL ASSISTANCE SERVICES, Section 3, Chapter 268, Laws of 2010:					
A. MEDICAID ADMINISTRATION & MEDICAL MANAGEMENT:					
FROM:					
Cooperative Welfare (General)					
Fund		\$867,100			\$867,100
Cooperative Welfare (Dedicated)					
Fund		3,100,000			3,100,000
Cooperative Welfare (Federal)					
Fund	<u>\$58,300</u>	<u>97,200</u>			<u>155,500</u>
TOTAL	\$58,300	\$4,064,300			\$4,122,600
B. COORDINATED MEDICAID PLAN:					
FROM:					
Hospital Assessment					
Fund			\$15,441,200		\$15,441,200
Cooperative Welfare (Dedicated)					
Fund			14,102,700		14,102,700
Cooperative Welfare (Federal)					
Fund			<u>60,420,800</u>		<u>60,420,800</u>
TOTAL			\$89,964,700		\$89,964,700
C. ENHANCED MEDICAID PLAN:					
FROM:					
Cooperative Welfare (General)					
Fund			\$4,680,900		\$4,680,900
Hospital Assessment					
Fund			4,759,200		4,759,200
Cooperative Welfare (Dedicated)					
Fund			26,802,400		26,802,400
Cooperative Welfare (Federal)					
Fund			<u>76,495,100</u>		<u>76,495,100</u>
TOTAL			\$112,737,600		\$112,737,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. BASIC MEDICAID PLAN:					
FROM:					
Hospital Assessment					
Fund				\$12,299,600	\$12,299,600
Cooperative Welfare (Dedicated)					
Fund				12,082,300	12,082,300
Cooperative Welfare (Federal)					
Fund				<u>52,976,700</u>	<u>52,976,700</u>
TOTAL				\$77,358,600	\$77,358,600
DIVISION TOTAL	\$58,300	\$4,064,300		\$280,060,900	\$284,183,500
V. PSYCHIATRIC HOSPITALIZATION, Section 2, Chapter 316, Laws of 2010:					
STATE HOSPITAL SOUTH:					
FROM:					
Idaho Millennium Income					
Fund	\$81,000	\$39,900		\$500	\$121,400
VI. PUBLIC HEALTH SERVICES, Section 3, Chapter 269, Laws of 2010:					
PHYSICAL HEALTH SERVICES:					
FROM:					
Idaho Immunization Dedicated Vaccine					
Fund		\$1,000,000			\$1,000,000
Cooperative Welfare (Federal)					
Fund	<u>\$346,300</u>	<u>2,867,400</u>	<u>\$53,700</u>	<u>\$259,000</u>	<u>3,526,400</u>
TOTAL	\$346,300	\$3,867,400	\$53,700	\$259,000	\$4,526,400
VII. SERVICE INTEGRATION, Section 3, Chapter 301, Laws of 2010:					
FROM:					
Cooperative Welfare (Federal)					
Fund				\$700,000	\$700,000
VIII. WELFARE, DIVISION OF, Section 2, Chapter 306, Laws of 2010:					
BENEFIT PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$854,400	\$854,400
Cooperative Welfare (Federal)					
Fund				<u>21,965,000</u>	<u>21,965,000</u>
TOTAL				\$22,819,400	\$22,819,400
GRAND TOTAL	\$696,700	\$8,751,600	\$53,700	\$305,113,100	\$314,615,100

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare, for the following sections and chapters of the Laws of 2010, is hereby reduced by the following amounts, according to the designated programs and expense classes, from the listed funds for the period July 1, 2010, through June 30, 2011:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE, Section 2, Chapter 304, Laws of 2010:					
FOSTER & ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (Federal)					
Fund				\$197,300	\$197,300
II. DEVELOPMENTALLY DISABLED, SERVICES FOR, Section 3, Chapter 305, Laws of 2010:					
IDAHO STATE SCHOOL AND HOSPITAL:					
FROM:					
Cooperative Welfare (Federal)					
Fund	\$211,100	\$40,100		\$3,100	\$254,300
III. MEDICAL ASSISTANCE SERVICES, Section 3, Chapter 268, Laws of 2010:					
A. COORDINATED MEDICAID PLAN:					
FROM:					
Cooperative Welfare (General)					
Fund				\$1,818,500	\$1,818,500
Cooperative Welfare (Federal)					
Fund				<u>8,505,100</u>	<u>8,505,100</u>
TOTAL				\$10,323,600	\$10,323,600
B. ENHANCED MEDICAID PLAN:					
FROM:					
Cooperative Welfare (Federal)					
Fund				\$14,367,800	\$14,367,800
C. BASIC MEDICAID PLAN:					
FROM:					
Cooperative Welfare (General)					
Fund				\$2,862,400	\$2,862,400
Cooperative Welfare (Federal)					
Fund				<u>6,833,000</u>	<u>6,833,000</u>
TOTAL				\$9,695,400	\$9,695,400
DIVISION TOTAL				\$34,386,800	\$34,386,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. MENTAL HEALTH, SERVICES FOR, Section 2, Chapter 302, Laws of 2010:					
CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund				\$899,200	\$899,200
V. PSYCHIATRIC HOSPITALIZATION, Section 2, Chapter 316, Laws of 2010:					
STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (Federal)					
Fund	\$81,000	\$39,900		\$500	\$121,400
GRAND TOTAL	\$292,100	\$80,000		\$35,486,900	\$35,859,000

SECTION 3. There is hereby appropriated and upon passage and approval of this act the State Controller shall transfer \$573,000 from the Idaho Millennium Fund to the Idaho Millennium Income Fund.

SECTION 4. 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, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:				
FROM:				
Cooperative Welfare (General)				
Fund	\$6,551,400	\$1,573,200		\$8,124,600
Cooperative Welfare (Dedicated)				
Fund	69,300	20,000		89,300
Cooperative Welfare (Federal)				
Fund	<u>14,901,700</u>	<u>4,990,100</u>		<u>19,891,800</u>
TOTAL	\$21,522,400	\$6,583,300		\$28,105,700
II. FOSTER & ASSISTANCE PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$11,383,700	\$11,383,700
Cooperative Welfare (Dedicated)				
Fund			955,400	955,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>12,866,200</u>	<u>12,866,200</u>
TOTAL			\$25,205,300	\$25,205,300
III. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$4,793,100	\$1,116,100	\$2,311,000	\$8,220,200
Cooperative Welfare (Dedicated)				
Fund	801,500	46,300	1,909,800	2,757,600
Cooperative Welfare (Federal)				
Fund	<u>4,778,800</u>	<u>1,049,700</u>	<u>945,900</u>	<u>6,774,400</u>
TOTAL	\$10,373,400	\$2,212,100	\$5,166,700	\$17,752,200
IV. IDAHO STATE SCHOOL AND HOSPITAL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$3,083,000	\$368,500	\$80,600	\$3,532,100
Medical Assistance				
Fund		3,500		3,500
Cooperative Welfare (Dedicated)				
Fund	612,500	137,800	10,600	760,900
Cooperative Welfare (Federal)				
Fund	<u>12,773,700</u>	<u>2,347,000</u>	<u>189,900</u>	<u>15,310,600</u>
TOTAL	\$16,469,200	\$2,856,800	\$281,100	\$19,607,100
V. DEVELOPMENTAL DISABILITIES COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$85,400	\$11,800		\$97,200
Cooperative Welfare (Dedicated)				
Fund		15,000		15,000
Cooperative Welfare (Federal)				
Fund	<u>289,100</u>	<u>196,600</u>	<u>\$31,600</u>	<u>517,300</u>
TOTAL	\$374,500	\$223,400	\$31,600	\$629,500
VI. DOMESTIC VIOLENCE COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$11,200	\$1,300		\$12,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Domestic Violence Project				
Fund	149,000	163,200	\$171,800	484,000
Cooperative Welfare (Dedicated)				
Fund		40,000		40,000
Cooperative Welfare (Federal)				
Fund	<u>96,700</u>	<u>66,900</u>	<u>3,415,400</u>	<u>3,579,000</u>
TOTAL	\$256,900	\$271,400	\$3,587,200	\$4,115,500

VII. INDIRECT SUPPORT SERVICES:

FROM:

Cooperative Welfare (General)				
Fund	\$8,787,600	\$5,955,700		\$14,743,300
Cooperative Welfare (Dedicated)				
Fund	928,500	1,025,400		1,953,900
Cooperative Welfare (Federal)				
Fund	<u>9,810,200</u>	<u>6,969,300</u>		<u>16,779,500</u>
TOTAL	\$19,526,300	\$13,950,400		\$33,476,700

VIII. MEDICAID ADMINISTRATION & MEDICAL MANAGEMENT:

FROM:

Cooperative Welfare (General)				
Fund	\$6,122,900	\$7,554,800	\$1,219,200	\$14,896,900
Idaho Health Insurance Access Card				
Fund		152,000		152,000
Cooperative Welfare (Dedicated)				
Fund	637,200	9,096,000		9,733,200
Cooperative Welfare (Federal)				
Fund	<u>11,006,500</u>	<u>19,416,900</u>	<u>1,638,600</u>	<u>32,062,000</u>
TOTAL	\$17,766,600	\$36,219,700	\$2,857,800	\$56,844,100

IX. COORDINATED MEDICAID PLAN:

FROM:

Cooperative Welfare (General)				
Fund			\$136,341,600	\$136,341,600
Hospital Assessment				
Fund			25,077,900	25,077,900
Cooperative Welfare (Dedicated)				
Fund			16,599,200	16,599,200
Cooperative Welfare (Federal)				
Fund			<u>370,883,100</u>	<u>370,883,100</u>
TOTAL			\$548,901,800	\$548,901,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
X. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$192,155,900	\$192,155,900
Idaho Health Insurance Access Card				
Fund			1,551,400	1,551,400
Medical Assistance				
Fund			2,500	2,500
Hospital Assessment				
Fund			9,880,600	9,880,600
Cooperative Welfare (Dedicated)				
Fund			47,235,400	47,235,400
Cooperative Welfare (Federal)				
Fund			<u>463,600,100</u>	<u>463,600,100</u>
TOTAL			\$714,425,900	\$714,425,900
XI. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$92,614,600	\$92,614,600
Idaho Health Insurance Access Card				
Fund			4,077,100	4,077,100
Hospital Assessment				
Fund			20,873,000	20,873,000
Cooperative Welfare (Dedicated)				
Fund			43,549,600	43,549,600
Cooperative Welfare (Federal)				
Fund			<u>325,902,500</u>	<u>325,902,500</u>
TOTAL			\$487,016,800	\$487,016,800
XII. CHILDREN'S MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$4,070,500	\$633,600	\$3,304,000	\$8,008,100
Cooperative Welfare (Dedicated)				
Fund			164,500	164,500
Cooperative Welfare (Federal)				
Fund	<u>1,415,600</u>	<u>1,358,000</u>	<u>1,117,600</u>	<u>3,891,200</u>
TOTAL	\$5,486,100	\$1,991,600	\$4,586,100	\$12,063,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
XIII. ADULT MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$11,141,800	\$1,445,400	\$627,500	\$13,214,700
Cooperative Welfare (Dedicated)				
Fund	484,300		350,000	834,300
Drug Court, Mental Health and Family Court Services				
Fund	155,100	98,000		253,100
Cooperative Welfare (Federal)				
Fund	<u>2,666,800</u>	<u>1,154,700</u>	<u>353,700</u>	<u>4,175,200</u>
TOTAL	\$14,448,000	\$2,698,100	\$1,331,200	\$18,477,300
XIV. COMMUNITY HOSPITALIZATION:				
FROM:				
Cooperative Welfare (General)				
Fund			\$2,790,000	\$2,790,000
XV. STATE HOSPITAL NORTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$5,766,000	\$475,900	\$17,700	\$6,259,600
Cooperative Welfare (Dedicated)				
Fund	131,000			131,000
State Hospital North Endowment Income				
Fund	<u>219,300</u>	<u>526,800</u>	<u>44,500</u>	<u>790,600</u>
TOTAL	\$6,116,300	\$1,002,700	\$62,200	\$7,181,200
XVI. STATE HOSPITAL SOUTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$8,211,100	\$689,900	\$208,700	\$9,109,700
Cooperative Welfare (Dedicated)				
Fund	2,356,800	679,200	900	3,036,900
Mental Hospital Endowment Income				
Fund	1,840,500	461,100		2,301,600
Cooperative Welfare (Federal)				
Fund	<u>3,125,900</u>	<u>1,043,800</u>	<u>24,200</u>	<u>4,193,900</u>
TOTAL	\$15,534,300	\$2,874,000	\$233,800	\$18,642,100
XVII. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,312,400	\$1,548,000	\$1,084,600	\$3,945,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Idaho Immunization Dedicated Vaccine				
Fund		8,200,000		8,200,000
Cancer Control				
Fund	49,400	228,200	123,400	401,000
Central Tumor Registry				
Fund			182,700	182,700
Cooperative Welfare (Dedicated)				
Fund	1,435,300	1,861,700	10,186,700	13,483,700
Cooperative Welfare (Federal)				
Fund	<u>5,325,200</u>	<u>7,757,300</u>	<u>42,997,900</u>	<u>56,080,400</u>
TOTAL	\$8,122,300	\$19,595,200	\$54,575,300	\$82,292,800

XVIII. EMERGENCY MEDICAL SERVICES:

FROM:

Emergency Medical Services

Fund	\$1,437,500	\$909,100	\$220,000	\$2,566,600
------	-------------	-----------	-----------	-------------

Emergency Medical Services III

Fund			1,400,000	1,400,000
------	--	--	-----------	-----------

Cooperative Welfare (Dedicated)

Fund	229,200	341,300		570,500
------	---------	---------	--	---------

Cooperative Welfare (Federal)

Fund	<u>289,000</u>	<u>450,000</u>	<u>175,000</u>	<u>914,000</u>
------	----------------	----------------	----------------	----------------

TOTAL	\$1,955,700	\$1,700,400	\$1,795,000	\$5,451,100
-------	-------------	-------------	-------------	-------------

XIX. LABORATORY SERVICES:

FROM:

Cooperative Welfare (General)

Fund	\$1,267,100	\$417,100		\$1,684,200
------	-------------	-----------	--	-------------

Cooperative Welfare (Dedicated)

Fund	409,300	199,300		608,600
------	---------	---------	--	---------

Cooperative Welfare (Federal)

Fund	<u>853,900</u>	<u>949,000</u>		<u>1,802,900</u>
------	----------------	----------------	--	------------------

TOTAL	\$2,530,300	\$1,565,400		\$4,095,700
-------	-------------	-------------	--	-------------

XX. SERVICE INTEGRATION:

FROM:

Cooperative Welfare (General)

Fund	\$750,000	\$125,300		\$875,300
------	-----------	-----------	--	-----------

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>1,061,400</u>	<u>166,000</u>	<u>2,200,000</u>	<u>3,427,400</u>
TOTAL	\$1,830,900	\$291,300	\$2,250,000	\$4,372,200
XXI. SUBSTANCE ABUSE TREATMENT & PREVENTION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$472,800	\$573,500	\$1,455,400	\$2,501,700
Prevention of Minors' Access to Tobacco				
Fund	6,300	43,800		50,100
Cooperative Welfare (Dedicated)				
Fund	44,000	438,300		482,300
Liquor Control				
Fund			650,000	650,000
Cooperative Welfare (Federal)				
Fund	<u>592,300</u>	<u>3,836,300</u>	<u>8,698,600</u>	<u>13,127,200</u>
TOTAL	\$1,115,400	\$4,891,900	\$10,804,000	\$16,811,300
XXII. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$12,048,800	\$4,027,800		\$16,076,600
Cooperative Welfare (Dedicated)				
Fund		2,597,400		2,597,400
Cooperative Welfare (Federal)				
Fund	<u>19,551,500</u>	<u>13,109,700</u>		<u>32,661,200</u>
TOTAL	\$31,600,300	\$19,734,900		\$51,335,200
XXIII. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$17,976,500	\$17,976,500
Cooperative Welfare (Dedicated)				
Fund			23,500	23,500
Cooperative Welfare (Federal)				
Fund			<u>57,967,400</u>	<u>57,967,400</u>
TOTAL			\$75,967,400	\$75,967,400

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
XXIV. MEDICALLY INDIGENT ADMINISTRATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$113,700	\$15,100		\$128,800
GRAND TOTAL	\$175,142,600	\$118,677,700	\$1,941,869,200	\$2,235,689,500

SECTION 5. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the divisions in the Department of Health and Welfare is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized:

Child Welfare	380.77
Service for the Developmentally Disabled	432.96
Independent Councils	10
Indirect Support Services	270.05
Medical Assistance Services	269
Mental Health Services	288.34
Psychiatric Hospitalization	355.45
Public Health Services	209.19
Service Integration	36
Substance Abuse Treatment and Prevention	11.04
Division of Welfare	588.92
Medically Indigent Administration	1.25
GRAND TOTAL	2,852.97

SECTION 6. DIRECTING THE TRANSFER FROM THE IDAHO MILLENNIUM FUND TO THE COOPERATIVE WELFARE FUND. The Department of Health and Welfare shall certify to the administrator of the Division of Financial Management no later than September 1, 2011, the amount that is necessary, up to a maximum of \$42,317,700 from the Idaho Millennium Fund to reimburse the State Treasury for payments made for the Medical Assistance Services Programs prior to June 30, 2011. Upon certification, there is hereby appropriated, and upon the request of the administrator of the Division of Financial Management, the State Controller shall transfer up to \$42,317,700 from the Idaho Millennium Fund, as provided for in Section 67-1803, Idaho Code, to the Cooperative Welfare Fund on or after July 1, 2011.

SECTION 7. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 8. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense classes within the program budget during fiscal year 2012.

SECTION 9. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expendi-

tures towards core functions first and development and training second, the Department of Health and Welfare is hereby directed not to pay any education stipends, with the exception of the Title IV-E funding source, for employees during fiscal year 2012 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 10. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 11. ACTUAL AND FORECAST DETAIL REPORTING. The Department of Health and Welfare Medical Assistance Services Division and the Indirect Support Division shall deliver on a monthly basis to the Legislative Services Budget and Policy Office and the Division of Financial Management a report that compares the Medicaid forecast utilized to set the budget against actual expenditures and remaining forecasted expenditures. The report shall also include a breakdown by funding source and shall be substantially similar to the weekly report distributed by the Indirect Support Services Division prior to the change of the Medicaid Management Information System (MMIS).

SECTION 12. MEDICAID PROGRAM INTEGRITY COLLECTIONS. It is the intent of the Legislature that the Indirect Support Division provide quarterly reports to the Division of Financial Management and the Legislative Services Budget and Policy Office comparing the total costs from all funding sources used for the Medicaid Program Integrity unit and the collections related to those efforts. The report will track the new staff and their assessment and collections separately.

SECTION 13. HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Head Start appropriations paid from federal Temporary Assistance for Needy Families funds at the same level as was paid to the Head Start Program in fiscal year 2007.

SECTION 14. ACTUAL AND FORECAST DETAIL REPORTING. The Division of Welfare, within the Department of Health and Welfare, shall deliver the Self-Reliance Programs Forecast to the Legislative Services Budget and Policy Office and the Division of Financial Management no less than quarterly. The Self-Reliance Programs Forecast shall be substantially similar to the report distributed by the Division of Welfare prior to the change to the Idaho Benefits Eligibility System (IBES). The report shall include monthly caseload details for the Temporary Assistance for Needy Families (TANF), Child Care, Medicaid, Aid to the Aged, Blind and Disabled, Food Stamps, and Child Support programs. The Self-Reliance Programs Forecast also shall include expenditure details for all of the named programs with the exception of the Medicaid program.

SECTION 15. GAIN SUBSTANCE ABUSE ASSESSMENT. It is the intent of the Legislature that the Department of Health and Welfare Substance Abuse Treatment and Prevention Program is the sole program responsible for software licensing, user fees and statewide provider training for the GAIN assessment. For these reasons the program is directed to utilize up to \$140,000 of its fiscal year 2012 operating budget appropriation for the purposes of maintaining the GAIN standardized assessment statewide.

SECTION 16. STATEWIDE MEDIA CAMPAIGN ON UNDERAGE DRINKING. It is the intent of the Legislature that for fiscal year 2012, the Department of Health

and Welfare Substance Abuse Treatment and Prevention Program shall continue to fund at least \$50,000 of the \$1,600,000 prevention budget for the youth and adult media campaign on underage drinking.

SECTION 17. EXPENDITURES OF COLLECTED RECEIPTS. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Department of Health and Welfare is hereby authorized to expend all dedicated funds collected due to contracts for substance abuse treatment services as noncognizable funds for the period July 1, 2011, through June 30, 2012.

SECTION 18. EXPENDITURES OF COLLECTED RECEIPTS. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Department of Health and Welfare is hereby authorized to expend all dedicated funds collected on behalf of the Coordinated Medicaid Plan, Enhanced Medicaid Plan and the Basic Medicaid Plan as noncognizable funds for the period July 1, 2011, through June 30, 2012.

SECTION 19. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for provider payments in the trustee and benefit payments expenditure class in the budgeted Medical Assistance Services may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan and the Basic Medicaid Plan, but shall not be transferred to any other budgeted programs or expenditure class within the Department of Health and Welfare during fiscal year 2012.

SECTION 20. IMPLEMENTATION OF HOUSE BILL NO. 260 REPORTING. The Medical Assistance Division shall report on a quarterly basis the current status of the implementation of House Bill No. 260, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, to the Legislative Services Budget and Policy Office and the Division of Financial Management. The report shall, at a minimum, include benefit modification implementation updates for both long-term and short-term changes and cost savings achieved and cost savings forecasted for each modification for fiscal year 2012.

SECTION 21. COURT SERVICES FUND TRANSFERS. As appropriated, the State Controller shall make transfers of the Court Services Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 22. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall make, no later than July 10, 2011, an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be utilized for the purchase of contract clinician services with juvenile detention facilities in Idaho, for the period July 1, 2011, through June 30, 2012.

SECTION 23. In addition to the appropriation made in Section 4 of this act, there is hereby appropriated to the Department of Health and Welfare for the Medical Assistance Services the following amounts to be expended according to the designated expense class, from the listed funds for the period July 1, 2011, through June 30, 2012:

FOR:

Operating Expenses	\$300,000
--------------------	-----------

FROM:

Cooperative Welfare Fund (General)	\$150,000
------------------------------------	-----------

FOR:

Cooperative Welfare Fund (Federal)	<u>150,000</u>
TOTAL	\$300,000

SECTION 24. MEDICAID MANAGED CARE IMPLEMENTATION. The Medical Assistance Services Division shall, per House Bill No. 260, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, complete an actuarial analysis for Medicaid managed care for all Medicaid plans by population, subgroup and region before November 1, 2011. A copy of the actuarial analysis report shall be delivered to the Division of Financial Management and the Legislative Services Budget and Policy Office upon completion, but no later than December 1, 2011. In addition, the division shall report the actuarial information and the Department of Health and Welfare's recommendations for the next phases for implementing Medicaid managed care in Idaho during the Department of Health and Welfare presentations to the Joint Finance-Appropriations Committee during the 2012 session.

SECTION 25. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 3 of this act shall be in full force and effect on and after passage and approval.

Approved April 11, 2011.

CHAPTER 299
(H.B. No. 344)

AN ACT

RELATING TO FISCAL MATTERS OF SCHOOL DISTRICTS; PROVIDING PROVISIONS RELATING TO CERTAIN MAINTENANCE MATCH MONEYS FOR THE MAINTENANCE AND REPAIR OF CERTAIN STUDENT-OCCUPIED BUILDINGS; AMENDING SECTION 33-801, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT'S PREPARATION OF A BUDGET; AMENDING SECTION 33-804, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PLANT FACILITY LEVIES AND TO REVISE PROVISIONS RELATING TO THE FIRST TAX YEAR OF CONVERSION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. The provisions of Section 33-1019, Idaho Code, notwithstanding, for the period July 1, 2011, through June 30, 2012, only, the current fiscal year's amount of local maintenance match moneys normally required to be allocated for the maintenance and repair of student-occupied buildings may be spent on other one-time, nonpersonnel costs, at the discretion of the school district. Such amount shall be determined by the State Department of Education as follows:

(1) Subtract from the local maintenance match requirement all plant facility levy funds levied for tax year 2011.

(2) Subtract from the balance of any funds remaining after the subtraction provided for in subsection (1) of this section, any additional funds necessary to fully remediate all recommendations and code violations identified in the most recent inspection of each student-occupied building conducted by the Division of Building Safety, excluding any recommendations for which the least expensive remediation solution is the replacement of the building.

School districts shall furnish information pursuant to the provisions of this section, as may be required by the State Department of Education.

SECTION 2. That Section 33-801, Idaho Code, be, and the same is hereby amended to read as follows:

33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days or, if a ~~financial emergency has been declared pursuant to section 33-522, Idaho Code~~ the conditions provided for in section 33-804(4), Idaho Code, have been met, fourteen (14) days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state superintendent of public instruction, and shall have called and caused to be held a public hearing thereon, and at such public hearing, or at a special meeting held no later than fourteen (14) days after the public hearing, shall adopt a budget for the ensuing year. Notice of the hearing shall be posted, and published as prescribed in section 33-402, Idaho Code, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district. The board of trustees of each school district shall also prepare and publish, as a part of such notice, a summary statement of the budget for the current and ensuing years. Such statement shall be prepared in a manner consistent with standard accounting practices and in such form as the state superintendent of public instruction shall prescribe, and, among other things, said statement shall show amounts budgeted for all major classifications of income and expenditures, with total amounts budgeted for salary and wage expenditures in each such classification shown separately. Such statement shall show amounts actually expended for the two (2) previous years for the same classification for purposes of comparison. The budgeted dollar amounts of revenue in those categories included within the provisions of section 33-802, Idaho Code, as approved within the adopted budget shall be the same as presented to the respective county commissioners for tax levy purposes.

SECTION 3. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31 of the previous year, for a period not to exceed ten (10) years.

The question of a levy to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in title 34, Idaho Code; and the dollar amount to be collected shall be approved only if:

1. Fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of less than two-tenths of one percent

(.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;

2. Sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election; or

3. Two-thirds (2/3) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of three-tenths of one percent (.3%) or more of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election.

If the question be approved, the board of trustees may make a levy, not to exceed four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, in each year for which the collection was approved, sufficient to collect the dollar amount approved and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

Any bonded indebtedness incurred in accordance with the provisions of section 33-1103, Idaho Code, subsequent to the approval of a plant facilities reserve fund levy shall not affect the terms of that levy for any time during which such levy is in effect.

4. In any fiscal year in which the state department of education certifies that the statewide conditions exist for all qualifying school districts to declare financial emergencies, pursuant to section 33-522, Idaho Code per support unit funding for salary-based apportionment and discretionary funds has decreased, in the aggregate, from the prior fiscal year, the board of trustees of any school district with a previously approved plant facilities levy may submit to the qualified electors of the school district the question of converting a previously approved plant facilities levy to a supplemental levy, subject to the following:

(a) The term of the supplemental levy shall not exceed the lesser of two (2) years or the remaining term on the previously approved plant facilities levy; and

(b) The first tax year of conversion shall be the one in which the revenues collected will accrue to the fiscal year in which the state department of education certifies that the statewide conditions stated in subsection 4. of this section exists for all qualifying school districts to declare financial emergencies, pursuant to section 33-522, Idaho Code; and

(c) Up to one hundred percent (100%) of the previously approved plant facilities levy amount may be converted; and

(d) Conversion of a plant facilities levy to a supplemental levy shall not affect any other supplemental levy; and

(e) The question to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be converted each year, the number of years to be converted, the percentage

of the plant facilities levy that is proposed for conversion, and the purposes for which such funds shall be used; and

(f) Prior to January 1, 2011, the election notice shall be given, the election shall be conducted and the returns canvassed as provided in chapter 4, title 33, Idaho Code. On and after January 1, 2011, the election notice shall be given, the election shall be held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in title 34, Idaho Code; and

(g) The dollar amount to be converted and collected shall be approved only if a majority of the electors voting in the election are in favor; and

(h) Upon expiration of the term of conversion, the supplemental levy shall revert to the previously approved plant facilities levy for any approved years remaining on the balance of its term; and

(i) Any years in which a previously approved plant facilities levy is converted to a supplemental levy pursuant to this subsection shall count against the years for which the plant facilities levy was approved; and

(j) If a majority of the electors voting in the election fail to vote in favor, the previously approved plant facilities levy shall not be affected.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2, 3 and 4 of this act shall be in full force and effect on and after passage and approval. Section 1 of this act shall be in full force and effect on and after July 1, 2011.

Approved April 11, 2011.

CHAPTER 300
(H.B. No. 345)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002A, IDAHO CODE, AS ADDED BY SECTION 6 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO FRACTIONAL DAILY ATTENDANCE; AMENDING SECTION 33-1004, IDAHO CODE, AS AMENDED IN SECTION 7 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO STAFF ALLOWANCES AND FUNDED POSITIONS; AMENDING SECTION 33-1004A, IDAHO CODE, AS AMENDED IN SECTION 8 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE EDUCATION PORTION OF THE EXPERIENCE AND EDUCATION MULTIPLIER TABLE; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 9 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO CERTAIN STAFF SALARIES; AMENDING SECTION 33-1020, IDAHO CODE, AS AMENDED IN SECTION 11 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO IDAHO DIGITAL LEARNING ACADEMY FUNDING; AMENDING SECTION 33-1021, IDAHO CODE, AS ADDED BY

SECTION 12 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF MONEYS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING SECTION 33-1626, IDAHO CODE, AS ADDED BY SECTION 14 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO DUAL CREDIT; AMENDING SECTION 33-5216, IDAHO CODE, AS ADDED BY SECTION 16 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS AND CERTAIN PUBLIC CHARTER HIGH SCHOOLS; AMENDING SECTION 19 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE DECLARATION OF AN EMERGENCY AND EFFECTIVE DATES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1002A, Idaho Code, as added by Section 6 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) Beginning in fiscal year 2013, fFor students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school. A student's home school district or public charter school shall notify the student's parent or guardian at the time of registration if any online courses in which the student is enrolling exceed the maximum provided in this paragraph.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section 33-1627, Idaho Code, the term "online course" means a course which delivers a sequential program

of synchronous and/or asynchronous instruction primarily through the use of technology, in which the instructor is not physically located at the school or place in which the student is receiving instruction. Nothing in this definition shall prohibit a blended course that includes face-to-face, in person instruction, provided that a majority of the instruction is delivered as stated herein.

SECTION 2. That Section 33-1004, Idaho Code, as amended in Section 7 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, determine the total support units for the district in the manner provided in section 33-1002(6) (a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (5) (f), (g) and (h) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (5) (f), (g) and (h) of this section;

(3) Determine the administrative staff allowance by multiplying the support units by .075;

(4) Determine the classified staff allowance by multiplying the support units by .375;

(5) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than

the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to fifteen percent (15%) of the moneys associated with positions funded pursuant to subsection (2) of this section to pay another school district or public charter school for instructional services or to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(h) A district may employ fewer positions than funded pursuant to subsection (2) of this section, without a reduction in the number of funded positions being imposed, subject to the following limits on the percent of such positions that may be reduced:

Fiscal Year	Percentage
2012	67%
2013	89.5%
2014 and each fiscal year thereafter	101%

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 3. That Section 33-1004A, Idaho Code, as amended in Section 8 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

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

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus two (2); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

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

SECTION 4. That Section 33-1004E, Idaho Code, as amended in Section 9 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

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

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,565. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$29,655 for fiscal year 2011, or \$30,000 thereafter. The resulting amount is the district's salary-based apportionment for instructional staff. After the base and minimum salaries established pursuant to this subsection have reached the amounts that were in effect in fiscal year 2009, all further increases to these base and minimum salaries shall be allocated such that the percentage increase in the minimum salary is one and one-half (1.5) times the percentage increase in the base salary.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. The district administrative staff index shall be multiplied by the base salary of \$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$19,041 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, adjusted by the following percentages:

Fiscal Year	Percentage
2012	(1.67%)
2013	(4.05%)
2014	(6.30%)
2015	(6.42%)
2016	(6.21%)
2017 and each fiscal year thereafter	(5.74%)

plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. That Section 33-1020, Idaho Code, as amended in Section 11 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appropriated for the educational support program, an amount shall be distributed to support the Idaho digital learning academy, created pursuant to chapter 55, title 33, Idaho Code. For the purposes of this section, an "enrollment" shall be counted each time an Idaho school age child enrolls in an Idaho digital learning academy class. A single child enrolled in multiple classes shall count as multiple enrollments. Summer enrollments shall be included in the fiscal year that begins that summer. The amount distributed shall be calculated as follows:

(1) A fixed base amount shall be distributed, equal to the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by seven (7).

(2) A variable base amount shall be distributed each time the number of enrollments meets or exceeds an increment of five thousand (5,000). The amount so distributed shall be equal to the number of such increments, multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by four and thirty-three hundredths (4.33).

(3) A variable amount shall be distributed, equal to the number of enrollments multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, divided by one hundred forty-three (143). This subsection shall be null and void and of no force and effect on and after July 1, 2012.

(4) If the revenue received by the Idaho digital learning academy pursuant to this section, section 33-1002A, Idaho Code, and any contracts with school districts or public charter schools, is less than \$3,500,000 in fiscal year 2013 or fiscal year 2014, then the moneys distributed to the Idaho digital learning academy pursuant to this section shall be increased by the amount necessary to ensure that the total dollars received by the Idaho digital learning academy from all such sources is equal to \$3,500,000 for each of the stated fiscal years.

The state department of education shall make an estimated distribution of funds to the Idaho digital learning academy by no later than July 31 of each fiscal year, consisting of eighty percent (80%) of the estimated funding for the fiscal year. The balance of all remaining funds to be distributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 6. That Section 33-1021, Idaho Code, as added by Section 12 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state graduation requirements regarding math and science courses, moneys shall be distributed to school districts to defray the cost of providing additional math and science courses beginning in fiscal year 2012. Moneys so distributed shall be used to hire additional high school math and science teachers or to defray costs associated with providing math and science courses to high school students. Moneys shall be distributed to school districts from the moneys appropriated to the educational support program for each regular high school, not including alternative schools, based on the following criteria:

(1) For each school with enrollment of 99 or less, distribute the equivalent of one ninth (1/9) of a classified staff position.

(2) For each school with enrollment of 100 to 159, distribute the equivalent of one and one-quarter (1.25) of a classified staff position.

(3) For each school with enrollment of 160 to 319, distribute the equivalent of two sevenths (2/7) of a classified staff position.

(4) For each school with enrollment of 320 to 639, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position.

(5) For each school with enrollment of 640 or more, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position, and three-quarters (0.75) of a classified staff position.

For the purposes of these school size classifications for regular high schools that serve only grades 10-12, ninth grade students who will attend the regular high school upon matriculating to tenth grade shall be included as enrolled in the regular high school.

SECTION 7. That Section 33-1626, Idaho Code, as added by Section 14 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all state high school graduation requirements, except the senior project, by no later than the start of the twelfth grade, beginning with the 2011-2012 school year, shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily attendance shall be counted as normal for such twelfth grade students for public school funding purposes. In addition, the state department of education shall distribute funds from the moneys appropriated for the educational support program to defray the per credit cost charged for such dual credit courses by accredited postsecondary institutions. The amount so distributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

SECTION 8. That Section 33-5216, Idaho Code, as added by Section 16 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH SCHOOLS. (1) Any public postsecondary institution located in this state is hereby authorized to operate a public charter high school in Idaho. The provisions of chapter 52, title 33, Idaho Code, shall apply to each such public charter high school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) With the consent of the state board of education, a public postsecondary institution may petition to establish a public charter high school to the public charter school commission or to the local board of trustees. ~~Any provision or reference to the public charter school commission found in chapter 52, title 33, Idaho Code, shall mean, for the purposes of this section, the state board of education.~~

(3) The president or chief executive officer of such postsecondary institution, or his designee(s), shall serve as the board of trustees of any public charter high school opened for educational instruction pursuant to this section.

(4) For the purposes of this section, the term "high school" means a school serving any grades from ninth grade or higher.

SECTION 9. That Section 19 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

~~SECTION 19. Sections 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 of this act shall be in full force and effect on and after July 1, 2011. Sections 5, 6, 10 and 11 of this act shall be in full force and effect on and after July 1, 2012. An emergency existing therefor, which emergency is hereby declared to exist, all sections of this act, except Section 5, shall be in full force and effect on and after passage and approval. Section 5 of this act shall be in full force and effect one (1) day following the date of such passage and approval.~~

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

Approved April 11, 2011.

CHAPTER 301
(S.B. No. 1021, As Amended)

AN ACT

RELATING TO THE UNLICENSED PRACTICE OF MEDICINE AND THE EMS SYSTEM; AMENDING SECTION 54-1804, IDAHO CODE, TO CLARIFY AN EXCEPTION AS IT PERTAINS TO SKI PATROLLERS WHO ARE MEMBERS OF THE NATIONAL SKI PATROL SYSTEM, INC., AND ARE TRAINED IN AND HOLD A CURRENT OUTDOOR EMERGENCY CARE CREDENTIAL AS ISSUED BY THE NATIONAL SKI PATROL SYSTEM, INC., UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-1804, Idaho Code, be, and the same is hereby amended to read as follows:

54-1804. UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE. (1) Under the circumstances described and subject in each case to limitations stated, the following persons, though not holding a license to practice medicine in this state, may engage in activities included in the practice of medicine:

(a) A medical officer of the armed forces of the United States, of the United States public health service, or of the ~~veteran's administration~~ United States department of veterans affairs, while engaged in the performance of his official duties;

(b) A person residing in another state or country and authorized to practice medicine there, who is called in consultation by a person licensed in this state to practice medicine, or who for the purpose of furthering medical education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;

(c) A person authorized to practice medicine in another state or country while rendering medical care in a time of disaster or while caring for an ill or injured person at the scene of an emergency and while continuing to care for such person;

(d) An extern, intern or resident who is registered with the board as provided in this chapter and while engaged in programs authorized pursuant to rules of the board or a physician assistant licensed by the board;

(e) A person authorized or licensed by this state to engage in activities which may involve the practice of medicine;

(f) A person engaged in good faith in the practice of the religious tenets of any church or religious beliefs;

(g) A person administering a remedy, diagnostic procedure or advice as specifically directed by a physician;

(h) A person rendering aid in an emergency, where no fee for the service is contemplated, charged or received. This exception shall specifically include ski patrollers who are members of the national ski patrol system, inc., and are trained in and holding a current outdoor emergency care (OEC) credential, as issued by the national ski patrol system, inc., while rendering aid in accordance with the standards of training of such credential, where no fee for the service is contemplated, charged or received, and in the course of alpine, nordic or cross-country skiing and other recreational activities conducted in whole or in part at ski areas in the state of Idaho;

(i) A person administering a family remedy to a member of the family;

(j) A person who administers treatment or provides advice regarding the human body and its functions that:

(i) Does not use legend drugs or prescription drugs in such practice;

(ii) Uses natural elements such as air, heat, water and light;

(iii) Only uses class I or class II nonprescription, approved, medical devices as defined in section 513 of the federal food, drug and cosmetic act;

(iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who

(v) Does not perform surgery;

(vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider's education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter.

(2) Except as provided in subsection (1) of this section, it shall constitute a felony for any person to practice medicine in this state without a license and upon conviction thereof shall be imprisoned in the state prison for a period not to exceed five (5) years, or shall be fined not more than ten thousand dollars (\$10,000), or shall be punished by both such fine and imprisonment.

(3) Except as provided in subsections (1) (a), (1) (b), and (1) (c) above, it is unlawful for any person to assume or use the title or designation "medical doctor," "medical physician," "osteopathic doctor," "osteopathic physician," "M.D." or "D.O." or any other title, designation, words, letters, abbreviation, sign, card, or device to indicate to the public that such person is licensed to practice medicine pursuant to this chapter unless such person is so licensed, and upon conviction thereof, such person shall be imprisoned not to exceed one (1) year, or shall be fined not more than three thousand dollars (\$3,000), or shall be punished by both fine and imprisonment.

(4) When a person has been the recipient of services constituting the unlawful practice of medicine, whether or not he knew the rendition of the

services was unlawful, proof of the rendition of such unlawful services by the recipient or his personal representative in an action against the provider of such services for damages allegedly caused by the services constitutes prima facie evidence of negligence shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

- (a) The amount of any fees paid for the unlawful services.
- (b) Reasonable attorney's fees and court costs.

(5) The board shall refer all violations of this section made known to it to appropriate prosecuting attorneys. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

Approved April 11, 2011.

CHAPTER 302
(S.B. No. 1026, As Amended)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING CHAPTER 3, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-349, IDAHO CODE, TO PROHIBIT THE IMPROPER OR UNLAWFUL TRANSFER OR REMOVAL OF PUBLIC RECORDS OF THE STATE AND/OR TERRITORY OF IDAHO, TO DEFINE A TERM, TO CLARIFY CERTAIN REFERENCES, TO PROVIDE FOR WRITTEN NOTICE AND DEMAND, TO PROVIDE FOR COURT PETITION, TO PROVIDE FOR COURT ORDERS, TO PROVIDE FOR ATTORNEY'S FEES AND COURT COSTS, TO PROVIDE AN EXCEPTION TO APPLICATION OF SPECIFIED PROVISIONS AND TO PROVIDE FOR CERTIFIED AND DATED COPIES OR DIGITAL IMAGES OF CERTAIN RETURNED RECORDS; AMENDING SECTIONS 9-349, 9-349A AND 9-350, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AND AMENDING SECTIONS 40-1306C AND 65-301, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Chapter 3, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-349, Idaho Code, and to read as follows:

9-349. REPLEVIN -- PUBLIC RECORDS -- IMPROPER OR UNLAWFUL TRANSFER OR REMOVAL. (1) Public records of the state and/or territory of Idaho are the property of the citizens of the state in perpetuity and they may not be improperly or unlawfully transferred or removed from their proper custodian. For purposes of this section, the terms "public record" and "record," or plurals thereof, shall have the same meaning as "public record" as provided in section 9-337, Idaho Code.

(2) For the purpose of this section, where public records of a county, local district, or independent public body corporate and politic thereof are involved, all references to the state archivist also refer to any responsible public official or records custodian and all references to the attorney general also refer to county prosecutors.

(3) Whenever the state archivist or their designee has reasonable grounds to believe that records belonging to the state, county, local district, or independent public body corporate and politic thereof, are in the possession of a person or entity not authorized by law to possess those records, and such possession was acquired on or after July 1, 2011, he or she may issue a written notice demanding that person or entity to do either of the following within ten (10) calendar days of receiving the notice:

- (a) Return the records to the office of origin or the Idaho state archives; or

(b) Respond in writing and declare why the records do not belong to the state or a local agency.

(4) The notice and demand shall identify the records claimed to belong to the state or local agency with reasonable specificity, and shall specify that the state archivist may undertake legal action to recover the records if the person or entity fails to respond in writing within the required time or does not adequately demonstrate that the records do not belong to the state or a local agency.

(5) If a person or entity that receives a written notice and demand from the state archivist pursuant to this chapter fails to deliver the described records, fails to respond to the notice and demand within the required time, or does not adequately demonstrate that the records do not belong to the state or a local agency, the state archivist may ask the attorney general to petition a court of competent jurisdiction for an order requiring the return of the records.

(6) The court may issue any order necessary to protect the records from destruction, alteration, transfer, conveyance or alienation by the person or entity in possession of the records, and may order that the records be surrendered into the custody of the state archivist pending the court's decision on the petition.

(7) After a hearing, and upon a finding that the specified records are in the possession of a person or entity not authorized by law to possess the records, the court shall order the records to be delivered to the state archivist or other official designated by the court.

(8) If the attorney general recovers a record under this section, the court may award attorney's fees and court costs.

(9) Notwithstanding any other provision of this section, any public record that is in the custody of an organization or institution shall not be subject to the provisions of this section provided:

(a) That professional standards recognized by the society of American archivists for the management and preservation of historical records are maintained; and

(b) Such records are accessible to the public in a manner consistent with sections 9-337 through 9-352, inclusive, Idaho Code.

(10) When a record is returned pursuant to subsection (3) (a) of this section, upon the request of the person, organization or institution that returned the record, the record custodian that receives the record shall issue to that person, organization or institution a copy or digital image of the record which shall be certified as a true copy of the record that was returned to the state or local agency, and dated on the same day the record was returned.

SECTION 2. That Section 9-349, Idaho Code, be, and the same is hereby amended to read as follows:

9-34950. CONFIDENTIALITY LANGUAGE REQUIRED IN THIS CHAPTER. On and after January 1, 1996, any statute which is added to the Idaho Code and provides for the confidentiality or closure of any public record or class of public records shall be placed in this chapter. Any statute which is added to the Idaho Code on and after January 1, 1996, and which provides for confidentiality or closure of a public record or class of public records and is located at a place other than this chapter shall be null, void and of no force and effect regarding the confidentiality or closure of the public record and such public record shall be open and available to the public for inspection as provided in this chapter.

SECTION 3. That Section 9-349A, Idaho Code, be, and the same is hereby amended to read as follows:

9-349A51. 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 remaining portions of this act.

SECTION 4. That Section 9-350, Idaho Code, be, and the same is hereby amended to read as follows:

9-3502. IDAHO CODE IS PROPERTY OF THE STATE OF IDAHO. (1) The Idaho Code is the property of the state of Idaho, and the state of Idaho and the taxpayers shall be deemed to have a copyright on the Idaho Code. If a person reproduces or distributes the Idaho Code for the purpose of direct or indirect commercial advantage, the person shall owe to the Idaho code commission, as the agent of the state of Idaho, a royalty fee in addition to the fee charged for copying the Idaho Code. Any person who reproduces or distributes the Idaho Code in violation of the provisions of this section, shall be deemed to be an infringer of the state of Idaho's copyright. The Idaho code commission, through the office of the attorney general, is entitled to institute an action for any infringement of that particular right committed while the Idaho code commission or its designated agent has custody of the Idaho Code.

(2) A court having jurisdiction of a civil action arising under this section may grant such relief as it deems appropriate. At any time while an action under this section is pending, the court may order the impounding, on such terms as it deems reasonable, of all copies claimed to have been made or used in violation of the Idaho code commission's copyright pursuant to this section.

(3) An infringer of the state of Idaho's copyright pursuant to this section is liable for any profits the infringer has incurred by obtaining the Idaho Code for commercial purposes or is liable for statutory damages as provided in subsection (4) of this section.

(4) The Idaho code commission, as agent of the copyright owner, may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to the Idaho Code for which any one (1) infringer is liable individually, or for which any two (2) or more infringers are liable jointly and severally, in a sum of not less than two hundred fifty dollars (\$250) or more than ten thousand dollars (\$10,000), as the court considers just.

(5) In any civil action under this section, the court may allow the recovery of full costs by or against any party and may also award reasonable attorney's fees to the prevailing party as part of the costs.

(6) The Idaho code commission is hereby authorized to license and charge fees for the use of the Idaho Code. The Idaho code commission may grant a license for the use of the Idaho Code to a public agency in the state and waive all or a portion of the fees. All fees recovered by the Idaho code commission shall be deposited in the general account.

SECTION 5. That Section 40-1306C, Idaho Code, be, and the same is hereby amended to read as follows:

40-1306C. HIGHWAY DISTRICT RECORDS -- OPEN TO THE PUBLIC. All records of the highway district are open to the public, except as provided by law. With respect to highway district records, sections 9-337 through 9-349A51, Idaho Code, provide definitions, procedure for the right to examine, requests for the examination, records exempt from disclosure, copy fees, separation of exempt and nonexempt records, enforcement rights, court orders and penalties.

SECTION 6. That Section 65-301, Idaho Code, be, and the same is hereby amended to read as follows:

65-301. PERFORMANCE WITHOUT FEE -- SERVICES ENUMERATED. (1) Any state, county, city or public officer, or board, or body, acting in his or her or its official capacity on behalf of the state, county, or city, including notaries public, shall not collect, demand or receive any fee or compensation for recording or indexing the discharge papers of any male or female veteran who had active service in any war or conflict officially engaged in by the government of the United States; or for issuing certified copies thereof, or for any service whatever rendered by any such officer or officers, in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the United States department of veterans affairs or for the purposes of securing any benefits under acts of congress providing pension benefits for honorably discharged veterans of any war, and all acts or parts of acts amendatory thereto, or for furnishing a certified copy of the public record of a marriage, death, birth, divorce, deed of trust, mortgage, or property assessment, or making a reasonable search for the same, wherein the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automatic insurance, or otherwise provided for by any and all legislation by congress providing pension benefits for honorably discharged veterans of any war.

(2) Any veteran wishing to record his or her discharge papers may do so with personal identifying information such as date of birth, social security number, home address(es), blood type and other personal identifying information redacted from the document. The name of the veteran may not be redacted from the document.

(3) Any veteran or surviving spouse of any veteran of the United States armed forces or his or her surviving spouse, attorney, personal representative, executor or court appointed guardian has the right to request that a county recorder remove from the official records any of the following forms recorded before, on or after July 1, 2003, by or on behalf of the requesting veteran: DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553. The request must specify the identification page number of the form to be removed. The request shall be made in person and with appropriate identification to allow determination of identity. The county recorder has no duty to inquire beyond the requestor to verify the identity of the person requesting removal. No fee shall be charged for the removal. Any paper and reasonably retrievable electronic likeness, the removal of which will not affect other recorded documents, shall be removed from the record.

(4) No DD-214, DD-215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, which is recorded at the request of any veteran of the United States armed forces or his or her surviving spouse, attorney, personal representative, executor or court appointed guardian shall be a public record subject to release by the provisions of sections 9-337 through 9-350~~2~~, Idaho Code, without the express written consent of one (1) of the above enumerated individuals.

(5) Nothing in this section shall create or permit any cause of action against a county, county employee or the state of Idaho based upon harm caused by information released from the records of the county.

Approved April 11, 2011.

CHAPTER 303
(S.B. No. 1075, As Amended)

AN ACT

RELATING TO STATE ELECTED OFFICIALS; AMENDING SECTION 59-105, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALLOCATION OF OFFICE SPACE TO STATEWIDE ELECTED OFFICIALS.

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

SECTION 1. That Section 59-105, Idaho Code, be, and the same is hereby amended to read as follows:

59-105. OFFICES TO BE PROVIDED IN CAPITOL BUILDING MALL. ~~The officers enumerated in section 59-103~~ governor, lieutenant governor, secretary of state, attorney general, state treasurer, state controller and superintendent of public instruction may occupy, without rent or charge, the offices provided for them respectively in the capitol building mall; and no pay or allowance must be made to any one of said officers for rent, fuel, or lights whether such officer occupy such office or not.

Approved April 11, 2011.

CHAPTER 304
(S.B. No. 1088, As Amended, As Amended in the House)

AN ACT

RELATING TO TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING SECTION 49-1807A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REFUSAL TO RELEASE A VEHICLE; AND AMENDING SECTION 49-1812, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO CLAIMING CERTAIN VEHICLES.

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

SECTION 1. That Section 49-1807A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1807A. UNAUTHORIZED REMOVAL OF VEHICLE -- REFUSAL TO RELEASE VEHICLE. (1) Any towing firm, employee or agent thereof called to the scene of an accident or disabled vehicle by an authorized officer and requested to remove a vehicle shall remove the vehicle and take it to the nearest garage or other place of safety as directed by the officer or, except as otherwise provided in this chapter, shall take the vehicle to such place as the owner or his authorized agent may reasonably request. The towing firm, employee or agent shall not be entitled to recover any storage, impound fees or other fees, except the scheduled tow fee, if the firm, employee or agent:

(a) Removes the vehicle to a place other than as directed by the officer or as reasonably requested by the owner or his authorized agent; or

(b) After removing the vehicle, refuses to release the vehicle to the owner, ~~or~~ his authorized agent, insurance representative or lienholder for any reason other than the refusal of the owner, ~~or~~ authorized agent, insurance representative or lienholder to pay the fees to which the towing firm is lawfully entitled. The refusal of the owner, ~~or~~ his authorized agent, insurance representative or lienholder to pay fees to which the towing firm, employee or agent is not entitled pursuant to this subsection shall not be cause for the towing firm, employee or agent to refuse to release the vehicle.

(2) Upon release of the vehicle to the legal or registered owner, authorized agent or insurance representative, the towing company shall provide an itemized statement containing the following:

- (a) Location from which the vehicle was towed;
- (b) Storage location of the vehicle;
- (c) Name, address and telephone number of the tow company;
- (d) Year, make and model of the vehicle towed;
- (e) License plate number of the vehicle towed;
- (f) Itemized cost of towing and recovery charges;
- (g) Daily storage charge and number of days stored.

SECTION 2. That Section 49-1812, Idaho Code, be, and the same is hereby amended to read as follows:

49-1812. CLAIMING OF VEHICLES. (1) The owner of any vehicle removed under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to sale by proving ownership and paying the costs relative to towing and storing the vehicle and costs of advertising except as otherwise provided in section 49-1805, Idaho Code.

(2) A lienholder of any vehicle removed under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the sale by proving the presence of the lien and by paying the costs relative to towing and storing the vehicle and costs of advertising. The lienholder may also take possession of the vehicle by purchasing the vehicle at the sale. Nothing in this chapter shall be construed to abate any cause of action that a lienholder has against the owner of an abandoned vehicle.

(3) Any insurer having a claim made against it pertaining to any vehicle removed under the provisions of this chapter, except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the settlement of such claim following determination by such insurer that the vehicle has been determined by such insurer to be a total loss, obtaining verbal consent of the owner and by paying the lawfully entitled costs relative to towing and storing the vehicle. The insurer holding facility shall allow access to the vehicle owner or their representative upon the vehicle owner or their representative providing evidence of ownership. Personal property unrelated to the vehicle must be returned to the vehicle owner in conformance with section 49-1809(2), Idaho Code. If no total loss settlement is reached, the insurer shall return the vehicle to a mutually agreed upon location. Any holding facility that releases a vehicle consistent with the provisions of this subsection shall be held harmless for the release of such vehicle. The insurer shall provide the location and telephone number of the insurer holding facility to the vehicle owner or their representative.

Approved April 11, 2011.

CHAPTER 305
(S.B. No. 1120)

AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-1-501, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONSTRUCTION OF CERTAIN FORMULA CLAUSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 15-1-501, Idaho Code, be, and the same is hereby amended to read as follows:

15-1-501. CONSTRUCTION OF CERTAIN FORMULA CLAUSES. (1) A will or trust of a decedent who dies after December 31, 2009, and before January 1, 2011, that contains a formula referring to the "unified credit," "estate tax exemption," "applicable exemption amount," "applicable credit amount," "applicable exclusion amount," "generation-skipping transfer tax exemption," "GST exemption," "marital deduction," "maximum marital deduction" or "unlimited marital deduction," or that measures a share of an estate or trust based on the amount that can pass free of federal estate taxes or the amount that can pass free of federal generation-skipping transfer taxes, or that is otherwise based on a similar provision of federal estate tax or generation-skipping transfer tax law, shall be deemed to refer to the federal estate and generation-skipping transfer tax laws as they applied apply with respect to estates of decedents ~~dying on December 31, 2009~~ in 2010, without regard to whether the decedent's personal representative or other fiduciary elects not to have the estate tax apply with respect to that estate. This subsection provision shall not apply with respect to a will, ~~or trust that is executed or amended after December 31, 2009,~~ or other instrument that manifests an intent that a contrary rule shall apply if the decedent dies on a date on which there is no then-applicable federal estate or generation-skipping transfer tax. ~~The reference to January 1, 2011, in this subsection shall, if the federal estate and generation-skipping transfer tax becomes effective before that date, refer instead to the first date on which such tax shall become legally effective.~~

(2) ~~The personal representative, trustee, other fiduciary or any affected beneficiary under the will, or trust or other instrument may bring a proceeding to determine whether the decedent intended that the references under will, trust or other instrument should be construed in a manner other than as provided in subsection (1) of this section be construed with respect to the law as it existed after December 31, 2009. Such a proceeding must under this section shall be commenced within twelve (12) months following the death of the testator or grantor, and not thereafter before January 1, 2012. In a proceeding under this section, the court may consider extrinsic evidence that contradicts the plain meaning of the will, trust or other instrument. The court shall have the power to modify a provision of the will, trust or other instrument that refers to the federal estate tax or generation-skipping tax laws as described in subsection (1) of this section to:~~

- (a) Conform the terms to the decedent's intention; or
- (b) Achieve the decedent's tax objectives in a manner that is not contrary to the decedent's probable intention.

The court may provide that an interpretation or modification pursuant to this section shall be effective as of the decedent's date of death. A person who commences a proceeding under this section has the burden of proof, by clear and convincing evidence, in establishing the decedent's intent that the will, trust or other instrument should be construed in a manner other than as provided in subsection (1) of this section.

~~(3) This section shall apply to all proceedings pending before the courts of this state on the effective date of this act~~ For purposes of this section only, interested persons may enter into a binding agreement to determine whether the decedent intended that the will, trust or other instrument should be construed in a manner other than as provided in subsection (1) of this section and to conform the terms to the decedent's intention, without court approval as provided in subsection (2) of this section. As used in the subsection, "interested persons" means persons whose consent would be required in order to achieve a binding settlement were the settlement to be approved by the court. In the case of a trust, the agreement may be by nonjudicial settlement agreement pursuant to chapter 8, title 15, Idaho

Code. Any interested person may petition the court to approve the agreement or to determine whether all interested persons are parties to the agreement, either in person or by adequate representation where permitted by law, and whether the agreement contains terms the court could have properly approved.

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, 2010, and shall apply to all proceedings pending before the courts of this state on the effective date of this act.

Approved April 11, 2011.

CHAPTER 306
(S.B. No. 1133, As Amended)

AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NUMBER OF RACES PER DAY AND THE NUMBER OF DAYS OF RACING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2508, Idaho Code, be, and the same is hereby amended to read as follows:

54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS FUND. It shall be unlawful for any person to hold any race meet in this state without having first obtained and having in force and effect a license issued by the commission as in this chapter provided. Every person making application for a license to hold a race meet, under the provisions of this chapter, shall file an application with the commission which shall set forth the time, place and number of days such will continue, an agreement with a horsemen's group as the term "horsemen's group" is defined in section 54-2502, Idaho Code, and such other information as the commission may require. The agreement shall be reached voluntarily or pursuant to binding arbitration in conformance with chapter 9, title 7, Idaho Code, and shall address, but not be limited to, number of live race days and percentage of the live race and simulcast handle that is dedicated to the live horse race purse structure. In addition, the agreement shall provide that all simulcast purse moneys that are accrued as required by the horsemen's agreement be held in the simulcast purse moneys fund created pursuant to the provisions of this section. Race days agreed upon shall be submitted to the Idaho racing commission for its approval.

No person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules of the commission, or who has failed to pay any of the fees, taxes or moneys required under the provisions of this chapter.

All applications to hold race meets shall be submitted to the commission which shall act upon such applications within thirty (30) days. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day. For those licensees or facilities that have had a

total race handle from both live races and simulcast races exceeding five million dollars (\$5,000,000) during the last calendar year in operation, the number of races per day shall not be less than eight (8), and the number of days of racing shall not be less than forty-six (46) unless otherwise agreed by the licensee and the horsemen's group. Provided however, the number of days of racing shall not be less than fifteen (15) and the number of days of racing shall be approved by the Idaho racing commission. For those licensees or facilities that have had a total race handle from both live races and simulcast races of five million dollars (\$5,000,000) or less during the last calendar year in operation, the number of races per day shall not be less than six (6) and the number of days of racing shall not be less than two (2). The licensee shall pay in advance of the scheduled race meet to the state treasurer a fee of not less than twenty-five dollars (\$25.00) for each day of racing, which fees shall be placed in the public school income fund of the state of Idaho. Provided, that if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee held may be refunded the licensee, if the commission deems the reason for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three (3) days' notice in writing shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

The simulcast purse moneys fund is hereby created in the state treasury. Moneys in the fund shall consist of all simulcast purse moneys that are accrued as required by horsemen's agreements. Moneys in the fund are hereby perpetually appropriated to the Idaho state racing commission for distribution pursuant to the provisions of horsemen's agreements and rules of the commission. The commission is authorized to promulgate rules providing for the receipt, deposit, withdrawal and distribution of such moneys. The state treasurer shall invest idle moneys in the fund and any interest received on those investments shall be returned to the 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 April 11, 2011.

CHAPTER 307
(S.B. No. 1137)

AN ACT

RELATING TO OPTOMETRISTS; AMENDING SECTION 54-1503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF MEMBERS OF THE STATE BOARD OF OPTOMETRY, TO REMOVE LANGUAGE RELATING TO THE REMOVAL OF MEMBERS FROM SUCH BOARD AND TO PROVIDE THAT THE MEMBERS OF SUCH BOARD SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; REPEALING SECTION 54-1504, IDAHO CODE, RELATING TO NOTICE OF VACANCY ON THE STATE BOARD OF OPTOMETRY AND NOMINEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1503, Idaho Code, be, and the same is hereby amended to read as follows:

54-1503. STATE BOARD OF OPTOMETRY ESTABLISHED -- QUALIFICATIONS. (1) There is hereby established in the department of self-governing agencies a state board of optometry composed of five (5) members who shall be appointed by the governor. The governor may consider recommendations for appointment to the board from any optometric association or any individual residing in this state. Members will serve for staggered terms of five (5) years each after the effective date of this act unless otherwise provided in this chapter. A vacancy in membership on the board shall occur when the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy because of the expiration of a regular term provided in this chapter shall be filled by the governor by appointment of a member for a five (5) year term as provided in this chapter. Appointments to fill a vacancy occurring for some reason other than expiration of a term of office shall be made for the unexpired term which is being filled. The governor may remove any member of the board from membership on the board who is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member as provided in this chapter The members of the board shall serve at the pleasure of the governor.

(2) Each member of the state board of optometry shall be a licensed optometrist in the state of Idaho and shall have been a resident of and lawfully practicing optometry within the state of Idaho for a period of not less than five (5) years immediately preceding his appointment.

SECTION 2. That Section 54-1504, Idaho Code, be, and the same is hereby repealed.

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

Approved April 11, 2011.

CHAPTER 308
(S.B. No. 1138)

AN ACT

RELATING TO THE CHIROPRACTIC PRACTICE ACT; AMENDING SECTION 54-706, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF MEMBERS TO THE STATE BOARD OF CHIROPRACTIC PHYSICIANS, TO REMOVE LANGUAGE RELATING TO VACANCIES IN THE MEMBERSHIP OF SUCH BOARD AND TO PROVIDE THAT MEMBERS OF SUCH BOARD SERVE AT THE PLEASURE OF THE GOVERNOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-706, Idaho Code, be, and the same is hereby amended to read as follows:

54-706. STATE BOARD OF CHIROPRACTIC PHYSICIANS CREATED. (1) There is hereby established in the department of self-governing agencies a state board of chiropractic physicians to be composed of five (5) members. ~~Members of the board of chiropractic examiners, as it exists on the effective date of this act are hereby confirmed as members of the board for the terms to which~~

~~they were originally appointed. The additional members of the board shall be appointed by the governor, with one (1) member appointed for a term of one (1) year and one (1) member for a term of two (2) years. Thereafter, as each member's term expires, the subsequent appointment shall be for a term of three (3) years. The governor may consider recommendations for appointment to the board from any chiropractic association or any individual residing in this state. No person may be appointed for more than two (2) consecutive terms.~~

~~(2) The board shall be appointed by the governor, and shall consist of four (4) physicians who are licensed to practice chiropractic in this state, and each of whom shall have been engaged continuously in the practice of chiropractic within the state of Idaho for a period of not less than three (3) years prior to his appointment. Sixty (60) days prior to the expiration of the regular term of a member of the board, or upon the occurrence or declaration of a vacancy in the membership of the board, a notice of such vacancy shall be sent by the board to each licensed physician within the state. During the following thirty (30) days, the board shall receive petitions for nominations for physicians to be appointed to fill said vacancies and, in the event such petitions shall be signed by not less than ten (10) physicians licensed to practice within the state, said petitions shall be forwarded by the board to the governor. The governor shall within fifteen (15) days following receipt of said petitions appoint a physician to fill said vacancy from among the persons nominated by petition as hereinbefore set forth. Appointments to fill vacancies occurring for some other reason than expiration of a term for which a member was appointed, shall be made in the same manner as set forth for the unexpired term. The governor may remove any member of the board found guilty of malfeasance, misfeasance or nonfeasance.~~

~~(3) The governor shall appoint a representative of the public as one (1) member of the board who shall be designated as the public member. The public member of the board shall be a resident of the state of Idaho who has attained the age of twenty-one (21) years, and shall not be nor shall ever have been a physician, the spouse of a physician, a person licensed under the laws of any state to practice a healing art, or a person who has or has had a material financial interest in providing health care services.~~

~~(4) The board shall elect a chairman from its membership. The members of the board, except for state employees, shall be compensated as provided by section 59-509(n), Idaho Code. Three (3) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.~~

~~(5) The members of the board serve at the pleasure of 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 its passage and approval.

Approved April 11, 2011.

CHAPTER 309
(S.B. No. 1144)

AN ACT

RELATING TO ANIMALS; AMENDING THE HEADING FOR CHAPTER 35, TITLE 25, IDAHO CODE, TO REVISE THE HEADING NAME; AMENDING SECTION 25-3501, IDAHO CODE, TO PROVIDE THAT THE DIVISION OF ANIMAL INDUSTRIES SHALL BE RESPONSIBLE FOR ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO PRODUCTION ANIMALS, TO PROVIDE THAT LOCAL LAW ENFORCEMENT AGENCIES SHALL BE RESPONSIBLE

FOR ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO COMPANION ANIMALS AND TO AUTHORIZE LOCAL LAW ENFORCEMENT TO CALL ON THE DIVISION FOR AID; AND AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE THE DEFINITION OF "PRODUCTION ANIMAL."

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

SECTION 1. That the Heading for Chapter 35, Title 25, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 35
CRUELTY TO ANIMALS CARE

SECTION 2. That Section 25-3501, Idaho Code, be, and the same is hereby amended to read as follows:

25-3501. ADMINISTRATION. The Idaho state department of agriculture, division of animal industries shall be responsible for the administration of the provisions of this chapter as they pertain to production animals and shall inform the public and animal owners concerning their legal responsibilities, and in cooperation with local law enforcement, investigate and develop cases for prosecution. The division Local law enforcement agencies shall be responsible for the administration of the provisions of this chapter as they pertain to companion animals and shall be authorized to call upon any peace officer in the state the division to aid in fulfillment of the requirements of this chapter and refer cases for prosecution to the appropriate authority. The foregoing shall not be construed to preclude county or local officials, acting upon their own authority, from investigating, developing cases and prosecuting violations of this chapter that occur in their jurisdiction. The cost to the department for administering the provisions of this chapter shall be borne by the citizens of this state through the appropriation of general funds for administration, personnel, travel, equipment and supplies. No provision of this chapter relating to law enforcement agencies and animal care and control agencies shall be construed to preclude the authority of agencies or entities recognized in this section.

SECTION 3. That Section 25-3502, Idaho Code, be, and the same is hereby amended to read as follows:

25-3502. DEFINITIONS. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Abandon" means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance and shelter.

(2) "Animal" means any vertebrate member of the animal kingdom, except man.

(3) "Animal care and control agency" means any agency incorporated under the laws of this state to which a county or municipality has conferred authority to exercise the powers and duties set forth in this chapter based upon the agency's ability to fulfill the purposes of this chapter.

(4) "Companion animal" means those animals including, but not limited to, domestic dogs, domestic cats, rabbits, companion birds, and other animals commonly kept as pets.

(5) "Cruel" or "cruelty" shall mean any or all of the following:

(a) The intentional and malicious infliction of pain, physical suffering, injury or death upon an animal;

(b) To maliciously kill, maim, wound, overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary

sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;

(c) To subject an animal to needless suffering, inflict unnecessary cruelty, drive, ride or otherwise use an animal when same is unfit;

(d) To abandon an animal;

(e) To negligently confine an animal in unsanitary conditions or to negligently house an animal in inadequate facilities; to negligently fail to provide sustenance, water or shelter to an animal.

(6) "Department" means the Idaho state department of agriculture.

(7) "Department investigator" means a person employed by, or approved by, the Idaho state department of agriculture, division of animal industries, to determine whether there has been a violation of this chapter.

(8) "Division" means the division of animal industries of the Idaho state department of agriculture.

(9) "Custodian" means any person who keeps or harbors an animal, has an animal in his care or acts as caretaker of an animal.

(10) "Malicious" or "maliciously" means the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or death.

(11) "Owner" means any person who has a right of property in an animal.

(12) "Person" means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state of Idaho, or any municipal corporation or political subdivision of the state.

(13) "Pound" means a place enclosed by public authority for the detention of stray animals.

(14) "Production animal" means, for purposes of this chapter:

(a) The following animals if kept by the owner owned for the express purpose of producing food or fiber, or other commercial activity, in furtherance of the production of food or fiber, or other commercial activity, or to be sold for the use by another for such purpose: cattle, sheep, goats, swine, poultry, ratites, equines, domestic cervidae, camelidae, and guard and stock dogs; and

(b) Furbearing animals kept for the purpose of commercial fur production; and

~~(c) Equines, domestic cervidae, and members of the camelidae family which includes llamas and alpacas.~~

Approved April 11, 2011.

CHAPTER 310
(S.B. No. 1149)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO UNANTICIPATED PUBLIC CHARTER SCHOOL CLOSURE AND TO PROVIDE FOR CERTAIN FUNDING; AND AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAWS.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1021, Idaho Code, and to read as follows:

33-1021. MONEYS PROVIDED FROM UNANTICIPATED PUBLIC CHARTER SCHOOL CLOSURE. In the event a public charter school closes and ceases to provide

educational instruction during the course of a school year, the following provisions relating to funding shall apply:

(1) A school district or public charter school shall report to the state department of education all newly enrolled students when such students have enrolled from a public charter school that has closed during a school year.

(2) The state department of education shall use the reported enrollment information provided for in subsection (1) of this section to calculate the funding that the district or public charter school would have received had those reported new enrollees been enrolled in such district for the entire school year. Such funding shall be prorated based on the percent of days left in the school year following the enrollment of new students. Such funding shall be included in the next scheduled payment to the school district or public charter school.

SECTION 2. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements

of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's attendance zone, and must meet at least one (1) of the following two (2) criteria:

- (a) The student resides within the school district in which the public charter school is physically located; or
- (b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

(a) For a state public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: section 33-1003B, Idaho Code, relating to guaranteed minimum support; that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(6) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(7) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(8) (a) For the period July 1, 2003, through June 30, 2005, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the median divisor shown for each respective category of pupils, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. If there is an even number of possible divisors listed for a particular category of pupils, then the lesser of the two (2) median divisors shall be used. For the period July 1, 2005, through June 30, 2007, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the second highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category

of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

(10) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

Approved April 11, 2011.

CHAPTER 311

(S.B. No. 1154, As Amended)

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LEGISLATIVE FINDINGS; AMENDING SECTION 18-8303, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPLICATION OF A CERTAIN CHAPTER AND TO PROVIDE A CERTAIN DEPARTMENT WITH RULEMAKING AUTHORITY; AMENDING SECTION 18-8305, IDAHO CODE, TO REMOVE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO A CENTRAL SEXUAL OFFENDER REGISTRY AND NOTICE REQUIREMENTS RELATING TO SUCH REGISTRY; AMENDING SECTION 18-8306, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO NOTICE OF THE DUTY TO REGISTER AND CERTAIN REGISTRATION REQUIREMENTS; AMENDING SECTION 18-8307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION REQUIREMENTS FOR CERTAIN OFFENDERS; AMENDING SECTION 18-8308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO VERIFYING ADDRESSES OF SEXUAL OFFENDERS; REPEALING SECTION 18-8309, IDAHO CODE, RELATING TO A CHANGE OF ADDRESS OR NAME; AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8309, IDAHO CODE, TO PROVIDE A DUTY TO UPDATE CERTAIN REGISTRATION INFORMATION AND TO PROVIDE REQUIREMENTS RELATED TO SUCH DUTY; AMENDING SECTION 18-8310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RELEASE FROM REGISTRATION REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8311, IDAHO CODE, TO REVISE PENALTY PROVISIONS AND TO REMOVE A CERTAIN PENALTY PROVISION; AMENDING SECTION 18-8312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SEXUAL OFFENDER MANAGEMENT BOARD AND SUCH BOARD MEMBERS; AMENDING SECTION 18-8314, IDAHO CODE, TO REMOVE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE POWERS AND DUTIES OF THE SEXUAL OFFENDER MANAGEMENT BOARD; AMENDING SECTION 18-8315, IDAHO CODE, TO REMOVE REQUIREMENTS RELATING TO CERTAIN MEETINGS AND RECORDS OF THE SEXUAL OFFENDER MANAGEMENT BOARD AND TO REMOVE PROVISIONS RELATING TO EXECUTIVE SESSIONS; AMENDING SECTION 18-8316, IDAHO CODE, TO PROVIDE THAT IF ORDERED BY THE COURT,

A CERTAIN OFFENDER MAY SUBMIT TO A CERTAIN EVALUATION, TO REVISE THE NAME OF A CERTAIN BOARD AND TO REMOVE PROVISIONS RELATING TO A VIOLENT SEXUAL PREDATOR; REPEALING SECTION 18-8317, IDAHO CODE, RELATING TO THE REQUIREMENT FOR PSYCHOSEXUAL EVALUATIONS; AMENDING SECTION 18-8318, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO PAYMENT FOR CERTAIN EVALUATIONS BY THE DEPARTMENT OF CORRECTION; REPEALING SECTION 18-8319, IDAHO CODE, RELATING TO NOTICE OF THE BOARD'S DETERMINATION; REPEALING SECTION 18-8320, IDAHO CODE, RELATING TO EXCEPTIONS TO NOTICE OF THE BOARD'S CLASSIFICATION DETERMINATION OF AN OFFENDER; REPEALING SECTION 18-8321, IDAHO CODE, RELATING TO JUDICIAL REVIEW; REPEALING SECTION 18-8322, IDAHO CODE, RELATING TO VIOLENT SEXUAL PREDATORS MOVING FROM OTHER STATES; AMENDING SECTION 18-8323, IDAHO CODE, TO REMOVE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO PUBLIC ACCESS TO SEXUAL OFFENDER REGISTRY INFORMATION; AMENDING SECTION 18-8324, IDAHO CODE, TO REMOVE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE DISSEMINATION OF REGISTRY INFORMATION; AMENDING SECTION 9-340B, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 19-2520G, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO A MANDATORY MINIMUM TERM OF CONFINEMENT OF CERTAIN VIOLENT SEXUAL PREDATORS; AND AMENDING SECTION 67-2345, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE SEXUAL OFFENDER CLASSIFICATION BOARD.

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

SECTION 1. That Section 18-8302, Idaho Code, be, and the same is hereby amended to read as follows:

18-8302. FINDINGS. The legislature finds that sexual offenders present a ~~significant risk of reoffense~~ danger and that efforts of law enforcement agencies to protect their communities, conduct investigations and quickly apprehend offenders who commit sexual offenses are impaired by the lack of current information available about individuals who have been convicted of sexual offenses who live within their jurisdiction. The legislature further finds that providing public access to certain information about convicted sexual offenders assists parents in the protection of their children. Such access further provides a means for organizations that work with youth or other vulnerable populations to prevent sexual offenders from threatening those served by the organizations. Finally, public access assists the community in being observant of convicted sexual offenders in order to prevent them from recommitting sexual crimes. Therefore, this state's policy is to assist efforts of local law enforcement agencies to protect communities by requiring sexual offenders to register with local law enforcement agencies and to make certain information about sexual offenders available to the public as provided in this chapter.

SECTION 2. That Section 18-8303, Idaho Code, be, and the same is hereby amended to read as follows:

18-8303. DEFINITIONS. As used in this chapter:

(1) "Aggravated offense" means any of the following crimes: 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim

is at least twelve years of age or the defendant is eighteen years of age); 18-6108 (male rape, but excluding section 18-6108(1) where the victim is at least twelve years of age or the defendant is eighteen years of age); 18-6608 (forcible sexual penetration by use of a foreign object); 18-8602(1) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen years or an offense that is substantially similar to any of the foregoing offenses under the laws of another jurisdiction or military court or the court of another country.

(2) "Board" means the sexual offender classification management board described in section 18-8312, Idaho Code.

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

(4) "Certified evaluator" means either a psychiatrist licensed by this state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to chapter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall have by education, experience and training, expertise in the assessment and treatment of sexual offenders, and such person shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in section 18-8314, Idaho Code.

(5) "Department" means the Idaho state police.

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty (30) days in any calendar year, or any employment which involves counseling, coaching, teaching, supervising or working with minors in any way regardless of the period of employment, whether such employment is financially compensated, volunteered or performed for the purpose of any government or education benefit.

(7) "Foreign conviction" means a conviction under the laws of Canada, Great Britain, Australia or New Zealand or a conviction under the laws of any foreign country deemed by the U.S. department of state, in its country reports on human rights practices, to have been obtained with sufficient safeguards for fundamental fairness and due process.

(8) "Incarceration" means committed to the custody of the Idaho department of correction or department of juvenile corrections, but excluding cases where the court has retained jurisdiction.

(9) "Jurisdiction" means any of the following: a state, the District of Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, the federal government or a federally recognized Indian tribe.

(10) "Minor" means an individual who has not attained the age of eighteen (18) years.

(11) "Offender" means an individual convicted of an offense listed and described in section 18-8304, Idaho Code, or a substantially similar offense under the laws of another state or in a federal, tribal jurisdiction or military court or the court of another country deemed by the U.S. department of state, in its country reports on human rights practices, to have sufficient safeguards for fundamental fairness and due process.

(12) "Offense" means a sexual offense listed in section 18-8304, Idaho Code.

~~(10) "Predatory" means actions directed at an individual who was selected by the offender for the primary purpose of engaging in illegal sexual behavior.~~

(13) "Psychosexual evaluation" means an evaluation which specifically addresses sexual development, sexual deviancy, sexual history and risk of reoffense as part of a comprehensive evaluation of an offender.

(14) "Recidivist" means an individual convicted two (2) or more times of any offense requiring registration under this chapter.

(135) "Residence" means the offender's present place of abode.

(146) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education.

(157) "Violent sexual predator" means a person who has been convicted of an offense listed in section 18-8314, Idaho Code, and who has been determined to pose a high risk of committing an offense or engaging in predatory was designated as a violent sexual conduct predator by the sex offender classification board where such designation has not been removed by judicial action or otherwise.

SECTION 3. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The provisions of this chapter shall apply to any person who:

(a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with ~~attempt~~ intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with ~~attempt~~ intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), 18-1507 (sexual exploitation of a child), 18-1507A (possession of sexually exploitative material for other than a commercial purpose), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5611 (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 or where the defendant is exempted under subsection (4) of this section), 18-6108 (male rape, but excluding 18-6108(1) where the defendant is eighteen years of age or where the defendant is exempted under subsection (4) of this section), 18-6110 (sexual contact with a prisoner), 18-6602 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual penetration by use of a foreign object), 18-6609 (video voyeurism where the victim is a minor or upon a second or subsequent conviction under 18-6609 (video voyeurism)), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1), Idaho Code, (sex trafficking).

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another state, territory, commonwealth, or other jurisdiction of the United States, ~~including tribal courts and military courts,~~ jurisdiction or who has a foreign conviction that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and enters the this state to establish permanent or temporary 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 state, territory, commonwealth, or other jurisdiction of the United States, including tribal courts and military courts, that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and was required to register as a sex offender in any other state or jurisdiction when he established permanent or temporary residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) When a defendant is convicted of rape under section 18-6101(2) or 18-6108(2), Idaho Code, and at the time of the offense the defendant is nineteen (19) or twenty (20) years of age and not more than three (3) years older than the victim of the rape, the court may order that the defendant is exempt from the requirements of this chapter upon a finding by the court that:

(a) All parties have stipulated to the exemption; or

(b) The defendant has demonstrated by clear and convincing evidence that he is not a risk to commit another crime identified in subsection (1) of this section and in the case there were no allegations by the victim of any violation of section 18-6101(3) through (8) or 18-6108(3) through (7), Idaho Code.

(5) The department shall have authority to promulgate rules to implement the provisions of this chapter.

SECTION 4. That Section 18-8305, Idaho Code, be, and the same is hereby amended to read as follows:

18-8305. CENTRAL REGISTRY -- NOTICE TO AGENCIES. (1) The department shall establish and maintain a central sexual offender registry separate from other records maintained by the department. ~~The registry shall include, but is not limited to, fingerprints, photographs, and other information collected from submitted forms and other communications relating to notice of duty to register, sexual offender registration and notice of address change~~ The information contained in the registry shall be in digital form or include links or identification numbers that provide access to the information in other databases in which it is included in digital form. The registry shall include, but is not limited to, the following information:

(a) Name and all aliases that the offender has used or under which the offender has been known including the offender's primary or given name, nicknames and pseudonyms generally, regardless of the context in which they are used, any designations or monikers used for self-identifica-

tion in internet communications or postings and traditional names given by family or clan pursuant to ethnic or tribal tradition;

(b) A complete physical description of the person including any identifying marks, such as scars or tattoos, the offender's date of birth including any date the offender uses as his or her purported date of birth and the offender's social security number including any number the offender uses as his or her purported social security number;

(c) The criminal history of the offender including the jurisdiction of all arrests and convictions, the name under which the offender was convicted of each offense, the status of parole, probation or supervised release; registration status; and the existence of any outstanding arrest warrants for the offender;

(d) The text of the provision of law defining the criminal offense for which the sexual offender is registered as formulated at the time the offender was convicted;

(e) The name and location of each hospital, jail or penal institution to which the offender was committed for each offense covered under this chapter;

(f) The address or physical description of each residence at which the offender resides;

(g) The name and address of any place where the offender is a student or will be a student unless the offender is only participating in courses remotely through the mail or the internet;

(h) The license plate number and a description of any vehicle owned or regularly operated by the sexual offender including any vehicle the offender drives, either for personal use or in the course of employment, regardless of to whom the vehicle is registered. The term "vehicle" includes watercraft and aircraft. To the extent the vehicle does not have a license plate, a registration number or other identifying information shall be provided;

(i) Any e-mail or instant messaging address used by the offender;

(j) The offender's telephone numbers including, but not limited to, fixed location telephone numbers, voice over internet protocol numbers and cell phone numbers;

(k) The name and address of any place where the offender is employed or will be employed and the name and address of any place where the offender works as a volunteer or otherwise works without remuneration or if the offender does not have a fixed place of employment, a description of normal travel routes or the general areas in which the offender works;

(l) Information regarding any professional license maintained by the offender that authorizes the offender to engage in an occupation or carry out a trade or business;

(m) Information about the offender's passport, if any, and if the offender is an alien, information about documents establishing the offender's immigration status including document type and number information for such documents and a digitized copy of the documents;

(n) A set of fingerprints and palm prints of the offender;

(o) A current photograph of the offender; and

(p) A photocopy of a valid driver's license or identification card issued to the offender, if any.

(2) ~~Upon receipt of information pursuant to section 18-8307, Idaho Code, the department shall notify the law enforcement agencies having jurisdiction where the offender resides or will reside, enter information in the central registry, and transmit the appropriate information as required by the federal bureau of investigation for inclusion in the national sexual offender registry. Upon receipt of a notice of an offender changing residence to another state, the department shall notify the central registry of the state to which the offender is moving. The department shall adopt~~

rules relating to providing notice of address changes to law enforcement agencies, developing forms, operating the central registry, reviewing and correcting records, and expunging records of persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of expungement or relief from registration has been entered pursuant to section 18-8310, Idaho Code.

(3) The department shall develop and distribute to appropriate agencies the standardized forms necessary for the administration of the registry and shall provide appropriate agencies with instructions for completing and submitting the forms. The attorney general shall approve the forms and instructions prior to distribution.

(4) The department shall notify the attorney general of the United States and appropriate law enforcement agencies of any failure by an offender to comply with the requirements of this chapter and shall revise the registry to reflect the nature of that failure.

SECTION 5. That Section 18-8306, Idaho Code, be, and the same is hereby amended to read as follows:

18-8306. NOTICE OF DUTY TO REGISTER AND INITIAL REGISTRATION. (1) When a person is sentenced for an offense identified in section 18-8304, Idaho Code, the prosecuting attorney shall seek and the court shall order a designated law enforcement agency to immediately fingerprint photograph that person and obtain fingerprints and palm prints unless the person has been fingerprinted and photographed and has provided fingerprints and palm prints previously for the same offense. Fingerprints, palm prints and photographs may be taken at the jail or correctional facility to which the person is remanded or sentenced. The fingerprints, palm prints and photographs taken pursuant to this subsection shall be submitted to the department as provided in section 67-3005, Idaho Code.

(2) A person convicted of an offense identified in section 18-8304, Idaho Code, and released on probation without a sentence of incarceration in a county jail or correctional facility, including release pursuant to a withheld judgment or release from any mental institution, shall be notified by the sentencing court of the duty to register pursuant to the provisions of this chapter and the offender shall register in accordance with this chapter no later than two (2) working days after sentence is imposed or judgment is withheld. The written notification shall be a form provided by the department and approved by the attorney general and shall be signed by the defendant. The court shall retain one (1) copy, provide one (1) copy to the offender, and submit one (1) copy to the central registry within three (3) working days of release.

(3) With respect to an offender convicted of a sexual offense identified in section 18-8304, Idaho Code, and sentenced to a period of immediate incarceration in a jail or correctional facility and subsequently released, placed on probation, or paroled, the department of correction or jail shall provide, prior to release from confinement, written notification of the duty to register and the offender shall register prior to his or her release. The written notification shall be a form provided by the department and approved by the attorney general and shall be signed by the offender. The department of correction or jail shall retain one (1) copy, provide one (1) copy to the offender, and submit one (1) copy to the central registry within three (3) working days of release.

(4) The sheriff of each county shall provide written notification, on a form provided by the Idaho transportation department and approved by the attorney general, of the registration requirements of this chapter to any person who enters this state from another jurisdiction and makes an application for an identification card or a license to operate a motor vehicle in this state. The written notice shall be signed by the person and one (1) copy

shall be retained by the sheriff's office and one (1) copy shall be provided to the person.

~~(5) Notification of the duty to register as set forth in subsections (2) and (3) of this section shall constitute an initial registration for the purpose of establishing a record in the central registry.~~

~~(6) The notification form provided by the department and approved by the attorney general shall:~~

~~(a) Explain the duty to register, the procedure for registration and penalty for failure to comply with registration requirements;~~

~~(b) Inform the offender of the requirement to provide notice of any change of address within Idaho or to another state jurisdiction within five two (52) working days of such change and of the immediate notification requirements set forth in subsections (2) and (3) of section 18-8309, Idaho Code;~~

~~(c) Inform the offender of the requirement to register in a new state jurisdiction within ten two (102) working days of changing residence to that state jurisdiction, becoming employed in that jurisdiction or becoming a student in that jurisdiction; and~~

~~(d) Obtain from the offender and agency or court, the information required for initial registration in the central registry as set forth in section 18-8305, Idaho Code, as prescribed and any other information required by rules promulgated by the department.~~

~~(76) The official conducting the notice and initial registration shall ensure that the notification form is complete, that the offender has read and signed the form, and that a copy is forwarded to the central repository within the required time period three (3) working days of the registration.~~

~~(8) Information required for initial registration in the central registry shall include, but is not limited to: name and aliases of the offender; social security number; physical descriptors; current address or physical description of current residence; offense for which convicted, sentence and conditions of release; treatment or counseling received; and risk assessment or special category of offender.~~

~~(97) No person subject to registration shall willfully furnish false or misleading information when complying with registration and notification requirements of this chapter.~~

~~(8) An offender required to register under this chapter shall initially register in the jurisdiction in which he or she was convicted as well as any other jurisdiction requiring registration under this chapter. If the jurisdiction in which the offender is initially required to register is Idaho, the offender shall register in the county in which he or she primarily intends to reside. The county of initial registration shall then notify the department, which shall notify any other county or jurisdiction in which the offender is required to register.~~

SECTION 6. That Section 18-8307, Idaho Code, be, and the same is hereby amended to read as follows:

18-8307. REGISTRATION. (1) Registration shall consist of a form provided by the department and approved by the attorney general, which shall be signed by the offender and shall require the following information about the offender:

~~(a) Name and all aliases which the person has used or under which the person has been known;~~

~~(b) A complete description of the person including the date of birth and social security number;~~

~~(c) Name of each offense enumerated in section 18-8304, Idaho Code, of which the person was convicted, where each offense was committed, where the person was convicted of each offense, and the name under which the person was convicted of each offense;~~

~~(d) The name and location of each hospital, jail or penal institution to which the person was committed for each offense covered under this chapter;~~

~~(e) School or college enrollment; and~~

~~(f) Address or physical description of current residence and place of employment set forth in subsection (1) of section 18-8305, Idaho Code.~~

(2) At the time of registration, the sheriff shall obtain a photograph and fingerprints, in a manner approved by the department, and may require the offender to provide full palm print impressions of each hand. A violent sexual predator shall pay a fee of ten dollars (\$10.00) to the sheriff per registration. All other offenders shall pay an annual fee of forty dollars (\$40.00) to the sheriff for registration. The sheriff may waive the registration fee if the violent sexual predator or other offender demonstrates indigency. The fees collected under this section shall be used by the sheriff to defray the costs of violent sexual predator and other sexual offender registration and verification under ~~section 18-8308, Idaho Code.~~

(3) The sheriff shall forward the completed and signed form, photograph, and fingerprints and palm prints to the department within three (3) working days of the registration.

(a) The official conducting the ~~initial~~ registration shall ensure that the notification form is complete and that the offender has read and signed the form.

(b) No person subject to registration shall furnish false or misleading information when complying with registration and notification requirements of this chapter.

(4) (a) Within two (2) working days of coming into any county to establish ~~permanent or temporary~~ residence, an offender shall register with the sheriff of the county. The offender thereafter shall register annually, unless the offender is designated as a violent sexual predator, in which case the offender shall register with the sheriff every three (3) months as provided in this section. If the offender intends to reside in another state jurisdiction, the offender shall register in the other state jurisdiction within ~~ten two (102)~~ days of moving to that state jurisdiction and will not be removed from the sexual offender registry in Idaho until registration in another jurisdiction is complete.

(b) A nonresident required to register pursuant to section 18-8304(1)(~~eb~~), Idaho Code, shall register with the sheriff of the county where employed or enrolled as a student within two (2) working days of the commencement of employment or enrollment as a student in an educational institution, provided that nonresidents employed in counseling, coaching, teaching, supervising or working with minors in any way, regardless of the period of employment, must register prior to the commencement of such employment.

(5) Registration shall be conducted as follows:

(a) For violent sexual predators the department shall mail a nonforwardable notice of ~~annual~~ quarterly registration to the offender's last reported address within three (3) months following the last registration;

(b) For all other sex offenders the department shall mail an annual, nonforwardable notice of registration to the offender's last reported address;

(c) Within five (5) days of the mailing date of the notice, the offender shall appear in person at the office of the sheriff ~~with jurisdiction in the county in which the offender is required to register for the purpose of completing the registration process;~~

(d) If the notice is returned to the department as not delivered, the department shall inform the sheriff with whom the offender last registered of the returned notice.

(6) All written notifications of duty to register as provided herein shall include a warning that it is a felony as provided in section 18-8327, Idaho Code, for an offender to accept employment in any day care center, group day care facility or family day care home, as those terms are defined in chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the offender's child or children.

(7) An offender shall keep the registration current for the full registration period. The full registration period is for life; however, offenders may petition for release from the full registration period as set forth in section 18-8310, Idaho Code.

SECTION 7. That Section 18-8308, Idaho Code, be, and the same is hereby amended to read as follows:

18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT SEXUAL PREDATORS. (1) The address or physical residence of an offender designated as a violent sexual predator shall be verified by the department between registrations.

(a) The procedure for verification shall be as follows:

(i) The department shall mail a nonforwardable notice of address verification every thirty (30) days between registrations, to each offender designated as a violent sexual predator.

(ii) Each offender designated as a violent sexual predator shall complete, sign and return the notice of address verification form to the department within seven (7) days of the mailing date of the notice. If the notice of address verification is returned to the department as not delivered, or if the signed notice is not returned on time, the department shall, within five (5) days, notify the sheriff with whom the offender designated as a violent sexual predator last registered.

(iii) The sheriff shall verify the address of the offender by visiting the offender's residence once every six (6) months or, if the offender fails to comply with the provisions of paragraph (a) (ii) of this subsection, at any reasonable time to verify the address provided at registration.

(2) The address or physical residence of any sex offender not designated as a violent sexual predator shall be verified by the department between registrations.

(a) The procedure for verification shall be as follows:

(ia) The department shall mail a nonforwardable notice of address verification every four (4) months between annual registrations.

(ib) Each offender shall complete, sign and return the notice of address verification form to the department within seven (7) days of the mailing date of the notice. If the notice of address verification is returned as not delivered or if the signed notice is not returned on time, the department shall notify the sheriff within five (5) days and the sheriff shall visit the residence of the registered offender at any reasonable time to verify the address provided at registration.

(3) Any individual designated as a violent sexual predator shall be monitored with electronic monitoring technology for the duration of the individual's probation or parole period as set forth in section 20-219(2), Idaho Code. Any person who, without authority, intentionally alters, tampers with, damages or destroys any electronic monitoring equipment required to be worn or used by a violent sexual predator shall be guilty of a felony.

(4) A sexual offender who does not provide a physical residence address at the time of registration shall report, in person, once every seven (7)

days to the sheriff of the county in which he resides. Each time the offender reports to the sheriff, he shall complete a form provided by the department that includes the offender's name, date of birth, social security number and a detailed description of the location where he is residing. The sheriff shall visit the described location at least once each month to verify the location of the offender.

SECTION 8. That Section 18-8309, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 83, 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 18-8309, Idaho Code, and to read as follows:

18-8309. DUTY TO UPDATE REGISTRATION INFORMATION. (1) If an offender subject to registration changes his or her name, street address or actual address, employment or student status, the offender shall appear in person within two (2) working days after the change at the office of the sheriff of the county where the offender is required to register and notify the sheriff of all changes in the information required for that offender in the sex offender registry. Provided however, nonresidents employed in this jurisdiction in counseling, coaching, teaching, supervising or working with minors in any way, regardless of the period of employment, shall register before the commencement of such employment. Within three (3) working days after receipt of the notice, the sheriff shall notify the department of the changed information and the department shall notify all other counties and jurisdictions in which the offender is required to register. An offender satisfies the notification requirements set forth in this subsection if he or she appears in another jurisdiction in which registration is required and notifies that jurisdiction of the changed information.

(2) An offender required to register shall immediately notify the department of any lodging lasting seven (7) days or more, regardless of whether the lodging would be considered a residence as defined in section 18-8303, Idaho Code. The department shall immediately notify the jurisdiction in which the lodging will occur if different than the jurisdiction in which the offender is required to register.

(3) An offender required to register shall immediately notify the department of any changes in his or her vehicle information and of any changes in designations used for self-identification or routing in internet communications or postings or telephonic communications.

(4) If this jurisdiction is notified that an offender who is required to register is expected to commence residence, employment or school attendance in this jurisdiction, but the offender fails to appear for registration as required, this jurisdiction shall inform the jurisdiction that provided the notification that the offender failed to appear and shall follow the procedures for cases involving possible violations of registration requirements set forth in the rules of procedures promulgated by the department.

(5) An offender required to register in Idaho shall notify the county in which he or she is registered of his or her intent to commence residence, employment or school attendance outside of the United States. Once notified, the county shall notify the central registry, which shall notify all other counties and jurisdictions in which the offender is required to register and notify the United States marshals service and update the registry accordingly.

(6) Upon receipt of information pursuant to this section, the department shall notify the law enforcement agencies in the counties where the offender resides or will reside, enter information in the central registry and transmit the appropriate information as required pursuant to section 18-8324, Idaho Code. Upon receipt of a notice of an offender changing

residence to another jurisdiction or entering another jurisdiction for employment purposes or to attend school, the department shall notify those agencies entitled to notification pursuant to section 18-8324, Idaho Code.

(7) The department shall notify the attorney general of the United States and appropriate law enforcement agencies of any failure by an offender to comply with the requirements of this chapter and revise the registry to reflect the nature of that failure.

SECTION 10. 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) Any person 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 person 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 person 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 is not a risk to commit a new violation for any violent crime or crime identified in section 18-8304, Idaho Code has completed any periods of supervised release, probation or parole 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; and

(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.

(34) The court may exempt the petitioner from the reporting 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

(bc) The 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.

(45) Concurrent with the entry of any order exempting the petitioner from the reporting registration requirement, the court may further order that any information regarding the petitioner be expunged from the central registry.

SECTION 11. That Section 18-8311, Idaho Code, be, and the same is hereby amended to read as follows:

18-8311. PENALTIES. (1) An offender subject to registration who knowingly fails to register, verify his address, or provide any information or notice as required by this chapter shall be guilty of a felony and shall be punished by imprisonment in the state prison system for a period not to exceed ten (10) years and by a fine not to exceed five thousand dollars (\$5,000). If the offender is on probation or other supervised release or suspension from incarceration at the time of the violation, the probation or supervised release or suspension shall be revoked and the penalty for violating this chapter shall be served consecutively to the offender's original sentence.

(2) An offender subject to registration under this chapter, who willfully provides false or misleading information in the registration required, shall be guilty of a felony and shall be punished by imprisonment in a state prison for a period not to exceed ten (10) years and a fine not to exceed five thousand dollars (\$5,000).

~~(3) An offender subject to registration under this chapter, who willfully evades service of the board's notice pursuant to section 18-8319, Idaho Code, shall be guilty of a felony and shall be punished by imprisonment in a state prison for a period not to exceed ten (10) years and a fine not to exceed five thousand dollars (\$5,000).~~

SECTION 12. That Section 18-8312, Idaho Code, be, and the same is hereby amended to read as follows:

18-8312. SEXUAL OFFENDER CLASSIFICATION MANAGEMENT BOARD -- APPOINTMENT -- TERMS -- VACANCIES -- CHAIRMAN -- QUORUM -- QUALIFICATIONS OF MEMBERS -- COMPENSATION OF MEMBERS. (1) A sexual offender classification management board is hereby created within the Idaho department of correction. The board shall consist of ~~four~~ nine (49) voting members appointed by the governor by and with the advice and consent of the senate. Members shall be eligible for reappointment to the board without limitation. ~~The purpose of the board shall be to assess the risk of reoffense of any offender convicted and incarcerated for commission of a crime as set forth in section 18-8314, Idaho Code, to determine whether the offender should be designated a violent sexual predator. To the extent practicable, the board's determination shall be made prior to the offender's release from incarceration charged with the advancement and oversight of sexual offender management policies and practices statewide.~~

(2) The terms of the members shall expire as follows: ~~one~~ three (13) members on January 1, 20014; ~~one~~ three (13) members on January 1, 20025; ~~one and three~~ (13) members on January 1, 200316; and ~~one~~ (1) member on January

~~1, 2004.~~ Thereafter, any person appointed a member of the board shall hold office for ~~six~~ three (63) years.

(3) Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. Members appointed to a vacant position shall serve the remainder of the unexpired term.

(4) Qualifications of members.

(a) ~~At least one~~ (1) member of the board shall have, by education, experience and training, expertise in the assessment and treatment of adult sexual offenders.

(b) ~~At least one~~ (1) member of the board shall be employed in the field of law enforcement and have training in the field of the behavior and treatment of have, by education, experience and training, expertise in the assessment and treatment of juveniles who have been adjudicated for sexual offenders offenses.

(c) ~~At least one~~ (1) member of the board shall be an advocate for victims have, by education, experience and training, expertise in cultural diversity and behavior of sexual offenders as they relate to assessment and treatment.

(d) One (1) member of the board shall be from the Idaho department of correction.

(e) One (1) member of the board shall be from the Idaho department of juvenile corrections.

(f) One (1) member of the board shall be an attorney who has experience in the prosecution of sexual offenders through the criminal justice process.

(g) One (1) member of the board shall be an attorney who has experience in the defense of sexual offenders through the criminal justice process.

(h) One (1) member of the board shall be from the Idaho sheriffs' association.

(i) One (1) member of the board shall be a representative of the public.

(5) In addition, there shall be advisory to the board, one (1) nonvoting member representing the judiciary who shall be appointed by the chief justice of the Idaho supreme court. The term of appointment for the judicial member shall be four (4) years.

(6) The board may create subcommittees to address specific issues. Such subcommittees may include board members as well as invited experts and other stakeholders or participants.

(7) The board shall elect a chairman from its members.

(68) A quorum shall exist when ~~at least three (3) members~~ a majority of the board are is present, ~~provided that one (1) member present has, by education, experience and training, expertise in the assessment and treatment of sexual offenders.~~

(79) Members shall be compensated as provided by section 59-509(o), Idaho Code.

SECTION 13. That Section 18-8314, Idaho Code, be, and the same is hereby amended to read as follows:

18-8314. POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION MANAGEMENT BOARD. (1) ~~The board shall consider for review offenders scheduled for release from incarceration who are referred by the department of correction or parole commission to determine whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense. Only offenders who were sentenced and convicted for one (1) or more of the crimes set forth in sections 18-1506, 18-1506A, 18-1507, 18-1508, 18-4003(d), 18-4502, 18-6101 (but excluding subsection (1) of such section when the offender is eighteen (18) years of age), 18-6108 (but excluding subsection (1) of such section when the offender is eighteen (18) years of~~

age), 18-6602, 18-6605 and 18-6608, Idaho Code, or any violation of the duty to register as provided in this chapter, or are recidivists as defined in this chapter, are eligible for review by the board.

~~(2) The board shall consider for review offenders who were sentenced and convicted for one (1) or more crimes enumerated in subsection (1) of this section, or any violation of the duty to register as provided in this chapter, or offenders who are recidivists as defined in this chapter, who have been released under supervision, for the purpose of determining whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense. Such review shall be undertaken upon request of the district court having jurisdiction over the offender on probation or of the parole commission if the offender has been released on parole regardless of whether the offender has been reviewed by the board prior to release from incarceration. For purposes of seeking a board review pursuant to this subsection, the court or parole commission may consider all relevant evidence including, but not limited to, the probation or parole official's observations and opinions of these offenders while under supervision, in light of the circumstances of the underlying offense.~~

~~(3) The board shall consider for review offenders living in Idaho who were sentenced and convicted for one (1) or more crimes enumerated in subsection (1) of this section, or substantially equivalent to those enumerated in subsection (1) of this section and committed in another state, territory, commonwealth or other jurisdiction of the United States, including tribal courts and military courts, and who have been released under federal or tribal court supervision. Such review shall be for the purpose of determining whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense, and shall be undertaken upon request of the federal or tribal court having jurisdiction over the offender. For purposes of seeking a board review pursuant to this subsection, the federal or tribal court may consider all relevant evidence including, but not limited to, the probation official's observations and opinions of these offenders while under supervision, in light of the circumstances of the underlying offense.~~

~~(4) The board shall by rule: develop, advance and oversee sound sexual offender management policies and practices statewide as demonstrated by evidence-based best practices.~~

(2) The board shall carry out the following duties:

(a) Establish standards for psychosexual evaluations and the qualifications for certified evaluators performing evaluations performed pursuant to sections 18-8316 and 18-8317, Idaho Code, and sexual offender treatment programs based on current and evolving best practices.

(b) Set Establish qualifications, set forth procedures for the approval, and certification and quality assurance of evaluators pursuant to this section administer the certification process for:

(i) Professionals conducting psychosexual evaluations pursuant to section 18-8316, Idaho Code, or adjudication proceedings on juvenile sexual offenders;

(ii) Professionals providing treatment to adult or juvenile sexual offenders as ordered or required by the court, Idaho department of correction, Idaho commission of pardons and parole or the Idaho department of juvenile corrections; and

(iii) Professionals conducting postconviction sexual offender polygraphs as ordered or required by the court, Idaho department of correction or Idaho commission of pardons and parole.

(c) Establish a nonrefundable initial certification processing fee not to exceed one hundred fifty dollars (\$150) for each initial certification and a nonrefundable annual recertification processing fee not to exceed one hundred fifty dollars (\$150) for each annual recertification.

(d) Set forth and administer procedures for quality assurance of the standards and qualifications established in this section.

(e) The board shall have authority to deny, revoke, restrict or suspend a certification if standards or qualifications are not met or to otherwise monitor a provider.

(f) Establish and implement standard protocols for sexual offender management, assessment and classification based on current and evolving best practices.

~~(5) The board shall establish guidelines to determine whether an offender who meets the criteria of this section is a violent sexual predator presenting a high risk of reoffense. The guidelines shall be established with the assistance of sexual offender treatment and law enforcement professionals who have, by education, experience or training, expertise in the assessment and treatment of sexual offenders.~~

~~(a) Factors to be used in establishment of the guidelines must be supported in the sexual offender assessment field as criteria reasonably related to the risk of reoffense and be objective criteria that can be gathered in a consistent and reliable manner.~~

~~(b) The guidelines shall include, but are not limited to, the following general categories for risk assessment: seriousness of the offense, offense history, whether the offense was predatory, characteristics of the offender, characteristics of the victim, the relationship of the offender to the victim, the number of victims and the number of violations of each victim.~~

~~(6) If the offender has indicated an intention to reoffend if released into the community and the available record reveals credible evidence to support this finding, then the offender shall be deemed a violent sexual predator regardless of application of the guidelines.~~

~~(7) Once the board has made its determination, it shall set forth written findings which shall include:~~

~~(a) The board's risk assessment and the reasons upon which the risk assessment was based; and~~

~~(b) The board's determination whether the offender should be designated as a violent sexual predator and the reasons upon which the determination was based.~~

(83) The board shall have authority to promulgate rules to carry out the provisions of this chapter.

SECTION 14. That Section 18-8315, Idaho Code, be, and the same is hereby amended to read as follows:

18-8315. COMPLIANCE WITH OPEN MEETING LAW -- ~~EXECUTIVE SESSIONS AUTHORIZED --- REPORT REQUIRED.~~ (1) All meetings of the board shall be held in accordance with the open meeting law as provided in chapter 23, title 67, Idaho Code, except:

~~(a) Consideration of and discussions pertaining to documents not subject to public disclosure, such as the presentence investigation report, certain medical or psychological reports and any reports, orders or other documents sealed by court order;~~

~~(b) Deliberations and decisions concerning the classification of violent sexual predators; and~~

~~(c) Votes of individual members in arriving at the classification decisions shall not be made public, provided that the board shall maintain a record of the votes of the individual members as required in subsection (2) of this section.~~

(2) A written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that member shall be produced by the board. In accordance with section 9-340B, Idaho Code, the record produced by the board pursuant to this section shall be kept

~~confidential and privileged from disclosure, provided the record shall be made available, upon request, to the governor and 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. Distribution of the report by a board member or an employee of the board to any person not specifically listed in this section shall be a misdemeanor.~~

~~(3) Nothing contained in this section shall prevent any person from obtaining the results of any classification action by the board without reference to the manner in which any member voted. This information can be obtained through a public records request made to the board.~~

~~(4) Nothing contained herein shall prevent the governor and chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting including an executive session of the sexual offender classification board.~~

SECTION 15. That Section 18-8316, Idaho Code, be, and the same is hereby amended to read as follows:

18-8316. REQUIREMENT FOR PSYCHOSEXUAL EVALUATIONS UPON CONVICTION. If ordered by the court, an offender convicted of any offense listed in section 18-8304, Idaho Code, shall may submit to an evaluation to be completed and submitted to the court in the form of a written report from a certified evaluator as defined in section 18-8303, Idaho Code, for the court's consideration prior to sentencing and incarceration or release on probation. The court shall select the certified evaluator from a central roster of evaluators compiled by the sexual offender classification management board. A certified evaluator performing such an evaluation shall be disqualified from providing any treatment ordered as a condition of any sentence, unless waived by the court. ~~For offenders convicted of an offense listed in section 18-8314, Idaho Code, the evaluation shall state whether it is probable that the offender is a violent sexual predator. An evaluation conducted pursuant to this section shall be done in accordance with the standards established by the board pursuant to section 18-8314, Idaho Code.~~

SECTION 16. That Section 18-8317, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 18-8318, Idaho Code, be, and the same is hereby amended to read as follows:

18-8318. OFFENDER REQUIRED TO PAY FOR PSYCHOSEXUAL EVALUATION. The offender shall be required to pay for the cost of the psychosexual evaluations performed under this chapter, unless the offender demonstrates indigency. In such case, the psychosexual evaluation performed pursuant to section 18-8316, Idaho Code, shall be paid for by the county, ~~and the evaluation performed pursuant to section 18-8317, Idaho Code, shall be paid for by the department of correction.~~ As a condition of sentence, indigent offenders for whom the county has paid the cost of evaluation performed pursuant to section 18-8316, Idaho Code, shall be required to repay the county for the cost.

SECTION 18. That Section 18-8319, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 18-8320, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 18-8321, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 18-8322, Idaho Code, be, and the same is hereby repealed.

SECTION 22. That Section 18-8323, Idaho Code, be, and the same is hereby amended to read as follows:

18-8323. PUBLIC ACCESS TO SEXUAL OFFENDER REGISTRY INFORMATION. Information within the sexual offender registry collected pursuant to this chapter is subject to release only as provided by this section.

(1) The department or sheriff shall provide public access to information contained in the central sexual offender registry. ~~The department shall promulgate rules defining the processes for providing information to the public and the requirements for retention of inquiry records by the department and sheriff. The department may provide public access to the sex offender registry by means of the internet.~~

(2) ~~The department and sheriff will respond to requests for sexual offender registry information within ten (10) working days of receipt of the written request.~~

~~(a) Any person may inquire about a named individual by submitting an information request form obtained from the department or sheriff. The department shall promulgate rules outlining the methods and means of submitting requests. Information required for inquiry shall include the individual's full name and address, or full name and date of birth. The requester shall provide his full name, street address and driver's license or social security number.~~

~~(b) Any person may request a list of registered sexual offenders by geographic area, such as by county or by zip code area, as determined by rule, by submitting an information request form obtained from the department or sheriff. The requester shall provide his full name, street address and driver's license, social security number, or state identification number.~~

~~(c) Schools, organizations working with youth, women or other vulnerable populations may request a statewide list or lists by geographic area within the state.~~

~~(d) The department and sheriff may collect a fee of five dollars (\$5.00) for each response to a written request.~~

~~(e) Information to be provided includes the offender's name, address, any aliases or prior names, date of birth, the crime of conviction, and the place of conviction. The information provided shall also state whether the offender is a violent sexual predator.~~

~~(f) Identity of the offender's employer or educational institution currently attended will not be provided for any registered sexual offender.~~

~~(g) Where a crime category such as "incest" may serve to identify a victim, that crime will be reported as section 18-1506, Idaho Code.~~

~~(h) Any information identifying any person related to, living with, working for, employing or otherwise associated with a registered sexual offender shall be excluded from release.~~

(3) The department shall provide to any person, upon written request and at a reasonable cost, determined by the department, a photograph of any registered sexual offender which the department maintains in its central sexual offender registry. The department shall respond to requests for photographs within ten (10) working days of receipt.

(4) Fees received by the department pursuant to this section shall be deposited in the department's miscellaneous revenue fund and used to support the operation of the central registry. Fees received by the sheriff pursuant

~~to this section shall be used to defray the cost of sexual offender registration. Information that shall be made available to the public is limited to:~~

- ~~(a) The offender's name including any aliases or prior names;~~
- ~~(b) The offender's date of birth;~~
- ~~(c) The address of each residence at which the offender resides or will reside and, if the offender does not have any present or expected residence address, other information about where the offender has his or her home or habitually lives;~~
- ~~(d) The address of any place where the offender is a student or will be a student;~~
- ~~(e) A physical description of the offender;~~
- ~~(f) The offense for which the offender is registered and any other sex offense for which the offender has been convicted and the place of the convictions;~~
- ~~(g) A current photograph of the offender; and~~
- ~~(h) Temporary lodging information including the place and the period of time the offender is staying at such lodging. "Temporary lodging" means any place in which the offender is staying when away from his or her residence for seven (7) or more days. If current information regarding the offender's residence is not available because the offender is in violation of the requirement to register or cannot be located, then the website shall so note.~~

~~(3) The following information shall not be disclosed to the public:~~

- ~~(a) The identity of the victim;~~
- ~~(b) The offender's social security number;~~
- ~~(c) Any reference to arrests of the offender that did not result in conviction;~~
- ~~(d) Any internet identifier associated with and/or provided by the offender;~~
- ~~(e) Any information pertaining to the offender's passports and immigration documents; and~~
- ~~(f) Any information identifying any person related to, living with, working for, employing or otherwise associated with a registered sexual offender.~~

~~(4) Where a crime category such as "incest" may serve to identify a victim, that crime will be reported as a violation of section 18-1506, Idaho Code.~~

~~(5) The department shall include a cautionary statement relating to completeness, accuracy and use of registry information when releasing information to the public or noncriminal justice agencies as well as a statement concerning the penalties provided in section 18-8326, Idaho Code, for misuse of registry information.~~

~~(6) Information released pursuant to this section may be used only for the protection of the public.~~

~~(7) Further dissemination of registry information by any person or entity shall include the cautionary statements required in subsection (5) of this section.~~

SECTION 23. That Section 18-8324, Idaho Code, be, and the same is hereby amended to read as follows:

18-8324. DISSEMINATION OF REGISTRY INFORMATION. (1) The department shall, within three (3) business days, disseminate any registration information collected under this chapter, including any changes of address notification, to criminal justice agencies through the public safety and security in registry information, system established in section 19-5202, Idaho Code. Registry information provided under this section shall be used only for the administration of criminal justice or for the protection of the public as permitted by this chapter to:

- (a) The attorney general of the United States for inclusion in the national sex offender registry or other appropriate databases;
- (b) Each school and public housing agency in each area in which the offender resides, is an employee or is a student;
- (c) Each jurisdiction where the sexual offender resides, is an employee or is a student and each jurisdiction from or to which a change of residence, employment or student status occurs;
- (d) Criminal justice agencies through the public safety and security information system established in section 19-5202, Idaho Code;
- (e) Any agency responsible for conducting employment-related background checks under section 3 of the national child protection act of 1993, 42 U.S.C. section 5119a;
- (f) Social service entities responsible for protecting minors in the child welfare system;
- (g) Volunteer organizations in which contact with minors or other vulnerable adults might occur; and
- (h) Any organization, company or individual who requests notification of changes in registry information.

~~(2) The department shall provide quarterly to the superintendent of public instruction and to the director of the department of health and welfare a list of all sexual offenders required to register with the central registry together with the address, date of birth and crime of conviction for each offender listed. The superintendent may further distribute the list or portions thereof to school districts or to schools.~~

~~(3) The department shall release quarterly to the public a list of offenders thirty (30) days or more delinquent in maintaining registration or address verification. Offenders subject to being listed include those who have failed:~~

- ~~(a) To register with a sheriff after initial registration under section 18-8307, Idaho Code;~~
- ~~(b) To register annually as required in section 18-8307, Idaho Code; and~~
- ~~(c) To respond to an address verification notice as required in section 18-8308, Idaho Code~~ Registry information provided under this section shall be used only for the administration of criminal justice or for the protection of the public as permitted by this chapter.

~~(43) The department shall include a cautionary statement relating to completeness, accuracy and use of registry information when releasing information to the public or noncriminal justice agencies as well as a statement concerning the penalties provided in section 18-8326, Idaho Code, for misuse of registry information.~~

~~(54) Information released pursuant to this section may be used only for the protection of the public.~~

~~(65) Further dissemination of registry information by any person or entity shall include the cautionary statements required in subsection (43) of this section.~~

~~(7) Upon registration in a county of a person classified as a violent sexual predator presenting a high risk of reoffense by the Idaho sex offender classification board, or an equivalent classification in another state, the sheriff shall publish in a newspaper in general circulation within the county once a week for three (3) consecutive weeks, the name, address, photograph of said person and offense the offender has committed within thirty (30) days of registration and within this time period shall also disseminate the name, address, photograph of said person and offense the offender has committed to all major local radio and television media. The sheriff shall charge a fee of fifty dollars (\$50.00) in addition to any other fees authorized by this chapter to be paid by the sex offender. Fees shall be deposited in a violent sexual predator account maintained by the sheriff~~

~~to be used for the purpose of public education relating to violent sexual predators and to offset the cost of newspaper publication.~~

SECTION 24. That Section 9-340B, Idaho Code, be, and the same is hereby amended to read as follows:

9-340B. 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 9-337(7), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the Idaho board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner, as defined in section 9-337(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records of buildings, facilities, infrastructures and systems held by or in the custody of any public agency only when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section "system" shall mean electrical, heating, ventilation, air conditioning and telecommunication systems.

(c) Records of the commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-213A, Idaho Code, and section 20-223, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the sexual offender classification board. ~~In accordance with section 18-8315, Idaho Code, t~~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 and 18-3302H, Idaho Code, relating to an applicant or licensee.

(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.

(8) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

- (a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or
- (b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or
- (c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or
- (d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or
- (e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined by section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims under chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

SECTION 25. That Section 19-2520G, Idaho Code, be, and the same is hereby amended to read as follows:

19-2520G. MANDATORY MINIMUM SENTENCING. (1) Pursuant to section 13, article V of the Idaho constitution, the legislature intends to provide mandatory minimum sentences for repeat offenders who have previously been found guilty of or pleaded guilty to child sexual abuse. The legislature hereby finds and declares that the sexual exploitation of children constitutes a wrongful invasion of a child and results in social, developmental and emotional injury to the child. It is the policy of the legislature to protect children from the physical and psychological damage caused by their being used in sexual conduct. In order to protect children from becoming victims of this type of conduct by perpetrators, it is necessary to provide the mandatory minimum sentencing format contained in subsection (2) of this section. By enacting mandatory minimum sentences, the legislature does not seek to limit the court's power to impose in any case a longer sentence as provided by law.

(2) Any person who is found guilty of or pleads guilty to any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, or any attempt or conspiracy to commit such a crime, shall be sentenced to a mandatory minimum term of confinement to the custody of the state board of correction for a period of not less than fifteen (15) years, if it is found by the trier of fact that previous to the commission of such crime the defendant has been found guilty of or has pleaded guilty to a violation of any crime or an offense committed in this state or another state which, if committed in this state, would require the person to register as a sexual offender as set forth in section 18-8304, Idaho Code.

~~(3) Any person who is found guilty of or pleads guilty to any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, or any attempt or conspiracy to commit such a crime, shall be sentenced to a mandatory minimum term of confinement to the custody of the state board of correction for a period of not less than life, if it is found by the trier of fact that previous to the commission of such crime the defendant has been and is designated a violent sexual predator as set forth in section 18-8314, Idaho Code, or the equivalent under the laws of another state at the time of committing such offense.~~

(4) The mandatory minimum term provided in this section shall be imposed where the aggravating factor is separately charged in the information

or indictment and admitted by the accused or found to be true by the trier of fact at a trial of the substantive crime. A court shall not have the power to suspend, withhold, retain jurisdiction, or commute a mandatory minimum sentence imposed pursuant to this section. Any sentence imposed under the provisions of this section shall run consecutive to any other sentence imposed by the court.

SECTION 26. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
- (g) By the commission of pardons and parole, as provided by law;
- (h) ~~By the sexual offender classification board, as provided by chapter 83, title 18, Idaho Code;~~
- ~~(i) By the custody review board of the Idaho department of juvenile corrections, as provided by law; or~~
- (j) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, Idaho Code, subsequent sessions of the negotiations may continue without further public notice.

(3) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this act to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

Approved April 11, 2011.

CHAPTER 312
(S.B. No. 1156)

AN ACT

RELATING TO THE TELECOMMUNICATIONS ACT OF 1988; AMENDING SECTION 62-606, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS TO FILING TARIFFS OR PRICE LISTS, TO PROVIDE FOR WITHDRAWAL OF CERTAIN TARIFFS OR PRICE LISTS SUBJECT TO CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 62-622, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS TO FILING TARIFFS OR PRICE LISTS AND TO PROVIDE FOR WITHDRAWAL OF CERTAIN TARIFFS OR PRICE LISTS SUBJECT TO CERTAIN CONDITIONS.

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

SECTION 1. That Section 62-606, Idaho Code, be, and the same is hereby amended to read as follows:

62-606. REQUIREMENT FOR PRICE LIST OR TARIFF FILING -- WITHDRAWAL OF TARIFFS OR PRICE LISTS. (1) All telephone corporations which provide message telecommunication services, WATS service or access to their local exchange network for the provision of such services by the use of special access or private line access and switched access, or their equivalents, shall file with the commission, for information purposes, tariffs or price lists which reflect the availability, price, and terms and conditions for those services. Changes to such tariffs or price lists, except as hereinafter provided, shall be effective not less than ten (10) days after filing with the commission, and giving public notice to affected customers. Changes to tariffs or price lists that are for ~~non-recurring~~ nonrecurring services and that are quoted directly to the customer when an order is placed, or changes that result in price reductions, shall be effective immediately upon filing with the commission and no other public notice shall be required. Notwithstanding the foregoing, telephone corporations shall not be required to file tariffs or price lists for any services provided to business customers.

(2) Upon written notice to the commission and to its business customers, and after posting the rates, terms and conditions of its services on the carrier's public website, a telephone corporation may withdraw any tariff or price list not required to be filed under the provisions of this section, provided:

(a) The carrier continues to maintain the rates, terms and conditions of its services on the company's public website;

(b) The commission maintains access to such terms and conditions of the telephone corporation's service; and

(c) Nothing in this section overrides the commission's existing authority pursuant to section 62-616, Idaho Code, to resolve customer complaints.

SECTION 2. That Section 62-622, Idaho Code, be, and the same is hereby amended to read as follows:

62-622. REGULATION OF BASIC LOCAL EXCHANGE RATES, SERVICES AND PRICE LISTS. (1) The commission shall regulate the prices for basic local exchange

services for incumbent telephone corporations in accordance with the following provisions:

(a) At the request of the incumbent telephone corporation, the commission shall establish maximum just and reasonable rates for basic local exchange service. Maximum basic local exchange rates shall be sufficient to recover the costs incurred to provide the services. Costs shall include authorized depreciation, a reasonable portion of shared and common costs, and a reasonable profit. Authorized depreciation lives shall use forward-looking competitive market lives. Authorized depreciation lives shall be applied prospectively and to undepreciated balances.

(b) At the request of the telephone corporation, the commission may find that existing rates for local services constitute the maximum rates.

(c) The commission shall issue its order establishing maximum rates no later than one hundred eighty (180) days after the filing of the request unless the telephone corporation consents to a longer period.

(d) An incumbent telephone corporation may charge prices lower than the maximum basic local exchange rates established by the commission. Provided however, upon the petition of a nonincumbent telephone corporation, the commission shall establish a minimum price for the incumbent telephone corporation's basic local exchange service if the commission finds, by a preponderance of the evidence, that the incumbent telephone corporation's prices for basic local exchange services in the local exchange area are below the incumbent telephone corporation's average variable cost of providing such services.

(e) After the commission has established maximum basic local exchange rates, an incumbent telephone corporation may change its tariffs or price lists reflecting the availability, price, terms and conditions for local exchange service effective not less than ten (10) days after filing with the commission and giving notice to affected customers. Changes to tariffs or price lists that are for nonrecurring services and that are quoted directly to the customer when an order for service is placed, or changes that result in price reductions or new service offerings, shall be effective immediately upon filing with the commission and no other notice shall be required.

(2) The commission shall not regulate the prices for basic local exchange services for telephone corporations that were not providing such local service on or before February 8, 1996. Provided however, such telephone corporation providing basic local exchange services shall file price lists with the commission that reflect the availability, price, terms and conditions for such services. Changes to such price lists shall be effective not less than ten (10) days after filing with the commission and giving notice to affected customers. Changes to price lists that are for nonrecurring services and that are quoted directly to the customer when an order for service is placed, or changes that result in price reductions or new service offerings, shall be effective immediately upon filing with the commission and no other notice shall be required. Notwithstanding the provisions of this subsection and subsection (1) of this section, telephone corporations that are subject to the provisions of this subsection shall not be required to file tariffs or price lists for basic local exchange services provided to business customers.

Upon written notice to the commission and to its business customers, and after posting the rates, terms and conditions of its services on the carrier's public website, a telephone corporation may withdraw any tariff or price list not required to be filed under the provisions of this section, provided:

(a) The carrier continues to maintain the rates, terms and conditions of its services on the company's public website;

(b) The commission maintains access to such terms and conditions on the telephone corporation's service; and

(c) Nothing in this section overrides the commission's existing authority pursuant to section 62-616, Idaho Code, to resolve customer complaints.

(3) The commission shall cease regulating basic local exchange rates in a local exchange calling area upon a showing by an incumbent telephone corporation that effective competition exists for basic local exchange service throughout the local exchange calling area. Effective competition exists throughout a local exchange calling area when either:

(a) Actual competition from a facilities-based competitor is present for both residential and small business basic local exchange customers; or

(b) There are functionally equivalent, competitively priced local services reasonably available to both residential and small business customers from a telephone corporation unaffiliated with the incumbent telephone corporation.

(4) Telephone corporations shall not resell:

(a) A telecommunications service that is available at retail only to a category of subscribers to a different category of subscribers;

(b) A means-tested service to ineligible customers; or

(c) A category of service to circumvent switched or special access charges.

(5) The commission shall determine the noneconomic regulatory requirements for all telephone corporations providing basic local exchange service or designated as an eligible telecommunications carrier pursuant to sections 62-610A through 62-610F, Idaho Code, including, but not limited to, such matters as service quality standards, provision of access to carriers providing message telecommunications service, filing of price lists, customer notice and customer relation rules.

Approved April 11, 2011.

CHAPTER 313
(S.B. No. 1186)

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-803, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN FEES AND REIMBURSEMENTS.

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

SECTION 1. That Section 72-803, Idaho Code, be, and the same is hereby amended to read as follows:

72-803. CLAIMS OF ATTORNEYS AND PHYSICIANS AND FOR MEDICAL AND RELATED SERVICES -- APPROVAL. Claims of attorneys and claims for medical services and for medicine and related benefits shall be subject to approval by the commission; provided however, that fees for physician services shall be set using relative value units from the current year resource based relative value system (RBRVS) as it is modified from time to time, multiplied by conversion factors to be determined by the commission in rule. Factors will be set for, at least, the following CPT code areas: medicine, surgery, physical medicine, radiology, anesthesia and pathology. ~~The fees shall be adjusted each year using the same methodology as set forth in section 56-136, Idaho Code. The commission shall adopt rules for the annual adjustment of medical reimbursements.~~ In cases where RBRVS units are not available or have no relation to industrial claims, relative value units for fees for physician

services shall be determined by the commission. ~~Initial conversion factors shall be determined by the commission no later than January 1, 2006, to be effective April 1, 2006.~~

Approved April 11, 2011.

CHAPTER 314
(S.B. No. 1190)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2012; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Secretary of State, the following amounts to be expended according to the designated programs and expense classes, from the listed fund for the period July 1, 2011, through June 30, 2012:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General Fund	\$1,569,100	\$240,100	\$1,809,200
II. COMMISSION ON UNIFORM LAWS:			
FROM:			
General Fund		\$29,100	\$29,100
GRAND TOTAL	\$1,569,100	\$269,200	\$1,838,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than thirty (30) full-time equivalent positions at any point during the period July 1, 2011, through June 30, 2012, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 11, 2011.

CHAPTER 315
(S.B. No. 1201)

AN ACT

RELATING TO GENERAL FUND TRANSFERS; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE DISASTER EMERGENCY FUND FOR FISCAL YEAR 2011; TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE GENERAL FUND FOR FISCAL YEAR 2012; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2012; TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and upon passage and approval of this act, the State Controller shall transfer \$1,000,000 from the General Fund to the Disaster Emergency Fund.

SECTION 2. Notwithstanding the provisions of Section 67-1803, Idaho Code, there is hereby appropriated and the State Controller shall transfer \$21,959,000 from the Idaho Millennium Fund to the General Fund on July 1, 2011, or as soon thereafter as is practicable.

SECTION 3. Notwithstanding the provisions of Section 23-404, Idaho Code, there is hereby appropriated and the State Controller shall transfer \$8,000,000 from the Liquor Control Fund to the General Fund on July 1, 2011, or as soon thereafter as is practicable.

SECTION 4. Notwithstanding the provisions of Section 57-1108, Idaho Code, there is hereby appropriated and the State Controller shall transfer \$7,000,000 from the Permanent Building Fund to the General Fund on July 1, 2011, or as soon thereafter as is practicable.

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

Approved April 11, 2011.

CHAPTER 316
(S.B. No. 1205)

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE STATE TREASURER FROM THE IDAHO MILLENNIUM INCOME FUND FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2012; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND AND TRANSFERRED TO THE IDAHO MILLENNIUM FUND.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$7,077,700 from the Idaho Millennium Income Fund to the following programs, at the request of the State Treasurer, for the period July 1, 2011, through June 30, 2012:

(a) \$250,000 for the Public Health Districts to continue tobacco use cessation programs statewide through the Public Health Districts of Idaho and other nonprofit entities such as hospitals, primary care clinics and voluntary organizations. The tobacco use cessation programs should be available to any Idaho citizen, with primary emphasis on youth and pregnant women.

(b) \$650,000 for the Physical Health Services Program in the Department of Health and Welfare for targeted tobacco counter-marketing programs, specific to Idaho, and to be matched by private industry funds on at least a one to one basis and for nicotine replacement therapy.

(c) \$420,000 for the Idaho Supreme Court for its youth courts, tobacco and alcohol diversion courts, and status offender services programs as they relate to addressing tobacco and/or substance abuse issues.

(d) \$94,000 for Law Enforcement Programs in the Idaho State Police to offset the cost of youth tobacco investigations.

(e) \$5,663,700 for Community Based Substance Abuse Treatment Services for the Idaho Department of Correction to be used for treatment of felony offenders.

SECTION 2. There is hereby appropriated to the State Treasurer \$500,000 from the Idaho Millennium Income Fund, to be expended from trustee and benefit payments, for the Idaho Meth Project for the period July 1, 2011, through June 30, 2012.

SECTION 3. LEGISLATIVE INTENT. Notwithstanding any other provision of law to the contrary, on June 30, 2012, any remaining unexpended and unencumbered moneys appropriated in Section 1 of this act shall be reverted to the Idaho Millennium Income Fund. The State Controller shall then transfer said reverted moneys and all earnings credited to the Idaho Millennium Income Fund to the Idaho Millennium Fund.

Approved April 11, 2011.

CHAPTER 317

(H.B. No. 95, As Amended, As Amended in the Senate)

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE FOR AN ELECTION, TO REVISE PROVISIONS RELATING TO ESTABLISHING A BOARD OF COMMISSIONERS, TO PROVIDE FOR COMPOSITION OF A BOARD OF COMMISSIONERS, TO PROVIDE FOR BOARD TERMS, TO REVISE PROVISIONS RELATING TO REMOVAL OF A COMMISSIONER, TO PROVIDE FOR FILLING A VACANCY, TO REVISE PROVISIONS RELATING TO THE ELECTION OF BOARD OFFICERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE POWERS OF URBAN RENEWAL; AMENDING SECTION 50-2008, IDAHO CODE, TO REVISE THE COMMENT PERIOD, TO PROVIDE A CORRECT CITATION AND TO PROVIDE ADDITIONAL PLAN REQUIREMENTS; AMENDING SECTION 50-2018, IDAHO CODE, TO REVISE THE DEFINITIONS OF "DETERIORATED AREA" AND "DETERIORATING AREA"; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2033, IDAHO CODE, TO PROVIDE FOR PROHIBITED AMENDMENTS; AMENDING SECTION 50-2903, IDAHO CODE, TO REVISE THE DEFINITIONS OF "DETERIORATED AREA" AND "TERMINATION DATE" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2904, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REVENUE ALLOCATION AREAS AND MONEYS OBTAINED THERETO; AMENDING SECTION 50-2905, IDAHO CODE, TO PROVIDE FOR A STATEMENT DESCRIBING CERTAIN VALUES; AMENDING SECTION 50-2909, IDAHO CODE, TO PROVIDE ON AND AFTER JULY 1, 2011, THAT BONDS MAY BE ISSUED FOR A MAXIMUM PERIOD OF TWENTY YEARS; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless: (1) the local governing body has made the findings prescribed in section 50-2005, Idaho Code; and provided further, that such agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until (2) a majority of qualified electors, voting in a citywide or countywide election depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in subsection (a) (1) of this section then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of subsection (a) (2) of this section.

(b) Upon satisfaction of the requirements under subsection (a) of this ~~Upon the local governing body making such findings,~~ section, the urban renewal agency is authorized to transact the business and exercise the powers hereunder by a board of commissioners to be ~~appointed or designated~~ established as follows:

(1) The mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of not less than three (3) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term.

(2) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by a majority vote of the board or by the local governing body only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel. Any commission position which becomes vacant at a time other than the expiration of a term shall be filled by a majority vote of the board. The board may elect any person to fill such vacant position where such person meets the requirements of a commissioner provided for in this chapter.

(23) By enactment of an ordinance, the local governing body may appoint and designate itself to be the board of commissioners of the urban renewal agency, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(34) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office

until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number.

~~The mayor may appoint a chairman, a cochairman, or a vice chairman for a term of office of one (1) year from among the commissioners, thereafter~~ the commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

(d) An urban renewal agency shall have the same fiscal year as a municipality and shall be subject to the same audit requirements as a municipality. An urban renewal agency shall be required to prepare and file with its local governing body an annual financial report and shall prepare, approve and adopt an annual budget for filing with the local governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

(e) An urban renewal agency shall comply with the public records law pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to chapter 23, title 67, Idaho Code, the ethics in government law pursuant to chapter 7, title 59, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

SECTION 2. That Section 50-2007, Idaho Code, be, and the same is hereby amended to read as follows:

50-2007. POWERS. Every urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, off-street parking facilities,

public facilities, other buildings or public improvements; and any improvements necessary or incidental to a redevelopment project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain, upon sufficient cause and after a hearing on the matter, an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, renovate, rehabilitate, clear or prepare for redevelopment any such property or buildings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) with the approval of the local governing body, (1) prior to approval of an urban renewal plan, or approval of any modifications of the plan, to acquire real property in an urban renewal area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and (2) to assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection in the event that the real property is not made part of the urban renewal project;

(e) to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 50-2012, Idaho Code, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(f) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(g) within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to: (1) plans for carrying out a program of voluntary compulsory repair and rehabilitation of buildings and improvements,

(2) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(h) to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced from an urban renewal area, and notwithstanding any statute of this state to make relocation payments to or with respect to such persons for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(i) to exercise all or any part or combination of powers herein granted;

(j) in addition to its powers under subsection (b) of this section, an agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings and to be used for residential, commercial, industrial, and other uses contemplated by the urban renewal plan, and to provide utilities to the development site; and

(k) to use, lend or invest funds obtained from the federal government for the purposes of this act if allowable under federal laws or regulations.

SECTION 3. That Section 50-2008, Idaho Code, be, and the same is hereby amended to read as follows:

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within ~~thirty~~ sixty (~~30~~) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said ~~30~~ sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible

method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the local governing body of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under ~~Public Law 875, Eighty-first Congress~~ 42 U.S.C. section 5121, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(h) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

SECTION 4. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(2) "Municipality" shall mean any incorporated city or town, or county in the state.

(3) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(4) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(5) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(6) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(7) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section

63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(10) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;
- (b) Demolition and removal of buildings and improvements;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
- (d) Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;
- (e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (f) Acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
- (g) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;
- (h) Lending or investing federal funds; and
- (i) Construction of foundations, platforms and other like structural forms.

(11) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(12) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

- (a) Shall conform to the general plan for the municipality as a whole except as provided in section 50-2008(g), Idaho Code; and
- (b) Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Related activities" shall mean:

- (a) Planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code; and
- (b) The functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(14) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use,

legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(15) "Bonds" shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(16) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(17) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(18) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town or within the unincorporated area of the county unless a resolution shall have been adopted by the governing body of such other city, town or county declaring a need therefor.

(19) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(20) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

SECTION 5. That Chapter 20, 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 50-2033, Idaho Code, and to read as follows:

50-2033. PROHIBITED AMENDMENT. Except for consolidation of revenue allocation areas, a revenue allocation area may not be amended to extend its boundaries. An amendment to an urban renewal plan created under this chapter that does not seek to increase the geographic area of the plan, or does not seek to extend the years of the plan beyond the maximum term allowed under chapter 29, title 50, Idaho Code, is not a prohibited amendment. No amendment to an existing revenue allocation area shall be interpreted to or shall cause an extension of the limitations established for the existing revenue allocation area as set forth in section 50-2904, Idaho Code. Notwithstanding these limitations, an urban renewal plan that includes a revenue allocation area may be extended only one (1) time to extend the boundary of the revenue allocation so long as the total area to be added is not greater than ten percent (10%) of the existing revenue allocation area and the area to be added is contiguous to the existing revenue allocation area but such contiguity cannot be established solely by a shoestring or strip of land which comprises a railroad or public right-of-way.

SECTION 6. That Section 50-2903, Idaho Code, be, and the same is hereby amended to read as follows:

50-2903. DEFINITIONS. The following terms used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) "Act" or "this act" means this revenue allocation act.

(2) "Agency" or "urban renewal agency" means a public body created pursuant to section 50-2006, Idaho Code.

(3) "Authorized municipality" or "municipality" means any county or incorporated city which has established an urban renewal agency, or by

ordinance has identified and created a competitively disadvantaged border community.

(4) "Base assessment roll" means the equalized assessment rolls, for all classes of taxable property, on January 1 of the year in which the local governing body of an authorized municipality passes an ordinance adopting or modifying an urban renewal plan containing a revenue allocation financing provision, except that the base assessment roll shall be adjusted as follows: the equalized assessment valuation of the taxable property in a revenue allocation area as shown upon the base assessment roll shall be reduced by the amount by which the equalized assessed valuation as shown on the base assessment roll exceeds the current equalized assessed valuation of any taxable property located in the revenue allocation area, and by the equalized assessed valuation of taxable property in such revenue allocation area that becomes exempt from taxation subsequent to the date of the base assessment roll. The equalized assessed valuation of the taxable property in a revenue allocation area as shown on the base assessment roll shall be increased by the equalized assessed valuation, as of the date of the base assessment roll, of taxable property in such revenue allocation area that becomes taxable after the date of the base assessment roll, provided any increase in valuation caused by the removal of the agricultural tax exemption from undeveloped agricultural land in a revenue allocation area shall be added to the base assessment roll.

(5) "Budget" means an annual estimate of revenues and expenses for the following fiscal year of the agency. An agency shall, by September 1 of each calendar year, adopt and publish, as described in section 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend its adopted budget using the same procedures as used for adoption of the budget. For the fiscal year that immediately predates the termination date for an urban renewal plan involving a revenue allocation area or will include the termination date, the agency shall adopt and publish a budget specifically for the projected revenues and expenses of the plan and make a determination as to whether the revenue allocation area can be terminated before the January 1 of the termination year pursuant to the terms of section 50-2909(4), Idaho Code. In the event that the agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1 the agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist. The agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho state tax commission as provided in section 63-215, Idaho Code. Upon notification of revenues sufficient to cover expenses as provided herein, the increment value of that revenue allocation area shall be included in the net taxable value of the appropriate taxing districts when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code.

(6) "Clerk" means the clerk of the municipality.

(7) "Competitively disadvantaged border community area" means a parcel of land consisting of at least forty (40) acres which is situated within the jurisdiction of a county or an incorporated city and within twenty-five (25) miles of a state or international border, which the governing body of such county or incorporated city has determined by ordinance is disadvantaged in its ability to attract business, private investment, or commercial development, as a result of a competitive advantage in the adjacent state or nation

resulting from inequities or disparities in comparative sales taxes, income taxes, property taxes, population or unique geographic features.

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Facilities" means land, rights in land, buildings, structures, machinery, landscaping, extension of utility services, approaches, roadways and parking, handling and storage areas, and similar auxiliary and related facilities.

(10) "Increment value" means the total value calculated by summing the differences between the current equalized value of each taxable property in the revenue allocation area and that property's current base value on the base assessment roll, provided such difference is a positive value.

(11) "Local governing body" means the city council or board of county commissioners of a municipality.

(12) "Plan" or "urban renewal plan" means a plan, as it exists or may from time to time be amended, prepared and approved pursuant to section

50-2008, Idaho Code, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Project" or "urban renewal project" or "competitively disadvantaged border areas" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;
- (b) Demolition and removal of buildings and improvement;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, open space, off-street parking facilities, public facilities, public recreation and entertainment facilities or buildings and other improvements necessary for carrying out, in the urban renewal area or competitively disadvantaged border community area, the urban renewal objectives of this act in accordance with the urban renewal plan or the competitively disadvantaged border community area ordinance.
- (d) Disposition of any property acquired in the urban renewal area or the competitively disadvantaged border community area (including sale, initial leasing or retention by the agency itself) or the municipality creating the competitively disadvantaged border community area at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;
- (e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (f) Acquisition of real property in the urban renewal area or the competitively disadvantaged border community area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
- (g) Acquisition of any other real property in the urban renewal area or competitively disadvantaged border community area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities or where necessary to accomplish the purposes for which a competitively disadvantaged border community area was created by ordinance;
- (h) Lending or investing federal funds; and
- (i) Construction of foundations, platforms and other like structural forms.

(14) "Project costs" includes, but is not limited to:

- (a) Capital costs, including the actual costs of the construction of public works or improvements, facilities, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; and the clearing and grading of land;
- (b) Financing costs, including interest during construction and capitalized debt service or repair and replacement or other appropriate reserves;
- (c) Real property assembly costs, meaning any deficit incurred from the sale or lease by a municipality of real or personal property within a revenue allocation district;

- (d) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;
- (e) Direct administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;
- (f) Relocation costs;
- (g) Other costs incidental to any of the foregoing costs.

(15) "Revenue allocation area" means that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at any time ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

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

(17) "Tax" or "taxes" means all property tax levies upon taxable property.

(18) "Taxable property" means taxable real property, personal property, operating property, or any other tangible or intangible property included on the equalized assessment rolls.

(19) "Taxing district" means a taxing district as defined in section 63-201, Idaho Code, as that section now exists or may hereafter be amended.

(20) "Termination date" means a specific date no later than ~~twenty-four~~ (240) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every urban renewal plan shall have a termination date that can be modified or extended subject to the ~~twenty-four~~ (240) year maximum limitation. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

SECTION 7. That Section 50-2904, Idaho Code, be, and the same is hereby amended to read as follows:

50-2904. **AUTHORITY TO CREATE REVENUE ALLOCATION AREA.** An authorized municipality is hereby authorized and empowered to adopt, at any time, a revenue allocation financing provision, as described in this chapter, as part of an urban renewal plan or competitively disadvantaged border community area ordinance. A revenue allocation financing provision may be adopted either at the time of the original adoption of an urban renewal plan or the creation by ordinance of a competitively disadvantaged border community area or thereafter as a modification of an urban renewal plan or the ordinance creating the competitively disadvantaged border community area. Urban renewal plans existing prior to the effective date of this section may be modified to include a revenue allocation financing provision. Except as provided in subsections (1), (2), and (3) and (4) of this section, no revenue allocation provision of an urban renewal plan or competitively disadvantaged border community area ordinance, including all amendments thereto, shall have a duration exceeding ~~twenty-four~~ (240) years from the date the ordinance is approved by the municipality; and provided further, no additions to the land area of an existing revenue allocation area shall be interpreted to or shall cause an extension of the date of the ~~twenty-four~~ (240) year limit that was originally established for the revenue allocation area. Notwithstanding these limitations, the duration of the revenue allocation financing provision may be extended if:

(1) The maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation

financing provision, provided such bond maturity is not greater than ~~thirty~~ twenty (320) years; or

(2) The urban renewal agency determines that it is necessary to refinance outstanding bonds payable from the revenue allocation financing provision to a maturity exceeding the ~~twenty-four~~ (240) year duration of the revenue allocation financing provision in order to avoid a default on the bonds; or

(3) The local governing body has adopted an urban renewal plan or competitively disadvantaged border community area ordinance or an amendment to an urban renewal plan or competitively disadvantaged border community area ordinance prior to July 1, 2000, in which is defined the duration of the plan beyond a period of ~~twenty-four~~ (240) years, in which case the revenue allocation provision shall have a duration as described in such urban renewal plan or competitively disadvantaged border community area ordinance or may be extended as set forth in subsection (2) of this section; and

~~(4) During the extensions set forth in subsections (1) and (2) of this section, any revenue allocation area revenues exceeding the amount necessary to repay the bonds during the period exceeding the twenty-four (24) year maturity of the revenue allocation financing provision shall be returned to the taxing districts in the revenue allocation area on a pro rata basis~~ The local governing body has adopted an urban renewal plan or competitively disadvantaged border community area ordinance or an amendment to an urban renewal plan or competitively disadvantaged border community area ordinance after July 1, 2000, and prior to July 1, 2011, in which is defined the duration of the plan beyond a period of twenty (20) years in which case the revenue allocation provision shall have a duration as described in such urban renewal plan or competitively disadvantaged border community area ordinance. The duration of the revenue allocation financing provision set forth in this subsection may be extended if the maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation financing provision, provided such bond maturity is not greater than thirty (30) years or may be extended as set forth in subsection (2) of this section.

~~(5) During the extension set forth in subsections (1), (2), (3) and (4) of this section, any revenue allocation area revenues exceeding the amount necessary to repay the bonds during the period exceeding the maximum year maturity of the revenue allocation financing provision shall be returned to the taxing districts in the revenue allocation area on a pro rata basis.~~

SECTION 8. That Section 50-2905, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905. RECOMMENDATION OF URBAN RENEWAL AGENCY. In order to implement the provisions of this chapter, the urban renewal agency of the municipality shall prepare and adopt a plan for each revenue allocation area and submit the plan and recommendation for approval thereof to the local governing body. The plan shall include ~~a statement listing:~~

(1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality;

(2) A statement listing tThe kind, number, and location of all proposed public works or improvements within the revenue allocation area;

(23) An economic feasibility study;

(34) A detailed list of estimated project costs;

(45) A fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property on the revenue allocation area; and

(56) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

(67) A termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and

(78) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets.

SECTION 9. That Section 50-2909, Idaho Code, be, and the same is hereby amended to read as follows:

50-2909. ISSUANCE OF BONDS -- BOND PROVISIONS. (1) If the local governing body of an authorized municipality has enacted an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency established by such municipality is hereby authorized and empowered:

(a) To apply the revenues allocated to it pursuant to section 50-2908, Idaho Code, for payment of the projected costs of any urban renewal project located in the revenue allocation area;

(b) To borrow money, incur indebtedness and issue one (1) or more series of bonds to finance or refinance, in whole or in part, the urban renewal projects authorized pursuant to such plan within the limits established by paragraph (c) of this subsection; and

(c) To pledge irrevocably to the payment of principal of and interest on such moneys borrowed, indebtedness incurred or bonds issued by the agency the revenues allocated to it pursuant to section 50-2908, Idaho Code.

All bonds issued under this section shall be issued in accordance with section 50-2012, Idaho Code, except that such bonds shall be payable solely from the special fund or funds established pursuant to section 50-2908, Idaho Code. On and after July 1, 2011, bonds may be issued for a maximum period of twenty (20) years.

(2) The agency shall be obligated and bound to pay such borrowed moneys, indebtedness, and bonds as the same shall become due, but only to the extent that the moneys are available in a special fund or funds established under section 50-2908, Idaho Code; and the agency is authorized to maintain an adequate reserve therefor from any moneys deposited in such a special fund or funds.

(3) Nothing in this chapter shall in any way impair any powers an urban renewal agency may have under subsection (a) of section 50-2012, Idaho Code.

(4) When the revenue allocation area plan budget described in section 50-2903(5), Idaho Code, estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness and bonds have been paid in full, or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the agency funded through revenue allocation proceeds shall be satisfied and the agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under section 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the revenue allocation area is located in the same manner and proportion as the most

recent distribution to the affected taxing districts of the taxes on the taxable property located within the revenue allocation area; and the powers granted to the urban renewal agency under section 50-2909, Idaho Code, shall thereupon terminate.

SECTION 10. 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 11. 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, 2011, only as it appears to the amendment of Section 50-2903(4), Idaho Code. All other provisions of this act shall be in full force and effect on and after July 1, 2011.

Approved April 13, 2011.

CHAPTER 318

(H.B. No. 297, As Amended in the Senate)

AN ACT

RELATING TO THE SPECIAL INCOME TAX CREDIT AVAILABLE FOR NEW EMPLOYEES; TO PROVIDE A SHORT TITLE; REPEALING SECTION 63-3029E, IDAHO CODE, RELATING TO DEFINITIONS AND CONSTRUCTION OF TERMS FOR INCOME TAX CREDIT; AMENDING SECTION 63-3029F, IDAHO CODE, TO REVISE THE INCOME TAX CREDIT AVAILABLE TO RATED EMPLOYERS FOR EMPLOYING NEW EMPLOYEES; AMENDING SECTION 63-4405, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. This act shall be known as the "Hire One Act."

SECTION 2. That Section 63-3029E, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 63-3029F, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029F. SPECIAL CREDIT AVAILABLE -- NEW EMPLOYEES. (1) For the period January 1, 2011, through December 31, 2013, aAny taxpayer rated employer under chapter 13, title 72, Idaho Code, that is not a governmental or nonprofit entity shall be allowed a credit, in an amount determined under subsection (23) of this section, against the tax imposed by this chapter, other than the tax imposed by section 63-3082, Idaho Code, for any taxable year during which the taxpayer's rated employer's employment of new employees, as defined under section 63-3029E(1), Idaho Code, increases above the taxpayer's average employment for either: (a) the prior taxable year, or (b) the average of three (3) prior taxable years, whichever is higher. No credit shall be allowed under this section unless the number of new employees equals or exceeds one (1) person. The new employee must have been hired on or after April 15, 2011, received qualifying employer-provided health care benefits as determined by the state tax commission and be employed in a county in the state of Idaho with an unemployment rate based on the benchmarked annual

unemployment rate as determined by the department of labor on the date the new employee was hired of:

(a) Ten percent (10%) or more at average annual earnings of twelve dollars (\$12.00) or more per hour; or

(b) Less than ten percent (10%) at average annual earnings of fifteen dollars (\$15.00) or more per hour.

~~(2) (a) The credit authorized in subsection (1) of this section shall be:~~

~~(i) Five hundred dollars (\$500) per new employee described in subsection (2)(d) of this section; or~~

~~(ii) One thousand dollars (\$1,000) per new employee described in subsection (2)(c) of this section, but not both.~~

~~(b) The total credit allowed by this section shall not exceed three and one-quarter percent (3.25%) of net income from the taxpayer's corporate, proprietorship, partnership, small business corporation or limited liability company trade or business in which the employment occurred. Additionally, the total amount of this and all other credits allowed under this chapter except for the credits allowed under section 63-3029, Idaho Code, 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.~~

~~(c) The one thousand dollar (\$1,000) credit shall apply to an employee who, in the calendar year ending during the taxable year for which the credit is claimed, received annual earnings at an average rate of fifteen dollars and fifty cents (\$15.50) or more per hour worked and who, during such calendar year, was eligible to receive employer provided coverage under an accident or health plan described in section 105 of the Internal Revenue Code.~~

~~(d) The five hundred dollar (\$500) credit shall apply to an employee not described in subsection (2)(c) of this section and who is employed in a revenue-producing enterprise as defined in section 63-3029E, Idaho Code As used in this section:~~

(a) The term "new employee" means a person subject to Idaho income tax withholding whether or not any amounts are required to be withheld, employed by the taxpayer in a trade or business and covered for unemployment insurance purposes under chapter 13, title 72, Idaho Code, during the taxable year for which the credit allowed by this section is claimed. A person shall be deemed to be so engaged if such person performs duties on:

(i) A regular full-time basis; or

(ii) A part-time basis if such person is customarily performing such duties at least twenty (20) hours per week.

No credit shall be earned unless the new employee shall have performed such duties for the taxpayer for a minimum qualifying period of nine (9) consecutive months with any part of the qualifying period ending during the taxable year for which the credit is claimed.

(b) The provisions of paragraph (a) of this subsection notwithstanding, no credit shall be allowed for employment of persons by a taxpayer who acquires a trade or business from another taxpayer or who operates in a place of business the same or substantially identical trade or business as operated by another taxpayer within the prior twelve (12) months, except as the prior taxpayer would have qualified under the provisions of paragraph (c) of this subsection. Employees transferred from a related taxpayer shall not be included in the computation of the credit.

(c) The number of employees during any taxable year for any taxpayer shall be the mathematical average of the number of employees reported to the Idaho department of labor for employment security purposes during

the twelve (12) months of the taxable year which qualified under paragraph (a) of this subsection. In the event the business is in operation for less than the entire taxable year, the number of employees of the business for the year shall be the average number actually employed during the months of operation, providing that the qualifications of paragraph (a) of this subsection are met.

(d) "Same or a substantially identical trade or business" means a trade or business in which the products produced or sold, or the activities conducted are the same in character and use and are produced, sold or conducted in the same manner as, or for the same types of customers as, the products or activities produced, sold or conducted in another trade or business.

(e) The term "positive-rated employer" means an employer under the employment security law with a taxable wage rate that is less than the wage rate assigned to standard-rated employers as determined by the director of the department of labor according to section 72-1350, Idaho Code.

(f) The term "standard-rated employer" means an employer under the employment security law assigned a standard taxable wage rate by the director of the department of labor according to section 72-1350, Idaho Code.

(g) The term "deficit-rated employer" means an employer under the employment security law with a taxable wage rate that is higher than the wage rate assigned to standard-rated employers as determined by the director of the department of labor according to section 72-1350, Idaho Code.

(3) If the sum of the 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 (2) of this section for the current taxable year, the excess attributable to the current taxable year's credit shall be a credit carryover to the three (3) succeeding taxable years. 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, so long as the employment level for which the credit was granted is still maintained. For positive-rated employers the credit authorized in subsection (1) of this section shall be six percent (6%) of the gross salary paid to the eligible new employee during the initial twelve (12) months of employment and claimed during the qualifying taxable year. For standard-rated employers the credit authorized in subsection (1) of this section shall be four percent (4%) of the gross salary paid to the eligible new employee during the initial twelve (12) months of employment and claimed during the qualifying taxable year. For deficit-rated employers the credit authorized in subsection (1) of this section shall be two percent (2%) of the gross salary paid to the eligible new employee during the initial twelve (12) months of employment and claimed during the qualifying taxable year. If the credit authorized by this section exceeds the tax liability of the taxpayer, the excess shall be refunded.

(4) To claim the credit, rated employers must attach to the employer's income tax return the taxable wage rate notice issued by the department of labor for the income tax year for which the credit is claimed.

(5) The state tax commission shall promulgate rules in compliance with chapter 52, title 67, Idaho Code, to administer the provisions of this section.

SECTION 4. That Section 63-4405, Idaho Code, be, and the same is hereby amended to read as follows:

63-4405. ADDITIONAL INCOME TAX CREDIT FOR NEW JOBS. (1) Subject to the limitations of this chapter, for taxable years beginning on or after January 1, 2006, and before December 31, 2020, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall, for the number of new employees earning more than a rate of twenty-four dollars and four cents (\$24.04) per hour worked, in lieu of the credit amount in subsection (23)-(a) of section 63-3029F, Idaho Code, be allowed the credit provided by this section. The number of new employees is the increase in the number of employees for the current taxable year over the greater of the following:

- (a) The number of employees for the prior taxable year; or
- (b) The average of the number of employees for the three (3) prior taxable years.

(2) The credit provided by this section shall be:

- (a) One thousand five hundred dollars (\$1,500) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than twenty-four dollars and four cents (\$24.04) per hour worked but equal to or less than an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked;
- (b) Two thousand dollars (\$2,000) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked but equal to or less than an average rate of thirty-six dollars and six cents (\$36.06) per hour worked;
- (c) Two thousand five hundred dollars (\$2,500) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of thirty-six dollars and six cents (\$36.06) per hour worked but equal to or less than an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked;
- (d) Three thousand dollars (\$3,000) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked.

(3) The credit allowed by subsection (1) of this section shall apply only to employment primarily within the project site. No credit shall be earned unless such employee shall have performed such duties for the taxpayer for a minimum of nine (9) months during the taxable year for which the credit is claimed.

(4) The credit allowed by this section shall not exceed sixty-two and five-tenths percent (62.5%) of the tax liability of the taxpayer.

(5) Employees transferred from a related taxpayer or acquired from another taxpayer within the prior twelve (12) months shall not be included in the computation of the credit unless the transfer creates a net new job in Idaho.

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 passage and approval, and retroactively to January 1, 2011. The provisions of Sections 1 and 3 of this act shall be null, void and of no force and effect on and after January 1, 2014.

Approved April 13, 2011.

CHAPTER 319
(H.B. No. 351)

AN ACT

RELATING TO ELECTIONS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 34-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MAIL BALLOT PRECINCTS, TO PROVIDE PROVISIONS RELATING TO ELECTORS WHO HAVE DESIGNATED A POLITICAL PARTY AFFILIATION AND TO PROVIDE PROVISIONS RELATING TO "UNAFFILIATED" ELECTORS; AMENDING SECTION 34-404, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REGISTRATION OF ELECTORS AND TO PROVIDE PROVISIONS RELATING TO PRIMARY ELECTIONS; AMENDING SECTION 34-406, IDAHO CODE, TO REMOVE A REFERENCE TO MAIL REGISTRATION FORMS, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION FOR REGISTRATION, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-411A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PRIMARY ELECTIONS, TO PROVIDE PROVISIONS RELATING TO AN ELECTOR'S CHANGE OF PARTY AFFILIATION OR AN ELECTOR'S DESIGNATION AS "UNAFFILIATED" AND TO PROVIDE PROVISIONS RELATING TO "UNAFFILIATED" ELECTORS SELECTION OF POLITICAL PARTY AFFILIATION; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PRIMARY ELECTION BALLOTS; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-904A, IDAHO CODE, TO SET FORTH PROVISIONS RELATING TO THE ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS, TO PROVIDE PROVISIONS RELATING TO NOTIFICATION TO THE SECRETARY OF STATE, TO PROVIDE PROVISIONS RELATING TO THE DECLARATION BY CERTAIN ELECTORS OF CHOICE OF PRIMARY BALLOT AND TO PROVIDE PROVISIONS RELATING TO THE APPLICATION OF LAW TO CERTAIN ELECTORS DESIGNATED AS "UNAFFILIATED"; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR ABSENTEE BALLOTS, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF ABSENTEE BALLOTS; AND PROVIDING SEVERABILITY.

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature finds that it is the public policy of this state to encourage voter participation in primary and general elections. While each political party may select that party's candidates in primary elections, it is the intent of the Legislature that every effort be made to accommodate the participation of voters who are unaffiliated with a particular political party, but who are willing to affiliate with a party for purposes of voting in primary elections. The Legislature also finds, as noted by the United States Supreme Court, that the state may not deprive a political party of its rights under the First and Fourteenth Amendments to enter into political association with individuals of its own choosing. Consequently, it is the intent of the Legislature to provide political parties in this state with a mechanism to voluntarily and more fully exercise those rights of political association by providing certain provisions relating to primary elections.

SECTION 2. That Section 34-308, Idaho Code, be, and the same is hereby amended to read as follows:

34-308. MAIL BALLOT PRECINCT. A precinct within the county which contains no more than one hundred twenty-five (125) registered electors at the last general election, may be designated by the board of county commissioners a mail ballot precinct no later than April 1 in an even-numbered year.

Such a designation shall apply thereafter to all elections conducted within the precinct until revoked by the board of county commissioners. Having designated a mail ballot precinct, there shall be no voting place established within the precinct. Elections in a mail ballot precinct shall be conducted in a manner consistent with absentee voting with the following special provisions.

(1) The clerk shall issue a ballot, by mail, to every registered voter in a mail ballot precinct, and shall affix to the return envelope, postage sufficient to return the ballot.

(2) The ballot shall be mailed no sooner than twenty-four (24) days prior to the election day and no later than the fourteenth day prior to the election.

(3) The clerk shall make necessary provisions to segregate mail ballot precinct ballots by precinct, and for all purposes of the election, the precinct integrity shall be maintained.

(4) The clerk shall make available in the office of the clerk, registration on election day for any individual who is eligible to vote and who resides in a mail ballot precinct and has not previously registered. The clerk shall provide an official polling place in the office of the clerk and a qualified elector who registers on election day and resides in a mail ballot precinct shall be allowed to vote at the office of the clerk.

(5) (a) Except as provided in subsection (5) (b) of this section, electors who have designated a political party affiliation pursuant to section 34-404, Idaho Code, shall receive the primary election ballot for that party pursuant to sections 34-904 and 34-904A, Idaho Code.

(b) Electors who have designated a political party affiliation pursuant to section 34-404, Idaho Code, may receive the primary election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section 34-904A(2) (b), Idaho Code.

(6) For "unaffiliated" electors, in order to receive a political party's primary election ballot, pursuant to section 34-904A, Idaho Code, the county clerk shall mail a ballot request form for the primary election ballot to the electors in a mail ballot precinct for the electors to use in selecting the party ballot they choose to receive.

(a) In the event that more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section 34-904A, Idaho Code, an elector designated as "unaffiliated" shall indicate on the form such elector's choice of the political party's primary election ballot in order to vote in that party's primary election.

(b) In the event no more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section 34-904A, Idaho Code, an elector designated as "unaffiliated" shall indicate on the form that political party's primary election ballot in order to vote in that political party's primary election.

(c) If an elector designated as "unaffiliated" is not permitted to vote in a political party's primary election as provided for in section 34-904A, Idaho Code, such elector shall receive a nonpartisan ballot.

(d) If an elector designated as "unaffiliated" does not indicate on the form a choice of political party's primary election ballot, such elector shall receive a nonpartisan ballot.

SECTION 3. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF ELECTORS. (1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration card is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Idaho Code.

(2) Each elector may select on the registration card an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or may select to be designated as "unaffiliated." The county clerk shall record the party affiliation or "unaffiliated" designation so selected as part of the elector's registration record. If an elector shall fail or refuse to make such a selection, the county clerk shall enter on the registration records that such elector is "unaffiliated."

(3) In order to provide an elector with the appropriate primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

(4) In order to provide electors who are already registered to vote, and who remain registered electors, with an opportunity to select a party affiliation or to select their status as "unaffiliated," the poll book for the 2012 primary election shall include checkoff boxes by which the poll worker or other appropriate election personnel shall record such elector's choice of party affiliation or choice to be designated as "unaffiliated." After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected in the poll book as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not selected party affiliation or who have not selected to be designated as "unaffiliated," shall be designated as "unaffiliated" and the county clerk shall record that designation for each such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

SECTION 4. That Section 34-406, Idaho Code, be, and the same is hereby amended to read as follows:

34-406. APPOINTMENT OF REGISTRARS. (1) The county clerk shall provide for voter registration in the clerk's office and may appoint registrars to assist in voter registration throughout the county.

(2) The county clerk shall provide all political parties within the county with a supply of the mail registration form prescribed in section 34-4101, Idaho Code.

SECTION 5. That Section 34-411, Idaho Code, be, and the same is hereby amended to read as follows:

34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector who requests registration shall supply the following information under oath or affirmation:

- (a) ~~His f~~Full name and sex.
- (b) ~~His m~~Mailing address, his residence address or any other necessary information definitely locating his the elector's residence.
- (c) The period of time preceding the date of registration during which he the elector has resided in the state.
- (d) Whether or not he the elector is a citizen.
- (e) That he the elector is under no legal disqualifications to vote.
- (f) The county and state where he the elector was previously registered, if any.
- (g) Date of birth.
- (h) Current driver's license number or, in the absence of an Idaho driver's license, the last four (4) digits of the elector's social security number.

(2) As provided for in section 34-404, Idaho Code, each elector shall select an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or select to be designated as "unaffiliated." The selection of party affiliation or designation as "unaffiliated" shall be maintained within the voter registration system as provided for in section 34-437A, Idaho Code. If an elector shall fail or refuse to make such a selection, the county clerk shall record as "unaffiliated" such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

(3) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

(34) Each elector who requests registration may, at the elector's option, supply the ~~the~~ elector's telephone number. If the telephone number is supplied by the elector, the telephone number shall be available to the public.

SECTION 6. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-411A, Idaho Code, and to read as follows:

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

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

SECTION 7. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. PRIMARY ELECTION BALLOTS. (1) There shall be a single separate primary election ballot on which the complete ticket of for each political party upon which only its ticket shall be printed; however, a county may use a separate ballot for the office of precinct committeeman. Each political ticket shall be separated from the others by a perforated line that will enable the elector to detach the ticket of the political party

~~voted from those remaining.~~ All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary election ballot to allow for write-in candidates under each office title.

(2) The office titles shall be listed in order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the classifications of offices as provided by law.

(3) It is not necessary to print a primary ballot for a political party which does not have candidates for more than half of the federal or statewide offices on the ballot if no more than one (1) candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election is necessary for that party if such is the case and shall certify to the county clerk the names of candidates for that party for the general election ballot only.

SECTION 8. 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 34-904A, Idaho Code, and to read as follows:

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

(2) A political party qualified to participate in elections pursuant to section 34-501, Idaho Code, may, no later than one hundred eighty (180) days prior to a primary election, notify the secretary of state in writing that the political party elects to allow, in addition to those electors who have registered with that political party, any of the following to vote in such party's primary election:

(a) Electors designated as "unaffiliated";

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

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

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

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

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

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

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

SECTION 9. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:

34-1002. APPLICATION FOR ABSENTEE BALLOT -- PRIMARY ELECTIONS. (1) Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his the elector's home address, county, and address to which such ballot shall be forwarded.

(2) In order to provide the appropriate primary election ballot to electors, in the event a political party elects to allow unaffiliated electors to vote in that party's primary election pursuant to section 34-904A, Idaho Code, the elector shall designate, as part of the written application for a ballot for primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary ballot the "unaffiliated" elector chooses to vote. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in that political party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot.

(3) In order to provide the appropriate primary election ballot to electors, in the event one (1) or more political parties elect to allow electors affiliated with a different political party to vote in that party's primary election, the application shall contain checkoff boxes by which such electors may indicate the primary ballot in which the elector wishes to vote.

(4) For electors who are registered to vote as of January 1, 2012, and who remain registered electors, the elector shall designate, as part of the written application for a ballot for the 2012 primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary election ballot the "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho Code. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has

not elected to allow "unaffiliated" electors to vote in the party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot. After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected on the application for an absentee ballot as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary elections and who make written application for an absentee ballot shall be designated as "unaffiliated" electors as provided in section 34-404, Idaho Code, and such electors shall be given the appropriate ballot for such "unaffiliated" designation pursuant to the provisions of this act.

(6) An elector may not change party affiliation or designation as "unaffiliated" on an application for absentee ballot. For primary elections, an elector may change party affiliation or designation as "unaffiliated" as provided for in section 34-411A, Idaho Code.

(7) The application for an absent elector's ballot shall be signed personally by the applicant. The application for a mail-in absentee ballot shall be received by the county clerk not later than 5:00 p.m. on the sixth day before the election. An application for in person absentee voting at the absent elector's polling place described in section 34-1006, Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on the Friday before the election. Application for an absentee ballot may be made by using a facsimile machine or other electronic transmission. In the event a registered elector is unable to vote in person at his the elector's designated polling place on the day of election because of an emergency situation which rendered him the elector physically unable, he the elector may nevertheless apply for an absent elector's ballot on the day of election by notifying the county clerk. No person may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him the elector physically unable to vote at his the elector's designated polling place within ninety-six (96) hours prior to the closing of the polls.

(8) A person may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as uniformed and overseas citizens absentee voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq.). The issuing officer shall keep as a part of the records of his such officer's office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

(9) The county clerk shall, not later than seventy-five (75) days after the date of each general election, submit a report to the secretary of state containing information concerning absentee voters as required by federal law.

SECTION 10. That Section 34-1003, Idaho Code, be, and the same is hereby amended to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an application for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of his the county clerk's office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, he the elector shall arrange for the applicant to vote by absent elector's ballot.

(2) In the case of requests for primary ballots:

(a) Except as provided in subsection (2) (b) of this section, an elector who has designated a political party affiliation shall receive a primary ballot for that political party.

(b) An elector who has designated a political party affiliation pursuant to section 34-404, Idaho Code, may receive the primary election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section 34-904A(2) (b), Idaho Code.

(c) An "unaffiliated" elector shall receive the primary ballot for the political party which the elector designated in the elector's application for an absentee ballot pursuant to section 34-1002, Idaho Code. Provided however, that a political party's ballot shall not be provided to an "unaffiliated" elector where that political party has not elected to allow "unaffiliated" electors to vote in such party's primary election pursuant to section 34-904A, Idaho Code.

(d) If an "unaffiliated" elector does not indicate a choice of political party's primary ballot, the elector shall receive a nonpartisan ballot.

(3) The absentee ballot may be delivered to the absent elector in the office of the county clerk, by postage prepaid mail or by other appropriate means, including use of a facsimile machine or other electronic transmission. Validly requested absentee ballots, where the request is received at least forty-five (45) days before an election, shall be sent not later than forty-five (45) days before that election to all electors who are entitled to vote by absentee ballot.

(4) Pursuant to the uniformed and overseas citizens absentee voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended) the secretary of state shall establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by absentee ballot under the uniformed and overseas citizens absentee voting act, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballots shall be transmitted by mail. The secretary of state shall establish procedures for transmitting such ballots in a manner that shall protect the security and integrity of such ballots and the privacy of the elector throughout the process of transmission.

(5) A political party may supply a witness to accompany the clerk in the personal delivery of an absentee ballot. If the political party desires to supply a witness it shall be the duty of the political party to supply the names of such witnesses to the clerk no later than forty-five (45) days prior to the election. The clerk shall notify such witnesses of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

(6) A candidate for public office or a spouse of a candidate for public office shall not be a witness in the personal delivery of absentee ballots.

(7) An elector physically unable to mark his such elector's own ballot may receive assistance in marking such ballot from the officer delivering same or an available person of his the elector's own choosing. In the event the election officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. When such ballot is marked by an election officer, the witnesses on hand shall be allowed to observe such marking. No county clerk, deputy, or other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

SECTION 11. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 13, 2011.

CHAPTER 320
(S.B. No. 1094)

AN ACT

RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS; AMENDING SECTION 67-2803, IDAHO CODE, TO PROVIDE FOR AN EXCLUSION.

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

SECTION 1. That Section 67-2803, Idaho Code, be, and the same is hereby amended to read as follows:

67-2803. EXCLUSIONS. The procurement requirements established in this chapter shall not be applicable to:

(1) The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the state of Idaho, one (1) of its political subdivisions, or an agency of the federal government;

(2) Contracts or purchases wherein expenditures are less than twenty-five thousand dollars (\$25,000), provided such contracts or purchases shall be guided by the best interests of the political subdivision procuring the goods and services as determined by the governing board;

(3) Disbursement of wages or compensation to any employee, official or agent of a political subdivision for the performance of personal services for the political subdivision;

(4) Procurement of personal or professional services to be performed by an independent contractor for the political subdivision;

(5) Procurement of an interest in real property;

(6) Procurement of insurance;

(7) Costs of participation in a joint powers agreement with other units of government; ~~or~~

(8) Procurement of used personal property by irrigation districts, drainage districts and their boards of control; or

(9) Federal government general services administration (GSA) schedules or federal multiple award schedules (MAS).

Approved April 13, 2011.

CHAPTER 321
(S.B. No. 1202)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 210, Laws of 2010, and any other appropriation provided for by law, there is hereby appropriated \$100,000 from the General Fund to the Secretary of State, to be expended for operating expenditures, for the period July 1, 2010, through June 30, 2011.

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

Approved April 13, 2011.

CHAPTER 322
(S.B. No. 1208)

AN ACT

RELATING TO THE YOUTH CHALLENGE PROGRAM; AMENDING CHAPTER 8, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-805, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF THE YOUTH CHALLENGE PROGRAM AND TO PROVIDE PROVISIONS RELATING TO THE IMPLEMENTATION OF THE YOUTH CHALLENGE PROGRAM; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 8, Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 46-805, Idaho Code, and to read as follows:

46-805. YOUTH CHALLENGE PROGRAM.

(1) (a) There is hereby established the Idaho youth challenge program, a multi-phased youth intervention program. The program will provide, among other things, a structured, disciplined residential phase of at least twenty-two (22) weeks focusing on education and practical life skills and a post-residential phase of at least twelve (12) months involving skilled and trained mentors supporting graduates and engaged in positive and durable placement of graduates. The youth challenge program shall be focused on assisting participants in achieving a high school diploma or obtaining a general equivalency diploma (GED) and helping to ensure that participants become productive members of society.

(b) The program shall be eligible to receive and expend any moneys provided to the program including, but not limited to, private contributions. In the event that moneys for any fiscal year are inadequate to fund the youth challenge program, the program shall be discontinued. The decision to discontinue the program due to inadequate funding shall be made by the legislature and the governor in a joint letter provided to the adjutant general and signed by the governor, the president pro tempore of the senate and the speaker of the house of representatives.

(2) The youth challenge program shall be administered by the state adjutant general in conjunction with:

(a) The board of trustees of an appropriate school district of this state; or

(b) A governing board, the members of which shall be appointed by the governor. The size of such governing board and qualifications and terms of board members shall be provided for in rule authorized by this section.

(3) The program and all program participants shall be governed by all applicable laws, regulations and guidelines including, but not limited to, 32 U.S.C. section 509.

(4) (a) In order to be eligible to participate in the program, applicants shall meet the criteria established by the adjutant general in administrative rule.

(b) Applicants shall be selected for the program by the youth challenge program board of admissions. Such board shall be appointed by the adjutant general. Qualifications for board membership, length of board terms, size of the board and other necessary provisions shall be established by the adjutant general in administrative rule.

(5) The adjutant general is authorized to enter into contracts and to promulgate rules to implement the provisions of this section.

(6) The provisions of this section shall be null and void and of no force and effect on and after July 1, 2014.

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. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2014.

Approved April 13, 2011.

CHAPTER 323
(H.B. No. 331)

AN ACT

RELATING TO FORECLOSURE; AMENDING SECTION 45-1506, IDAHO CODE, TO PROVIDE FOR THE MAILING OF CERTAIN NOTICE AND PROCEDURE RELATED THERETO AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 15, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-1506C, IDAHO CODE, TO PROVIDE FOR SUPPLEMENTAL NOTICE AND FOR AN OPPORTUNITY TO REQUEST A LOAN MODIFICATION; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-603F, IDAHO CODE, TO PROVIDE FOR LOAN MODIFICATION FEES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 45-1506, Idaho Code, be, and the same is hereby amended to read as follows:

45-1506. MANNER OF FORECLOSURE -- NOTICE -- SALE. (1) A trust deed may be foreclosed in the manner provided in this section.

(2) Subsequent to recording notice of default as hereinbefore provided, and at least one hundred twenty (120) days before the day fixed by the trustee for the trustee's sale, notice of such sale shall be given by registered or certified mail, return receipt requested, to the last known address of the following persons or their legal representatives, if any:

(a) The grantor in the trust deed and any person requesting notice of record as provided in section 45-1511, Idaho Code.

(b) Any successor in interest of the grantor ~~(including, but not limited to, a grantee, transferee or lessee)~~, whose interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such interest.

(c) Any person having a lien or interest subsequent to the interest of the trustee in the trust deed where such lien or interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such lien or interest.

(3) The disability, insanity or death of any person to whom notice of sale is to be given under subsection (2) of this section shall not delay or impair in any way the trustee's right under a trust deed to proceed with a sale under such deed, provided the notice of sale required under subsection (2) of this section has been mailed as provided by law for service of summons upon incompetents or to the administrator or executor of the estate of such person.

(4) The notice of sale shall set forth:

(a) The names of the grantor, trustee and beneficiary in the trust deed.

(b) A description of the property covered by the trust deed.

(c) The book and page of the mortgage records or the recorder's instrument number where the trust deed is recorded.

(d) The default for which the foreclosure is made.

(e) The sum owing on the obligation secured by the trust deed.

(f) The date, time and place of the sale which shall be held at a designated time after 9:00 a.m. and before 4:00 p.m., Standard Time, and at a designated place in the county or one (1) of the counties where the property is located.

(5) At least three (3) good faith attempts shall be made on different days over a period of not less than seven (7) days each of which attempts must be made at least thirty (30) days prior to the day of the sale to serve a copy of the notice of sale upon an adult occupant of the real property in the manner in which a summons is served. At the time of each such attempt, a copy of the notice of sale shall be posted in a conspicuous place on the real property unless the copy of the notice of sale previously posted remains conspicuously posted. Provided, however, that if during such an attempt personal service is made upon an adult occupant and a copy of the notice is posted, then no further attempt at personal service and no further posting shall be required. Provided, further, that if the adult occupant personally served is a person to whom the notice of sale was required to be mailed, ~~(and was mailed)~~, pursuant to the foregoing subsections of this section, then no posting of the notice of sale shall be required.

(6) A copy of the notice of sale shall be published in a newspaper of general circulation in each of the counties in which the property is situated once a week for four (4) successive weeks, making four (4) publishings in all, with the last publication to be at least thirty (30) days prior to the day of sale.

(7) An affidavit of mailing notice of sale and an affidavit of posting, ~~(when required)~~, and publication of notice of sale as required by subsection (6) of this section shall be recorded in the mortgage records in the counties in which the property described in the deed is situated at least twenty (20) days prior to the date of sale.

(8) The sale shall be held on the date and at the time and place designated in the notice of sale or notice of rescheduled sale as provided in section 45-1506A, Idaho Code, unless the sale is postponed as provided in this subsection or as provided in section 45-1506B, Idaho Code, respecting the effect of an intervening stay or injunctive relief order. The trustee shall sell the property in one (1) parcel or in separate parcels at auction to the highest bidder. Any person, including the beneficiary under the trust deed, may bid at the trustee's sale. The attorney for such trustee may conduct the sale and act in such sale as the auctioneer of trustee. The trustee may postpone the sale of the property upon request of the beneficiary by publicly announcing at the time and place originally fixed for the sale, the postponement to a stated subsequent date and hour. No sale may be postponed to a date more than thirty (30) days subsequent to the date from which the sale is postponed. A postponed sale may itself be postponed in the same manner and within the same time limitations as provided in this subsection. For any loan made by a state or federally regulated beneficiary, which loan is secured by a deed of trust encumbering the borrower's primary residence, as determined pursuant to section 45-1506C(1), Idaho Code, the trustee, prior to conducting any trustee's sale previously postponed pursuant to this section, shall mail notice of such trustee sale at least fourteen (14) days prior to conducting such sale by the same means and to the same persons as provided in subsection (2) of this section. The trustee or beneficiary shall, prior to conducting the trustee's sale, record an affidavit of mailing confirming that such notice has been mailed as required by this section. The filing of such affidavit of mailing is conclusive evidence of compliance with this section as to any party relying on said affidavit of mailing.

(9) The purchaser at the sale shall forthwith pay the price bid and upon receipt of payment the trustee shall execute and deliver the trustee's deed to such purchaser, provided that in the event of any refusal to pay purchase

money, the officer making such sale shall have the right to resell or reject any subsequent bid as provided by law in the case of sales under execution.

(10) The trustee's deed shall convey to the purchaser the interest in the property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed together with any interest the grantor or his successors in interest acquired after the execution of such trust deed.

(11) The purchaser at the trustee's sale shall be entitled to possession of the property on the tenth day following the sale, and any persons remaining in possession thereafter under any interest except one prior to the deed of trust shall be deemed to be tenants at sufferance.

(12) Whenever all or a portion of any obligation secured by a deed of trust which has become due by reason of a default of any part of that obligation, including taxes, assessments, premiums for insurance or advances made by a beneficiary in accordance with the terms of the deed of trust, the grantor or his successor in interest in the trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record thereon, at any time within one hundred fifteen (115) days of the recording of the notice of default under such deed of trust, if the power of sale therein is to be exercised, or otherwise at any time prior to the entry of a decree of foreclosure, may pay to the beneficiary or their successors in interest, respectively, the entire amount then due under the terms of the deed of trust and the obligation secured thereby, ~~{including costs and expenses actually incurred in enforcing the terms of such obligation and a reasonable trustee's fee subject to the limitations imposed by subsection (6) of section 45-1502, Idaho Code, and attorney's fees as may be provided in the promissory note}~~, other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust shall be reinstated and shall be and remain in force and effect, the same as if no acceleration had occurred.

(13) Any mailing to persons outside the United States and its territories required by this chapter may be made by ordinary first class mail if certified or registered mail service is unavailable.

(14) Service by mail in accordance with the provisions of this section shall be deemed effective at the time of mailing.

SECTION 2. That Chapter 15, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-1506C, Idaho Code, and to read as follows:

45-1506C. SUPPLEMENTAL NOTICE -- OPPORTUNITY TO REQUEST LOAN MODIFICATION. (1) In the case of a loan made by a state or federally regulated beneficiary, which loan is secured by a deed of trust encumbering a borrower's primary residential property for any noncommercial loan, the notice provided in this section shall accompany the notice of default provided to the grantor. The beneficiary or its agent shall determine whether the subject real property is a borrower's primary residence by searching the county assessor's tax rolls prior to recording a notice of default to confirm whether such real property has been granted a homeowner's property tax exemption pursuant to section 63-602G, Idaho Code. Any property for which a homeowner's property tax exemption has been granted for the year in which the notice of default is recorded shall be deemed to be a borrower's primary residential dwelling. If no homeowner's property tax exemption has been granted for the year in which the notice of default is recorded, the provisions of this section shall not apply. The notice, if required,

shall be printed in at least 14-point type and substantially conform to the following form:

**IMPORTANT NOTICE:
YOU ARE IN DANGER OF LOSING YOUR PROPERTY
IF YOU DO NOT TAKE ACTION IMMEDIATELY**

This notice concerns the mortgage loan for your property at (enter the complete address).

You have not fulfilled your contractual obligations under the terms of your mortgage loan. Under Idaho law, the holder of your loan, "the beneficiary," can sell your property to satisfy your obligation.

As of (enter the date), you needed to pay \$(enter the amount owed) to bring your mortgage loan current. That amount may have increased since that date and may include additional costs and fees described in the loan documents.

The beneficiary can provide you with the exact amount that you owe, but you have to ask. Call (enter the toll-free telephone number) to find out the exact amount you must pay to bring your mortgage loan current and to obtain other details about your loan. You also can send a written request for this information by certified mail to: (enter the complete address).

LOAN MODIFICATION ASSISTANCE

If you want to save your home from foreclosure but you cannot afford your current loan payments, you need to contact the beneficiary immediately to ask about any available loss mitigation programs. You may or may not qualify for a loan modification or other alternative to foreclosure.

You may request to meet with the beneficiary to discuss options for modifying your loan.

IF YOU WANT TO APPLY FOR A MODIFICATION OF YOUR LOAN, YOU MUST COMPLETE AND RETURN THE ENCLOSED "MODIFICATION REQUEST FORM" BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. THE BENEFICIARY MUST RECEIVE THE FORM ON OR BEFORE (enter the date), WHICH IS THIRTY (30) DAYS AFTER THE DATE BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. Never pay someone to help you obtain a loan modification. Help is available for free from housing counselors who are certified through the department of housing and urban development. Visit www.hud.gov for a current list of certified housing counselors in Idaho.

DATED: (enter the date)

Beneficiary name: (print name)

Beneficiary or beneficiary's agent's signature: (sign name)

Beneficiary's telephone number: (enter the toll-free telephone number)

(2) (a) The notice required under subsection (1) of this section must be accompanied by a form to request a loan modification. The form must include the address to which and state the date by which the grantor must return the form. The form may state that the grantor must disclose current information about the grantor's income and expenses, the grantor's address, phone number and electronic mail address and other facts that may affect the grantor's eligibility for a loan modification.

(b) If the trust deed, or any assignments of the trust deed, is in the Spanish language, the notice required under subsection (1) of this section and the form identified in paragraph (a) of this subsection shall be in the Spanish language.

(3) If a grantor returns the form identified in subsection (2) of this section to the beneficiary by the date specified on the form, the benefi-

ciary or the beneficiary's agent shall review the information the grantor provided in the form and shall evaluate the grantor's request. The beneficiary or the beneficiary's agent, as soon as reasonably practicable but not later than forty-five (45) days after receiving the form, shall notify the grantor in writing whether the beneficiary approves or denies the request or requires additional information. A trustee's sale for the property subject to the loan may not occur until after the beneficiary or the beneficiary's agent timely responds to the grantor. During the forty-five (45) day period, the beneficiary or the beneficiary's agent may request the grantor to provide additional information required to determine whether the loan can be modified.

(4) (a) Except as provided in paragraph (b) of this subsection, if the grantor timely requests a meeting with the beneficiary, the beneficiary or the beneficiary's agent shall either meet with the grantor in person or speak to the grantor by telephone before the beneficiary or the beneficiary's agent responds to the grantor's request to modify the loan. If the grantor requests the meeting, the beneficiary or the beneficiary's agent shall schedule the meeting by contacting the grantor at the grantor's last known address or telephone number or at the grantor's electronic mail address, if the grantor indicates on the loan modification form that the beneficiary or the beneficiary's agent can contact the grantor at the electronic mail address.

(b) A beneficiary or the beneficiary's agent complies with the provisions of paragraph (a) of this subsection even if the beneficiary or the beneficiary's agent does not speak to or meet with the grantor if, within seven (7) business days after the beneficiary or the beneficiary's agent attempts to contact the grantor, the grantor does not schedule a meeting, or fails to attend a scheduled meeting or telephone call.

(c) The beneficiary or the beneficiary's agent that meets with the grantor shall have or be able to obtain authority to modify the loan.

(5) At least twenty (20) days prior to the date of sale, the trustee shall file for record in the office of the recorder in each county wherein the trust property, or some part or parcel, is situated, an affidavit substantially in the following form from the beneficiary or the beneficiary's agent which states that the beneficiary or the beneficiary's agent has complied with the provisions of this section. The filing of the following affidavit of compliance is conclusive evidence of compliance with this section as to any party relying on said affidavit of compliance:

AFFIDAVIT OF COMPLIANCE WITH IDAHO CODE SECTION 45-1506C

COMES NOW, being first duly sworn, deposes and says:

1. I am the (title -- officer or agent) of (name of beneficiary), the beneficiary of the Deed of Trust recorded as instrument number (recorder's instrument number), County of (County), Idaho, the "Deed of Trust."

2. Beneficiary or Beneficiary's agent has complied with section 45-1506C, Idaho Code, in by: (a) providing the notice required in section 45-1506C(1), Idaho Code; (b) providing the loan modification request form required in section 45-1506C(2), Idaho Code; (c) evaluating the request for modification and providing a written response to the request as required in section 45-1506C(3), Idaho Code; and (d) scheduling, and if attended by the grantor of the Deed of Trust, attending, in person or by telephone, the meeting required in section 45-1506C(4), Idaho Code.

.....
SIGNATURE

(INSERT NOTARY SUBSCRIPTION FOR STATE IN WHICH AFFIDAVIT IS EXECUTED; IDAHO FORM OF SUBSCRIPTION IS SET OUT BELOW)

STATE OF IDAHO)
)
County of)

On this day of (month), 20.., before me,, a Notary Public in and for said state, personally appeared, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such officer or agent executed the same.

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

.....
Notary Public for Idaho
Residing at
My Commission expires

(6) Whenever the attorney general has reason to believe that any person has failed to follow the requirements of this section and that proceedings would be in the public interest, he may bring an action in the name of the state against such person for enforcement of the provisions of this section with the same procedure and in the same manner as granted the attorney general and district court pursuant to section 48-606(1) (a), (b), (d), (e) and (f) and subsections (2) through (5), Idaho Code, of the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(7) All penalties, costs and fees received or recovered by the attorney general shall be remitted to the consumer protection account and expended pursuant to section 48-606(5), Idaho Code.

SECTION 3. That Chapter 6, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-603F, Idaho Code, and to read as follows:

48-603F. MORTGAGE LOAN MODIFICATION FEES. (1) For purposes of this section, unless the context otherwise requires:

- (a) "Fee" means any item of value including, but not limited to, goods or services.
(b) "Loan modification activities" is defined in section 26-31-201(3), Idaho Code.

(2) Charging or collecting any fee in connection with mortgage loan modification activities shall constitute a violation of the Idaho consumer protection act, unless the person charging or collecting such fees is licensed pursuant to chapter 20, title 54, Idaho Code, or licensed, exempt or excluded from licensing pursuant to part 2 or 3, chapter 31, title 26, Idaho Code.

SECTION 4. This act shall be in full force and effect on and after September 1, 2011.

Approved April 13, 2011.

CHAPTER 324
(S.B. No. 1165)

AN ACT

RELATING TO ABORTION; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 18, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR DETERMINATION OF POSTFERTILIZATION AGE, TO PROHIBIT THE ABORTION OF AN UNBORN CHILD OF TWENTY OR MORE WEEKS POSTFERTILIZATION AGE, TO PROVIDE REPORTING REQUIREMENTS, TO PROVIDE CRIMINAL PENALTIES, TO PROVIDE CIVIL REMEDIES, TO PROVIDE FOR PROTECTION OF PRIVACY IN COURT PROCEEDINGS, TO CREATE THE PAIN-CAPABLE UNBORN CHILD PROTECTION ACT LITIGATION FUND IN THE STATE TREASURY; PROVIDING SEVERABILITY AND CONSTRUCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 18, Idaho Code, and to read as follows:

CHAPTER 5
PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

18-501. SHORT TITLE. This act shall be known and may be cited as the "Pain-Capable Unborn Child Protection Act."

18-502. DEFINITIONS. For purposes of this chapter:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug or other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy;

(2) "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of the provisions of this chapter;

(3) "Fertilization" means the fusion of a human spermatozoon with a human ovum;

(4) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy without first determining postfertilization age to avert her death or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function;

(5) "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine under chapter 18, title 54, Idaho Code;

(6) "Postfertilization age" means the age of the unborn child as calculated from the fertilization of the human ovum;

(7) "Probable postfertilization age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed;

(8) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

(9) "Unborn child" or "fetus" means an individual organism of the species homo sapiens from fertilization until live birth; and

(10) "Woman" means a female human being whether or not she has reached the age of majority.

18-503. LEGISLATIVE FINDINGS. The legislature makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child's entire body by no later than sixteen (16) weeks after fertilization and nerves link these receptors to the brain's thalamus and subcortical plate by no later than twenty (20) weeks.

(2) By eight (8) weeks after fertilization, the unborn child reacts to touch. After twenty (20) weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty (20) weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty (20) weeks after fertilization.

(11) It is the purpose of the state of Idaho to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(12) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which, in the context of determining the severability of a state statute regulating

abortion, the United States supreme court noted that an explicit statement of legislative intent is of greater weight than inclusion of a severability clause standing alone, the legislature declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrases, phrase or word thereof, irrespective of the fact that any one (1) or more provisions, sections, subsections, sentences, clauses or words of this act or the application thereof to any person or circumstance, were to be declared unconstitutional.

18-504. DETERMINATION OF POSTFERTILIZATION AGE. (1) Except in the case of a medical emergency, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

(2) Intentional or reckless failure by any physician to conform to any requirement of this section makes the physician subject to medical discipline pursuant to section 54-1814(6), Idaho Code.

18-505. ABORTION OF UNBORN CHILD OF TWENTY OR MORE WEEKS POSTFERTILIZATION AGE PROHIBITED. No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty (20) or more weeks unless, in reasonable medical judgment: (1) she has a condition that so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions; or (2) it is necessary to preserve the life of an unborn child. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

18-506. REPORTING. (1) Any physician who performs or induces or attempts to perform or induce an abortion shall report to the department of health and welfare, on a schedule and in accordance with forms and rules adopted and promulgated by the department:

(a) If a determination of probable postfertilization age was made, the probable postfertilization age determined and the method and basis of the determination;

(b) If a determination of probable postfertilization age was not made, the basis of the determination that a medical emergency existed;

(c) If the probable postfertilization age was determined to be twenty (20) or more weeks, the basis of the determination that the pregnant woman had a condition that so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, or the basis of the determination that it was necessary to preserve the life of an unborn child; and

(d) The method used for the abortion.

(2) By June 30 of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (1) of this section. Each such report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed.

(3) Any physician who fails to submit a report by the end of thirty (30) days following the due date shall be subject to a late fee of five hundred dollars (\$500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue. Any physician required to report in accordance with this chapter who has not submitted a report, or has submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to civil contempt. Intentional or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, makes the physician subject to medical discipline under section 54-1814(6), Idaho Code. Intentional or reckless failure by any physician to submit a complete report in accordance with a court order renders the physician subject to civil contempt and makes the physician subject to medical discipline pursuant to section 54-1814(6), Idaho Code. Intentional or reckless falsification of any report required under this section is a misdemeanor.

(4) Within ninety (90) days after the effective date of this act, the department shall adopt and promulgate rules to assist in compliance with this section. Subsection (1) of this section shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

18-507. CRIMINAL PENALTIES. Any person who intentionally or recklessly performs or attempts to perform an abortion in violation of the provisions of section 18-505, Idaho Code, is guilty of a felony. No penalty shall be assessed against the woman upon whom the abortion is performed or attempted to be performed.

18-508. CIVIL REMEDIES. (1) Any woman upon whom an abortion has been performed in violation of the pain-capable unborn child protection act or the father of the unborn child who was the subject of such an abortion may maintain an action against the person who performed the abortion in an intentional or a reckless violation of the provisions of this chapter for actual damages. Any woman upon whom an abortion has been attempted in violation of the provisions of this chapter may maintain an action against the person who attempted to perform the abortion in an intentional or a reckless violation of the provisions of this chapter for actual damages.

(2) A cause of action for injunctive relief against any person who has intentionally or recklessly violated the provisions of this chapter may be maintained by the woman upon whom an abortion was performed or attempted to be performed in violation of the provisions of this chapter, by any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or attempted to be performed in violation of the provisions of this chapter, by a prosecuting attorney with appropriate jurisdiction, or by the attorney general. The injunction shall prevent the abortion provider from

performing or attempting to perform further abortions in violation of the provisions of this chapter in this state.

(3) No damages may be assessed against the woman upon whom an abortion was performed or attempted to be performed.

18-509. PROTECTION OF PRIVACY IN COURT PROCEEDINGS. In every civil or criminal proceeding or action brought under the pain-capable unborn child protection act, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under the provisions of section 18-508, Idaho Code, shall do so under a pseudonym. This section shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

18-510. LITIGATION DEFENSE FUND. There is hereby created in the state treasury the pain-capable unborn child protection act litigation fund for the purpose of providing funds to pay for any costs and expenses incurred by the state attorney general in relation to actions surrounding defense of this chapter. This fund may include appropriations, donations, gifts or grants made to the fund. Interest earned on the investment of idle moneys in the fund shall be returned to the fund. Moneys in the fund may be expended pursuant to appropriation.

SECTION 2. SEVERABILITY AND CONSTRUCTION. 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. Notwithstanding section 18-608, Idaho Code, an abortion that complies with that section but violates the provisions of chapter 5, title 18, Idaho Code, or an otherwise applicable provision of chapter 6, title 18, Idaho Code, or other controlling rule of Idaho law shall be deemed unlawful as provided in such section, provision or rule. An abortion that complies with the provisions of chapter 5, title 18, Idaho Code, but violates the provisions of section 18-608, Idaho Code, or an otherwise applicable provision of chapter 6, title 18, Idaho Code, or other controlling rule of Idaho law shall be deemed unlawful as provided in such section, provision or rule. If some or all of the provisions of chapter 5, title 18, Idaho Code, are ever temporarily or permanently restrained or enjoined by judicial order, chapter 5, title 18, Idaho Code, chapter 6, title 18, Idaho Code, and other controlling rules of Idaho law shall be enforced as though such restrained or enjoined provisions had not been adopted, provided however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

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

Approved April 13, 2011.

CHAPTER 325
(H.B. No. 318)

AN ACT

RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5240, IDAHO CODE, TO PROVIDE FOR THE PRIORITY OF CERTAIN LIENS, TO PROVIDE A CONDITION, TO CLARIFY REFERENCE TO CERTAIN LIENS, TO PROVIDE THAT CERTAIN LIENS SHALL CONSTITUTE SUCH LIENS UNTIL PAID, TO PROVIDE THAT UPON THE SALE OF THE PROPERTY FOR PAYMENT OF A LIEN THE PURCHASER SHALL TAKE THE PROPERTY SUBJECT TO CERTAIN ANNUAL ASSESSMENTS AND TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT ALTER OR AFFECT CERTAIN LIENS.

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

SECTION 1. That Section 42-5240, Idaho Code, be, and the same is hereby amended to read as follows:

42-5240. LIEN OF ASSESSMENT. From and after January 1 of any year, all assessments, other than those levied against municipalities, shall be liens against the land of ground water users to which the water rights used to determine assessments are appurtenant, and notwithstanding anything to the contrary in this chapter or any provisions incorporated therein by reference, shall be superior to the lien of any mortgage or deed of trust, whether prior in time or not, provided that notice of the assessment delinquency is sent to the mortgage or deed of trust holder at least sixty (60) days prior to any foreclosure sale of the property. Such Said assessment liens shall not be removed until the assessments are paid or the property is sold for the payment thereof, and shall constitute such lien until paid. Upon any sale of the property the purchaser at such sale shall take the property subject to any annual assessments of the district subsequent in time to the assessment for which the foreclosure occurred. Nothing in this section alters or affects any liens of water related districts or entities authorized pursuant to Idaho law.

Approved April 11, 2011.

CHAPTER 326
(H.B. No. 91, As Amended, As Amended)

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROHIBIT THE OPERATION OF ANY VEHICLE ON A PUBLIC HIGHWAY UNLESS SUCH VEHICLE'S LOAD IS SECURED OR ANY REQUIRED COVERING IS SECURELY FASTENED, TO PROVIDE THAT VEHICLES OPERATED ON PAVED PUBLIC HIGHWAYS WITH CERTAIN LOADS SHALL BE COVERED AND TO PROVIDE AN EXCEPTION AND TO PROVIDE EXCEPTIONS TO THE APPLICATION OF SPECIFIED PROVISIONS.

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

SECTION 1. That Section 49-613, Idaho Code, be, and the same is hereby amended to read as follows:

49-613. PUTTING GLASS OR OTHER INJURIOUS MATERIALS ON HIGHWAY PROHIBITED. The following shall apply to persons and vehicles not otherwise exempted from the application of this section by federal or state law:

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon the highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove that material or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from that vehicle.

(4) No vehicle shall be operated on any public highway unless such vehicle's load is secured to prevent the load from becoming loose, detached or a hazard to other users of the highway.

(5) No person may operate on any public highway any vehicle with any load unless the load is secured and such covering as required thereon by subsection (6) of this section is securely fastened to prevent the covering or load from becoming loose, detached or a hazard to other users of the highway.

(6) Any vehicle operating on a paved public highway with a load of dirt, sand or gravel susceptible to being dropped, spilled, leaked or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six (6) inches of freeboard is maintained.

(7) The provisions of subsections (5) and (6) of this section shall not apply to a government, quasi-government, their agents or employees or contractors thereof, in performance of maintenance or construction of a highway.

(8) The provisions of subsections (4), (5) and (6) of this section shall not apply to vehicles owned by canal companies, irrigation districts, drainage districts or their boards of control, lateral ditch associations, water districts or other irrigation water delivery or management entities, or operated by any employee or agent of such an entity, performing construction, operation or maintenance of facilities.

(9) The provisions of subsections (4), (5) and (6) of this section shall not apply to vehicles transporting processed or unprocessed agricultural products, agricultural byproducts, agricultural materials or agricultural inputs.

Approved April 14, 2011.

CHAPTER 327

(H.B. No. 195, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLE DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-107, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1613, IDAHO CODE, TO REVISE PROVISIONS RELATING TO UNLAWFUL ACTS BY CERTAIN MANUFACTURERS OR DISTRIBUTORS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-1626, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DEALERS' SUBMISSION OF WARRANTY CLAIMS, TO PROVIDE FOR CERTAIN LEGAL ACTION, TO PROVIDE PROVISIONS RELATING TO CERTAIN SCHEDULES OF COMPENSATION, TO PROVIDE THAT IT IS UNLAWFUL FOR A

MANUFACTURER OR DISTRIBUTOR OR SUBSIDIARY TO OWN, OPERATE OR CONTROL A MOTOR VEHICLE WARRANTY OR SERVICE FACILITY, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE PROVISIONS RELATING TO CERTAIN WARRANTY PARTS AND LABOR AND TO PROVIDE FOR APPLICATION OF LAWS.

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

SECTION 1. That Section 49-104, Idaho Code, be, and the same is hereby amended to read as follows:

49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license" means the annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the driver's license or because the licensee is no longer entitled to the driver's license. The cancellation of a driver's license is without prejudice and after compliance with requirements, the individual may apply for a new driver's license at any time after cancellation.

(2) "Caravanning" means the transportation of any motor vehicle into, out of, or within the state operating on its own wheels or in tow for the purpose of sale or offer of sale by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, regardless of residence unless the motor vehicle is licensed by the state of Idaho, or is owned by an automobile dealer, duly licensed as a dealer by this state. It shall also be considered as the transportation of property for hire by a motor vehicle upon the highways of this state.

(3) "Certificate of liability insurance" means a certificate of liability insurance issued by an insurance company authorized to do business in this state or a certificate of liability insurance issued by the department of insurance which demonstrates current insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle described in the certificate in an amount not less than that required by section 49-117(18), Idaho Code, and also demonstrates the current existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued pursuant to law for each motor vehicle to be registered. A certificate of liability insurance shall contain the information required by the department of insurance, including the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there is one, or a statement that all vehicles owned by a person or entity are covered by insurance, the inception date of coverage, and the name of the insurer. "Certificate of liability insurance" may also include the original contract of liability insurance or a true copy, demonstrating the current existence of the liability insurance described above in this subsection.

(4) "Certification of safety compliance" means that a motor carrier certifies as part of its registration process that it has knowledge of the federal regulations and rules promulgated by the Idaho transportation department and the Idaho state police applicable to motor carriers.

(5) "Chains" means metal traction devices required pursuant to section 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly-spaced chains across the tire tread.

(6) "Coerce" means to compel or attempt to compel by threat or use of force.

(7) "Commercial coach." (See section 39-4301, Idaho Code)

(78) "Commercial driver's license" means any class A, class B or class C driver's license as defined in section 49-105, Idaho Code.

(89) "Commercial driver license information system (CDLIS)" is the information system established to serve as a clearinghouse for locating information related to the licensing and identification of motor vehicle drivers.

(910) "Commercial driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.

(101) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(112) "Compliance review" means an on-site examination of motor carrier operations, which may be at the carrier's place of business, including driver's hours of service, vehicle maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and such other related safety and transportation records to determine safety fitness.

(123) "Controlled substance" means any substance so classified under section 102(6) of the controlled substances act, {21 U.S.C. 802(6)}, and includes all substances listed on schedules I through V, of 21, CFR part 1308, as they may be revised from time to time.

(134) "Conviction" means:

(a) The person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment. A conviction for purposes of this title shall also include an infraction judgment.

(b) For purposes of disqualification or withdrawal of commercial vehicle driving privileges only, "conviction" means an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(145) "Crosswalk" means:

(a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

SECTION 2. That Section 49-107, Idaho Code, be, and the same is hereby amended to read as follows:

49-107. DEFINITIONS -- F. (1) "Factory branch" means a branch office maintained by a person who manufactures or assembles vehicles for sale to distributors or to dealers, or for directing or supervising, in whole or in part, its representatives.

(2) "Factory representative" means any person and each officer and employee engaged as a representative of a manufacturer of vehicles or by a factory branch for the purpose of making or promoting a sale of their vehicles, or for supervising or contacting their dealers or prospective dealers.

(3) "Farm tractor" means every motor vehicle designed or adapted and used primarily as a farm implement power unit operated with or without other

farm implements attached in any manner consistent with the structural design of that power unit.

(4) "Farm vehicle." (See "Vehicle," section 49-123, Idaho Code)

(5) "Federal motor vehicle safety standards (FMVSS)" means those safety standards established by the national highway traffic safety administration, under title 49 CFR part 500-599, for the safe construction and manufacturing of self-propelled motorized vehicles for operation on public highways. Such vehicles as originally designed and manufactured shall be so certified by the manufacturer to meet the federal motor vehicle safety standards or the standards in force for a given model year or as certified by the national highway traffic safety administration.

(6) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year.

(7) "Fifth wheel trailer." (See "Trailer," section 49-121, Idaho Code)

(8) "Financial institution" means any bank that is authorized to do business in the state of Idaho and any other financial institution that is registered with the department of finance.

(9) "Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

(10) "Fleet" means one (1) or more apportionable vehicles.

(11) "Fleet registration" means an optional form of registration through the department rather than a county assessor for registration of twenty-five (25) or more commercial or farm vehicles or any combination thereof. This registration is not an option for fleets of rental vehicles. Terms and conditions are further specified in section 49-434 (5), Idaho Code.

(12) "Fold down camping trailer." (See "Trailer," section 49-121, Idaho Code)

(13) "Foreign vehicle." (See "Vehicle," section 49-123, Idaho Code)

(14) "Franchise" means a sales, service and parts agreement or any other contract or agreement between a dealer and a manufacturer of new vehicles or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new vehicles.

(15) "Full-time salesman" means any person employed as a vehicle salesman on behalf of a dealer for thirty (30) or more hours per week, and who sells, purchases, exchanges or negotiates for the sale, purchase or exchange of five (5) or more vehicles during each year in which his license is in effect.

SECTION 3. 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 is misleading or inaccurate in any material particular or which 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 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.

(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 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 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 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 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 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 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 subsection paragraph (i) of this section 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 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 or sponsored by the manufacturer or distrib-

utor 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 4. That Section 49-1626, Idaho Code, be, and the same is hereby amended to read as follows:

49-1626. PAYMENT FOR DELIVERY PREPARATION AND WARRANTY SERVICE. (1) Each manufacturer or distributor shall specify in writing to each of its dealers licensed in this state, the dealer's obligations for predelivery preparation and warranty service on its products, compensate the dealer for service required of the dealer by the manufacturer or distributor, provide the dealer a schedule of compensation to be paid the dealer for parts, work and service in connection with its products, and the time allowance for the performance of that work and service.

(2) In no event shall a schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed.

(3) It is unlawful for a new vehicle manufacturer or distributor to fail to perform any warranty obligations or to fail to include in written notices of factory recalls to new vehicle owners and dealers, the expected date by which necessary parts and equipment will be available to dealers for the correction of those defects, or to fail to compensate any of the dealers in this state for repairs affected by recall.

(4) A vehicle dealer may submit a warranty claim to a manufacturer or distributor if a warranty defect is identified and documented prior to the expiration of a manufacturer's or distributor's warranty:

(a) While a franchise agreement is in effect; or

(b) After the termination of a franchise agreement if the claim is for work performed while the franchise agreement was in effect.

(5) All claims made by dealers pursuant to this section for labor and parts shall be paid within thirty (30) days following their approval. ~~The manufacturer retains the right to audit claims and to charge the dealer for unsubstantiated, incorrect, or false claims for a period of one (1) year following payment. Provided however, that the manufacturer may audit~~

~~and charge the dealer for fraudulent claims during any period for which an action for fraud may be commenced. All claims shall be either approved or disapproved within thirty (30) days after their receipt, on forms and in the manner specified by the manufacturer or distributor, and any claim not specifically disapproved in writing within thirty (30) days after receipt shall be construed to be approved and payment must follow within thirty (30) days.~~

(6) A dealer whose claim has been denied due to failure to comply with a specific claim processing requirement, such as a clerical error or other administrative technicality that does not put into question the legitimacy of the claim, may resubmit the corrected claim as provided for in subsection (7) of this section.

(7) A dealer shall have thirty (30) days from the date of notification by a manufacturer or distributor of a denial of a claim or a charge-back to the dealer to resubmit a claim for payment or compensation if the claim was denied for any of the reasons described in subsection (6) of this section, whether the charge-back was a direct or an indirect transaction, unless a longer period of time is provided for by the manufacturer or distributor.

(8) Notwithstanding the terms of a franchise agreement or other contract with a dealer and except as provided in subsection (9) of this section, after the expiration of one (1) year after the date of payment of the warranty claim, a manufacturer or distributor shall not audit the records of a motor vehicle dealer to determine compliance with the terms of a warranty claim. Provided however, that the manufacturer or distributor may audit the dealer for fraudulent claims during any period for which an action for fraud may be commenced.

(9) A manufacturer or distributor may make charge backs to a motor vehicle dealer if, after completion of an audit of the dealer's records, the manufacturer or distributor can show, by a preponderance of the evidence, that:

- (a) With respect to a warranty claim, the repair work was improperly performed in a substandard manner or was unnecessary; or
- (b) The claim is unsubstantiated in accordance with the manufacturer or distributor's requirements.

(10) Nothing in subsection (8) or (9) of this section shall prevent a manufacturer or distributor from instituting a legal action for fraud as provided for in section 5-218, Idaho Code.

(11) The schedule of compensation for warranty parts and labor shall not be less than the rates charged by the dealer for similar service to retail customers for nonwarranty parts and labor; provided that such dealer's retail rate is not unreasonable when compared with other motor vehicle franchises from the same or competitive lines for similar merchandise or services in the geographic area in which the dealer is engaged in business.

(a) For purposes of determining the schedule of compensation paid to a dealer by the manufacturer or distributor, the following shall not be considered in determining amounts charged by the dealer to retail customers:

- (i) Menu-priced parts or services;
- (ii) Repairs for manufacturer or distributor special events;
- (iii) Repairs covered by any insurance or service contract;
- (iv) Vehicle emission or safety inspections required by federal, state or local governments;
- (v) Parts sold at wholesale or repairs performed at wholesale, which shall include any sale or service to a fleet of vehicles;
- (vi) Engine assemblies and transmission assemblies;
- (vii) Routine maintenance not covered under any retail customer warranty including, but not necessarily limited to, maintenance involving fluids, filters and belts not provided in the course of repairs;

(viii) Nuts, bolts, fasteners and similar items that do not have an individual part number;

(ix) Tires; or

(x) Vehicle reconditioning.

(b) The dealer shall establish their schedule of compensation under the provisions of this section by submitting to the manufacturer or distributor one hundred (100) sequential customer paid service repair orders or ninety (90) days of customer paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty (180) days before the submission of such customer paid service repair orders and declaring the schedule of compensation. The new schedule of compensation shall take effect within ninety (90) days after the initial submission to the manufacturer or distributor and shall be presumed to be fair and reasonable. However, within thirty (30) days following receipt of the declared schedule of compensation from the dealer, the manufacturer or distributor may make reasonable requests for additional information supporting the declared schedule of compensation. The ninety (90) day time frame in which the manufacturer or distributor shall make the schedule of compensation effective shall commence following receipt from the dealer of any reasonably requested supporting information. No manufacturer or distributor shall require a motor vehicle dealer to establish a schedule of compensation by any other methodology or require supportive information that is unduly burdensome or time consuming to provide including, but not limited to, part by part or transaction by transaction calculations. The dealer shall not request a change in the schedule of compensation more than once every twelve (12) months.

(12) It is unlawful for a manufacturer or distributor or subsidiary to own, operate or control, either directly or indirectly, a motor vehicle warranty or service facility located in this state except on an emergency or interim basis or if no qualified applicant has applied for appointment as a dealer in a market previously served by a motor vehicle dealer of that manufacturer or distributor's line make except as provided for in section 49-1613(3) (g), Idaho Code.

(13) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for warranty parts and labor either by reduction in the amount due to the dealer or by separate charge, surcharge or other imposition; provided however, a manufacturer or distributor shall not be prohibited from increasing prices for vehicles or parts in the normal course of business.

(14) All procedures and protections afforded to a motor vehicle dealer under the provisions of this section shall be available to a recreational vehicle dealer. However, the schedule of compensation afforded under subsection (11) of this section shall not apply to compensation for parts, systems, fixtures, appliances, furnishings, accessories and features of a recreational vehicle that are designed, used and maintained primarily for nonvehicular residential purposes.

Approved April 14, 2011.

CHAPTER 328
(H.B. No. 228)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1010, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXCEPTIONS FOR SIZE OF VEHICLES AND LOADS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 49-1010, Idaho Code, be, and the same is hereby amended to read as follows:

49-1010. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

(1) The width of a vehicle, including any load thereon, except as noted below, shall not exceed 8 1/2 feet.

(a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, or any trailer not wider than the implement of husbandry used in the transportation of implements of husbandry for agricultural operations, and including all equipment used in land leveling operations, when being incidentally operated upon the highway from one (1) farm operation to another during daylight hours.

(b) The limitations as to size of vehicles shall not apply to farmers or their designated agents, transporting implements of husbandry and equipment listed in paragraph (a) of this subsection for the purpose of:

(i) The repair or maintenance of such implements of husbandry and equipment when traveling to or from a farm to a repair or maintenance facility during daylight hours; or

(ii) The purchase or sale of such implements of husbandry and equipment when traveling to or from a farm to a dealership, auction house or other facility during daylight hours.

(c) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-1004, Idaho Code, shall not exceed 9 feet.

(ed) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (bc) of this subsection, must display one (1) red or fluorescent orange flag a minimum of twelve (12) by twelve (12) inches on the outermost left projection of the tractor or implement being transported.

(2) The height of a vehicle, including the load thereon, shall not exceed 14 feet.

(3) The length of a vehicle, or vehicle combination, except as noted below shall not exceed:

(a) When a single motor vehicle 45 feet.

(b) When a trailer or semitrailer, except as noted below 48 feet.

1. Semitrailers operating on routes determined by the board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to an overall combination length not to exceed 65 feet.

2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

3. Semitrailers operating on routes which are a part of the national network as set forth in 23 CFR 658, on routes providing access between the national network and terminals and facilities for food, fuel, repairs and rest which are located within one (1) road mile of the national network and state highways as set forth by policy and approved by the transportation board shall not exceed a length of 53 feet.

(c) When a motor vehicle and one (1) or more trailers, except as noted in subsections (3) (b), (3) (d) and (3) (e) of this section 75 feet.

(d) When a combination of semitrailer and trailer, or of two (2) semitrailers the length in such combination, including the connecting tongue and excluding the truck tractor except as noted below .. 61 feet.

When the combination of semitrailer and trailer or of two (2) semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor 75 feet.

(e) When a combination of a semitrailer and trailer, or of two (2) semitrailers operating on routes on the national network as set forth in 23 CFR 658, and on routes providing access between the national network and terminals and facilities for food, fuel, repairs and rest which are located within one (1) road mile of the national network, the length, including the connecting tongue and excluding the truck tractor, shall not exceed 68 feet.

(f) When a dromedary tractor with semitrailer, stinger-steered by having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) 75 feet.

(g) When a dromedary combination transporting class 1 explosive materials and/or any munitions-related security material as specified by the U.S. department of defense in compliance with 49 CFR 177.835, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section, up to 75 feet.

(h) When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section 65 feet.

(i) When an auto transporter or boat transporter, stinger-steered as defined in subsection (3) (f) of this section, excluding front and rear overhang of load 75 feet.

(j) When an auto transporter or boat transporter, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section, excluding front and rear overhang of load 65 feet.

(k) When a truck tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections 75 feet.

(4) The overhang or extension of a load shall not extend:

(a) Beyond the front of a vehicle, more than 4 feet.

(b) Beyond the end of a vehicle, more than 10 feet.

(c) Beyond the left fender of a passenger vehicle, more than ... 0 feet.

(d) Beyond the right fender of a passenger vehicle, more than 6 inches.

(e) To the front and rear combined of an auto transporter or boat transporter, more than 7 feet.

(5) Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the board, shall not be included in measurement for length.

(6) No combination shall include more than three (3) units except when a saddlemount combination and the overall length allowed is:

- (a) On the national network 97 feet.
- (b) Other than the national network 75 feet.

(7) Vehicle combinations consisting of not more than four (4) vehicle units with an overall length in excess of the limits of subsection (3) of this section and with an overall combination length not to exceed one hundred fifteen (115) feet, may be operated by permit on routes designated for such operations by the public highway agency having jurisdiction over that highway system, subject to the following restrictions as to lengths of cargo-carrying units:

- (a) Truck tractor and two (2) trailing units 95 feet.
- (b) Truck tractor and three (3) trailing units 95 feet.
- (c) Truck and two (2) trailing units 98 feet.

Approved April 14, 2011.

CHAPTER 329
(H.B. No. 326)

AN ACT

RELATING TO THE VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR REINSTATEMENT OF REGISTRATION WITHOUT CHARGE UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-116B, Idaho Code, be, and the same is hereby amended to read as follows:

39-116B. VEHICLE INSPECTION AND MAINTENANCE PROGRAM. (1) The board shall initiate rulemaking to provide for the implementation of a motor vehicle inspection and maintenance program to regulate and ensure control of the air pollutants and emissions from registered motor vehicles in an attainment or unclassified area as designated by the United States environmental protection agency, not otherwise exempted in subsection (7) of this section, if the director determines the following conditions are met:

- (a) An airshed, as defined by the department, within a metropolitan statistical area, as defined by the United States office of management and budget, has ambient concentration design values equal to or above eighty-five percent (85%) of a national ambient air quality standard, as defined by the United States environmental protection agency, for three (3) consecutive years starting with the 2005 design value; and
- (b) The department determines air pollutants from motor vehicles constitute one (1) of the top two (2) emission sources contributing to the design value of eighty-five percent (85%).

(2) In the event both of the conditions in subsection (1) of this section are met, the board shall establish by rule minimum standards for an inspection and maintenance program for registered motor vehicles, not otherwise exempted in subsection (7) of this section, which shall provide for:

- (a) Counties and cities within the airshed that will be subject to the motor vehicle inspection and maintenance program;
- (b) The requirements for licensing authorized inspection stations and technicians;
- (c) The frequency with which inspections shall be required, provided that inspections shall occur no more than once every two (2) years;
- (d) The procedures under which authorized inspection stations and technicians inspect motor vehicles and issue evidence of compliance;

(e) The criteria under which it is to be determined that a motor vehicle is eligible for a certificate of compliance;

(f) The parameters and diagnostic equipment necessary to perform the required inspection. The rules shall ensure that the equipment complies with any applicable standards of the United States environmental protection agency;

(g) A fee, bond or insurance which is necessary to carry out the provisions of this section and to fund an air quality public awareness and outreach program. The fee for a motor vehicle inspection shall not exceed twenty dollars (\$20.00) per vehicle;

(h) The issuance of a pamphlet for distribution to owners of motor vehicles explaining the reasons for and the methods of the inspections; and

(i) The granting of a waiver from the minimum standards as provided by rule, which may be based on model year, fuel, size, or other factors.

(3) In the event both of the conditions in subsection (1) of this section are met, the director shall attempt to enter into a joint exercise of powers agreement under sections 67-2326 through 67-2333, Idaho Code, with the board of county commissioners of each county within the airshed in which a motor vehicle inspection and maintenance program is required under this section, and the councils of incorporated cities within those counties, to develop a standardized inspection and maintenance program. If the board of county commissioners or the councils of incorporated cities within those counties choose not to enter into a joint exercise of powers agreement with the director, then within one hundred twenty (120) days of the director's written request to enter into such an agreement, the board of county commissioners or the councils of incorporated cities may notify the department that it will implement an alternative motor vehicle emission control strategy that will result in emissions reductions equivalent to that of a vehicle emission inspection program. If the department determines the emissions reductions of the alternative motor vehicle emission control strategy are not equivalent, or no equivalent reductions are proposed, the department or its designee shall implement the motor vehicle inspection and maintenance program required pursuant to the provisions of this section.

(4) The Idaho transportation department shall revoke the registration of any motor vehicle identified by the department or its designee, or any city or county administering a program established under the provisions of this section as having failed to comply with such motor vehicle inspection and maintenance program, except that no vehicle shall be identified to the Idaho transportation department unless:

(a) The department or its designee, or the city or county certifies to the Idaho transportation department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning the program and has exhausted all remedies and appeals from any determination made at such hearing; and

(b) The department or its designee, or the city or county reimburses the Idaho transportation department for all direct costs associated with the registration revocation procedure.

Any vehicle registration that has been revoked pursuant to the provisions of this section that is found to be in compliance with current emissions standards shall have the registration reinstated without charge.

(5) The department shall annually review the results of the vehicle inspection and maintenance program. The review shall include, among other things, an estimate of the emission reduction obtained from the number of vehicles that initially fail the test and then pass after maintenance.

(6) Every five (5) years beginning with the implementation of the program, the director shall review the air quality data and determine whether a program initially established pursuant to the provisions of this section should be continued, modified or terminated.

(7) Electric or hybrid motor vehicles, new motor vehicles less than five (5) years old, classic automobiles, motorized farm equipment and registered motor vehicles engaged solely in the business of agriculture, shall be exempt from any motor vehicle inspection and maintenance program established pursuant to 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 its passage and approval.

Approved April 14, 2011.

CHAPTER 330
(S.B. No. 1001, As Amended)

AN ACT

RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES OR MOTORBIKES; AMENDING SECTION 49-302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN OPERATORS OF ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES OR MOTORBIKES ON CERTAIN ROADS, TO PROVIDE THAT CERTAIN UNLICENSED OPERATORS ON NATIONAL FOREST ROADS MUST HAVE COMPLETED A SAFETY COURSE, TO PROVIDE THAT A CERTIFICATE OR PROOF OF COMPLETION SHALL BE IN THE POSSESSION OF THE UNLICENSED OPERATOR OR PRESENT IN THE VEHICLE, TO PROVIDE THAT THE CERTIFICATE OR PROOF OF COMPLETION SHALL BE PROVIDED FOR INSPECTION, TO PROVIDE THAT NO PERSON SHALL BE CONVICTED OF A CERTAIN VIOLATION IF THAT PERSON PRODUCES, PRIOR TO CONVICTION, THE CERTIFICATE OR PROOF OF COMPLETION THAT SHOWS COMPLETION OF THE COURSE PRIOR TO THE VIOLATION, TO PROVIDE FOR AN INFRACTION, AND TO DEFINE A TERM.

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 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, 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 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 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 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 ~~any political subdivision thereof~~ when the person 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.

CHAPTER 331
(S.B. No. 1193)

AN ACT

RELATING TO CHILD SUPPORT; AMENDING SECTION 5 AS ADDED BY SENATE BILL NO. 1103, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO CORRECT A RETROACTIVE EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 5 as added by Senate Bill No. 1103, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to July 1, ~~2011~~ 1995, and shall apply to all orders currently being enforced by the Idaho Department of Health and Welfare Child Support Program such that any Idaho judgment for child support that would otherwise have expired since July 1, 1995, may be renewed on or before December 30, 2011.

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

Approved April 14, 2011.

CHAPTER 332
(S.B. No. 1206)

AN ACT

RELATING TO PUBLIC SCHOOLS; STATING FUND SOURCES FOR THE APPROPRIATION TO PUBLIC SCHOOLS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2012; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2012; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST BASE AND MINIMUM SALARIES; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING FOR A \$7,500,000 REDUCTION IN TRANSPORTATION COSTS; PROVIDING THAT \$8,281,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING

THE USE OF \$9,400,000 FOR READING AND MATH INITIATIVES, REMEDIATION AND TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$6,000,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPROPRIATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON THE DUAL ENROLLMENT PROGRAM; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM.

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

SECTION 1. The following amount shall be expended from state sources for the Educational Support Program, for the period July 1, 2011, through June 30, 2012:

FROM:

General Fund	\$1,223,580,400
Bond Levy Equalization Fund	5,800,000
School District Building Account	17,600,000
Miscellaneous Revenue	109,200
Public Schools Other Income	5,000,000
School for the Deaf and Blind Endowment	145,800
Cigarette, Tobacco and Lottery Income Taxes	8,600,000
Public School Endowment Earnings Reserve Fund	31,292,400
Federal Education Jobs Fund	25,820,500
Federal Grant	<u>243,121,000</u>
TOTAL	\$1,561,069,300

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2011, through June 30, 2012:

FROM:

General Fund	\$1,211,980,400
--------------	-----------------

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Administrators, the following amount to be expended from the listed fund for the period July 1, 2011, through June 30, 2012:

FROM:

Public School Income Fund	\$74,868,700
---------------------------	--------------

SECTION 4. There is hereby appropriated to the Educational Support Program/Division of Teachers, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

Public School Income Fund	\$683,965,600
Federal Education Jobs Fund	25,820,500
Federal Grant	<u>30,000,000</u>
TOTAL	\$739,786,100

SECTION 5. There is hereby appropriated to the Educational Support Program/Division of Operations, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

Public School Income Fund	\$462,437,800
School District Building Account	17,600,000
Federal Grant	<u>8,000,000</u>
TOTAL	\$488,037,800

SECTION 6. There is hereby appropriated to the Educational Support Program/Division of Children's Programs, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:	
Public School Income Fund	\$28,508,800
Federal Grant	<u>205,000,000</u>
TOTAL	\$233,508,800

SECTION 7. There is hereby appropriated to the Educational Support Program/Division of Facilities, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:	
General Fund	\$11,600,000
Bond Levy Equalization Fund	<u>5,800,000</u>
TOTAL	\$17,400,000

SECTION 8. Of the moneys appropriated to the Educational Support Program, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund.

SECTION 9. The provisions of subsection (4) of Section 63-2520, Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund shall be \$11,600,000 for the period July 1, 2011, through June 30, 2012.

SECTION 10. There is hereby appropriated to the Educational Support Program/Division of Educational Services for the Deaf and the Blind, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:	
Public School Income Fund	\$7,091,900
Miscellaneous Revenue	109,200
School for the Deaf and Blind Endowment	145,800
Federal Grant	<u>121,000</u>
TOTAL	\$7,467,900

SECTION 11. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

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

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$23,565~~ \$23,123. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$29,655. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall

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

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of ~~\$32,441~~ \$31,833. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply ~~\$19,041~~ \$18,684 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

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

SECTION 12. Notwithstanding the provisions of Sections 33-905 and 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012, all moneys appropriated from the School District Building Account shall be distributed as discretionary funds and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 13. Notwithstanding the provisions of Sections 33-1018B and 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012, only, the state is hereby temporarily relieved from the requirement to provide its portion of the school maintenance matching funds normally required by such sections, nor shall school districts be required to make up such portion that would otherwise be provided by the state.

SECTION 14. Pursuant to the provisions of Section 33-1018, Idaho Code, for the period July 1, 2011, through June 30, 2012, it is estimated that the appropriation of state funds to the Educational Support Program/Division of Operations will result in total discretionary funds of \$19,626 per support unit.

SECTION 15. Notwithstanding the provisions of Section 33-1006, Idaho Code, for the period July 1, 2011, through June 30, 2012, the total moneys paid to school districts and charter schools for eligible transportation costs shall be reduced by a proportionate amount to equal \$7,500,000 and shall be used as discretionary spending.

SECTION 16. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 5 of this act, up to \$8,281,400

from funds determined by available Tobacco, Cigarette and Lottery income tax revenues accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, for the period July 1, 2011, through June 30, 2012, shall be distributed as discretionary funds within the Educational Support Program/Division of Operations, and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 17. Of the moneys appropriated in Section 6 of this act, \$318,600 from funds determined by available revenues accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, and other such moneys that may become available pursuant to Idaho laws, for the period July 1, 2011, through June 30, 2012, shall be distributed as follows: the provisions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to the Idaho State Police to increase toxicology lab capacity in the bureau of forensic services for drug testing of juveniles. The Superintendent of Public Instruction may use up to \$40,000 for Safe and Drug-Free Schools Program administration, technical assistance, and evaluation; and up to \$78,600 in grants may be authorized to the Commission on Hispanic Affairs.

SECTION 18. Of the moneys appropriated in Section 6 of this act, \$9,400,000 shall be used for literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for students failing to achieve proficiency in the Idaho Standards Achievement Test; computerized remediation services to schools; and math initiative efforts, in dollar amounts determined by the Superintendent of Public Instruction. Of this amount, up to \$120,000 may be expended by the Superintendent of Public Instruction for staff support related to the implementation and coordination of technology initiatives in public schools, including the state's longitudinal data project. It is legislative intent that the State Board of Education and State Department of Education coordinate federally funded literacy programs with state literacy programs, resulting in well-coordinated, complementary literacy efforts. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education Committees, by no later than February 1, 2013, on the uses of funds and effectiveness of the programs and efforts.

SECTION 19. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 6 of this act, \$4,000,000 shall be distributed for support of programs for students with non-English or limited English proficiency, as follows:

(1) The State Department of Education shall distribute \$3,500,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the department.

(2) The State Department of Education shall use \$500,000 for the competitive grant program for school districts in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. Of this amount, \$450,000 shall be distributed annually to school districts in three (3) year grant cycles, in which the recipients will receive full grant awards each of the three (3) years, contingent on appropriation. The remaining \$50,000 will be used for evaluation and administration of the program.

(3) The department shall develop the program elements governing the use of these funds, modeled on the training, intervention and remediation elements of the literacy programs referenced in Section 18 of this act. The

purpose of these funds is to improve the English language skills of English language learners, to enable such students to better access the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education Committees by no later than February 1, 2013, on the program design, uses of funds and effectiveness of the program.

SECTION 20. Notwithstanding Section 33-1020, Idaho Code, the Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds not to exceed \$6,000,000 for the period July 1, 2011, through June 30, 2012, to achieve the following:

(1) Tuition charged by IDLA to Idaho students shall not exceed \$75.00 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test.

(3) Pursuant to the fiscal impact statement for the State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 21. No moneys are appropriated for programs for expectant or delivered mothers for the period July 1, 2011, through June 30, 2012, the provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwithstanding.

SECTION 22. It is legislative intent that the State Department of Education shall compile information concerning the numbers of students enrolling in dual credit according to the provisions of Section 33-1626, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2012. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2012.

SECTION 23. The State Department of Education is hereby granted the authority to transfer appropriations between the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.

Approved April 14, 2011.

CHAPTER 333
(S.B. No. 1207)

AN ACT

RELATING TO FEDERAL EDUCATIONAL MAINTENANCE OF EFFORT REQUIREMENTS; STATING LEGISLATIVE INTENT TO MEET THE MAINTENANCE OF EFFORT REQUIREMENTS OF TITLE 14 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; APPROPRIATING ADDITIONAL MONEYS TO PUBLIC SCHOOLS FOR FISCAL YEAR 2011 UNDER CERTAIN CIRCUMSTANCES; STATING LEGISLATIVE INTENT TO MEET THE MAINTENANCE OF EFFORT REQUIREMENTS OF TITLE 1 OF THE FEDERAL EDUCATION JOBS FUND PUBLIC LAW NO. 111-226 OF 2010; APPROPRIATING ADDITIONAL

MONEYS TO THE STATE BOARD OF EDUCATION FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2011 UNDER CERTAIN CONDITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2011 UNDER CERTAIN CONDITIONS; PROVIDING GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT TO MEET MAINTENANCE OF EFFORT REQUIREMENTS OF TITLE 14 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009. Upon acceptance of money from the State Fiscal Stabilization Fund, Title 14 of ARRA, the state of Idaho made assurances to the federal government that the state would maintain the level of state support for public schools and higher education for fiscal years 2009, 2010 and 2011, at least at the level provided for in fiscal year 2006. Subsequently, the state guaranteed that if it could not meet this initial requirement, it would request a waiver of this provision. The waiver requires the state to ensure that the percentage of state revenues appropriated for public schools for fiscal year 2011 will not fall below the same percentage of state revenues for the same purpose as in fiscal year 2010. It is the finding of the Legislature that fiscal year 2011 state revenues are forecast to increase beyond the original appropriated level, therefore, a percentage of the excess revenues must be dedicated to public schools on or before June 30, 2011, in order to meet the maintenance of effort test:

(1) If the Division of Financial Management determines that an additional amount is required to meet the maintenance of effort waiver under Title 14 of ARRA, the administrator shall notify the State Controller of the minimum amount necessary to be provided to public schools for fiscal year 2011, in accordance with Section 2 of this act. If it is determined that as of June 30, 2011, the amount of available state support from the General Fund exceeds the amount originally reported as available for fiscal year 2011, to meet the terms of the waiver agreed upon to receive support under Title 14 of ARRA, then the Division of Financial Management shall first apply any amount calculated in this subsection to the Public School Discretionary Funding Variability provided for in Section 33-1018 (2), Idaho Code, and the deficiency identified in Section 33-1009 4., Idaho Code, payments from the Public School Income Fund for fiscal year 2011, and any other variable adjustments typically authorized under Chapter 10, Title 33, Idaho Code.

(2) Any remainder available to comply with the maintenance of effort requirements shall be transferred to the Public School Income Fund for a special distribution of discretionary moneys to school districts from the Department of Education based on the number of fiscal year 2011 full-term support units.

SECTION 2. In addition to the appropriation made in Section 6, Chapter 234, Laws of 2010, and upon passage and approval of this act, there is hereby appropriated from the General Fund to be transferred to the Public School Income Fund an amount necessary to maintain the percentage of state revenues directed to public schools at a percentage level not less than fiscal year 2010. This transfer shall take place on or before June 30, 2011, and be counted as a fiscal year 2011 expenditure.

SECTION 3. LEGISLATIVE INTENT TO MEET MAINTENANCE OF EFFORT REQUIREMENTS OF TITLE 1 EDUCATION JOBS FUND, PUBLIC LAW NO. 111-226 OF 2010. Upon acceptance of money from the Education Jobs Fund, Title 1 of Public Law No. 111-226, the state of Idaho made assurances to the federal government that the state would maintain support for elementary and secondary education and for public institutions of higher education to the level required by federal law in fiscal year 2011. It is the finding of the Legislature that fiscal year 2011 state revenues are not forecast to increase beyond the level re-

quired to trigger additional funding for public schools and higher education. The state will need to collect in excess of \$31.5 million above the General Fund forecast of \$2,350.3 million to be out of compliance with the maintenance of effort required for the Education Jobs Fund:

(1) In the event that revenues do exceed the forecast to the extent that the Division of Financial Management determines that additional maintenance of effort is required under Title 1 of the Education Jobs Fund, the administrator shall notify the State Controller of the minimum amount necessary to be provided first to Professional-Technical Education for Postsecondary Programs to meet the maintenance of effort requirements to receive federal Carl D. Perkins funding in fiscal year 2011 in accordance with Section 4 of this act.

(2) Any remainder of the amount needed to comply with the maintenance of effort requirements shall be provided to the State Board of Education for Community Colleges for fiscal year 2011 unfunded enrollment growth, in accordance with Section 5 of this act.

SECTION 4. In addition to the appropriation made in Section 3, Chapter 339, Laws of 2010, and upon passage and approval of this act, there is hereby appropriated to the State Board of Education for Postsecondary Programs in Professional-Technical Education from the General Fund an amount necessary to comply with the maintenance of effort requirements under Title 1 of the Education Jobs Fund. These funds shall be available on or before June 30, 2011.

SECTION 5. In addition to the appropriation made in Section 2, Chapter 232, Laws of 2010, and upon passage and approval of this act, there is hereby appropriated to the State Board of Education for Community Colleges from the General Fund an amount necessary to comply with the maintenance of effort requirements under Title 1 of the Education Jobs Fund. These funds shall be available on or before June 30, 2011.

SECTION 6. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education, the unexpended and unencumbered balance of General Fund moneys as appropriated in Sections 4 and 5 of this act for fiscal year 2011, for the period July 1, 2011, through June 30, 2012.

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

Approved April 14, 2011.

CHAPTER 334
(H.B. No. 343)

AN ACT

RELATING TO WOLVES; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5805, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5806, IDAHO CODE, TO PROVIDE FOR DECLARATIONS OF EMERGENCY; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5807, IDAHO CODE, TO PROVIDE A PROCEDURE FOR ISSUANCE OF EXECUTIVE ORDERS AND PROCLAMATIONS RELATING TO CERTAIN DISASTER EMERGENCIES, TO REQUIRE THE OFFICE OF SPECIES CONSERVATION TO TAKE CERTAIN STEPS, TO PROVIDE FOR APPEAL, TO PROVIDE FOR THE DURATION OF AND

TERMINATION OF EXECUTIVE ORDERS AND PROCLAMATIONS, TO PROVIDE FOR CONTENT OF EXECUTIVE ORDERS AND PROCLAMATIONS AND TO PROVIDE FOR THE DISSEMINATION OF FILING OF EXECUTIVE ORDERS AND PROCLAMATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 58, 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 67-5805, Idaho Code, and to read as follows:

67-5805. LEGISLATIVE FINDINGS AND INTENT. (1) Section 1, article I, of the constitution of the state of Idaho provides: "All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety." It is the duty and right of the legislature and the governor to protect the state, its citizens and property. Section 36-103(a), Idaho Code, provides: "All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby declared to be the property of the state of Idaho." The state of Idaho therefore has the responsibility to manage the big game animals of the state.

(2) The Idaho legislature finds and declares that the state's citizens, businesses, hunting, tourism and agricultural industries, private property and wildlife, are immediately and continuously threatened and harmed by the sustained presence and growing population of Canadian gray wolves in the state of Idaho. The Idaho legislature, therefore, finds the population of gray wolves in Idaho, having been introduced into the state in 1995, over the united objection of the Idaho congressional delegation, Idaho legislature, Idaho governor, Idaho counties and numerous Idaho agricultural groups who were gravely concerned with the negative effects this action would impose on Idaho and Idahoans, is now many times exceeding the target number originally set by the federal government and the number set in Idaho's federally approved 2002 wolf management plan. The U.S. fish and wildlife service (USFWS) has delisted the gray wolf in Idaho in 2008 and 2009 returning management to the state, only to be sued both times by environmental groups forcing the wolf to be relisted as endangered. As a result of all the above, the legislature finds that public safety has been compromised, economic activity has been disrupted and private and public property continue to be imperiled. The uncontrolled proliferation of imported wolves on private land has produced a clear and present danger to humans, their pets and livestock, and has altered and hindered historical uses of private and public land, dramatically inhibiting previously safe activities such as walking, picnicking, biking, berry picking, hunting and fishing. The continued uncontrolled presence of gray wolves represents an unfunded mandate, a federal commandeering of both state and private citizen resources and a government taking that makes private property unusable for the quiet enjoyment of property owners. An emergency existing therefore, it is the intent of the legislature to regulate the presence of Canadian gray wolves in Idaho in order to safeguard the public, wildlife, economy and private property against additional devastation to Idaho's social culture, economy and natural resources, and to preserve the ability to benefit from private and public property within the state and experience the quiet enjoyment of such property.

SECTION 2. That Chapter 58, 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 67-5806, Idaho Code, and to read as follows:

67-5806. DECLARATION OF EMERGENCY. A disaster emergency, as defined in section 46-1002(3) and (4), Idaho Code, is in existence as a result of the introduction of Canadian gray wolves, which have caused and continue to

threaten vast devastation of Idaho's social culture, economy and natural resources. The geographical extent of this emergency shall include any part of the state of Idaho where gray wolves have been sighted and whose sighting has been documented or otherwise confirmed by the office of species conservation or the department of fish and game.

SECTION 3. That Chapter 58, 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 67-5807, Idaho Code, and to read as follows:

67-5807. GOVERNOR -- EXECUTIVE ORDERS. (1) Pursuant to this act, the governor may issue executive orders and proclamations and amend or rescind such orders and proclamations. Executive orders and proclamations have the force and effect of law. A disaster emergency may be declared by executive order or proclamation of the governor if the governor finds any of the following:

(a) Any Canadian gray wolf within the state is a carrier of a disease harmful to humans, livestock, pets and wild game and that there is a risk of transmission of such disease to humans, livestock, pets or wild game;

(b) The potential of human-wolf conflict exists and that the Canadian gray wolf is frequenting areas inhabited by humans or showing habituated behavior toward humans;

(c) That the potential for livestock-wolf conflict exists and that the Canadian gray wolf is frequenting areas that are largely rangeland with livestock or showing evidence of habituated behavior toward livestock;

(d) The numbers of Canadian gray wolves are such that there is an impact to Idaho big game herds as identified in the wolf management plan of 2002, and that there is evidence that increasing the number of wolves beyond one hundred (100) has had detrimental impacts on big game populations, the economic viability of the Idaho department of fish and game, outfitters and guides, and others who depend on a viable population of big game animals;

(e) The numbers of big game animals have been significantly impacted below that of recent historical numbers and that there has been a measurable diminution in the value of businesses tied to outfitting and other game or hunting based businesses.

(2) The executive order or proclamation shall direct the office of species conservation to initiate emergency proceedings in accordance with section 67-5247, Idaho Code. Any person may challenge an action or proposed action of the office of species conservation by following the appeals process prescribed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code.

(3) The state of disaster emergency shall continue until the governor finds that either gray wolves are delisted in Idaho with full state management restored or the threat has been dealt with to the extent that emergency conditions no longer exist. When either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation. Provided however, that no state of disaster emergency pursuant to the provisions of this act may continue for longer than one (1) year. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued pursuant to this section shall indicate which of the conditions in this section exist, the area or areas threatened and the actions planned to resolve the issue, including contracting with USDA-APHIS wildlife services. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the office of species con-

servation, the department of fish and game, the office of the secretary of state and the office of the sheriff of each county where the state of disaster emergency applies.

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

Approved April 19, 2011.

CHAPTER 335
(H.B. No. 315)

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-515B, IDAHO CODE, AS ADDED BY SECTION 6 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, RELATING TO REDUCED ENROLLMENT, CONTRACT TERMINATION AND SEVERANCE STIPEND; AND AMENDING SECTION 33-1003, IDAHO CODE, AS AMENDED IN SECTION 12 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO PROVIDE FOR SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM DURING THE PERIOD JULY 1, 2011, THROUGH JUNE 30, 2012.

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

SECTION 1. That Section 33-515B, Idaho Code, as added by Section 6 of Senate Bill No. 1108, First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby repealed.

SECTION 2. That Section 33-1003, Idaho Code, as amended in Section 12 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. (1) Decrease in Average Daily Attendance for 2011-2012 School Year. -- For any school district which has a decrease in total average daily attendance of three percent (3%) or more of its average daily attendance in the 2011-2012 school year from the total average daily attendance used for determining the allowance in the educational support program for the 2010-2011 school year, the allowance of funds from the educational support program may be based on the average daily attendance of the 2010-2011 school year, less three percent (3%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district. The legislature hereby encourages boards of trustees to actively pursue alternative funding to offset any reduction in funds stemming from the application of the provisions of this subsection (1). The provisions of this subsection (1) shall be null and void and of no force and effect on and after July 1, 2012.

(2) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

(b) Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of the school as a separate attendance unit and the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils. An elementary school operating as a previously approved hardship elementary school shall continue to be considered as a separate attendance unit, unless the hardship status of the elementary school is rescinded by the state board of education.

(c) Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

(d) Elementary/Secondary School Attendance Units. -- Elementary grades in an elementary/secondary school will be funded as a separate attendance unit if all elementary grades served are situated more than ten (10) miles distance from both the nearest like elementary grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools. Secondary grades in an elementary/secondary school will be funded as a separate attendance unit if all secondary grades served are located more than fifteen (15) miles by an all-weather road from the nearest like secondary grades operated by the district.

(e) Hardship Secondary School. -- Any district which operated two (2) secondary schools separated by less than fifteen (15) miles, but which district was created through consolidation subsequent to legislative action pursuant to chapter 111, laws of 1947, and which school buildings were constructed prior to 1935, shall be entitled to count the schools as separate attendance units.

(f) Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

(23) Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section

33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

(34) Support Program When District Boundaries are Changed.

(a) In new districts formed by the division of a district, the support program computed for the district, divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

(b) When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in paragraph (a) of this subsection.

(c) In new districts formed by consolidation of former districts after January 1, 2007, the support program allowance, for a seven (7) year period following the formation of the new district, shall not be less than the combined support program allowances of the component districts in the last year of operation before consolidation. After the expiration of this period, the state department of education shall annually calculate the number of support units that would have been generated had the previous school districts not consolidated. All applicable state funding to the consolidated district shall then be provided based on a support unit number that is halfway between this figure and the actual support units, provided that it cannot be less than the actual support units.

Law without signature.

SENATE JOINT MEMORIAL

(S.J.M. No. 101)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF AGRICULTURE OF THE UNITED STATES, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE CONGRESSIONAL REPRESENTATIVES OF THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the National Forest System, managed by the Forest Service of the United States Department of Agriculture, was established in 1907 and has grown to include approximately 192,000,000 acres of federal lands, of which more than 20,458,276 acres are in Idaho; and

WHEREAS, Congress recognized that, by its decision to permanently secure these lands in federal ownership, the counties across the United States where these lands are situated, of which thirty-four counties and one hundred fifteen public school districts are located in Idaho, would be deprived of opportunities for economic development and K-12 public educational services and of tax revenues they would otherwise receive if the lands were held in private ownership; and

WHEREAS, these same counties and public school districts have expended public funds for nearly one hundred years to provide services such as K-12 public education, road construction and maintenance, search and rescue, law enforcement, fire protection, watershed protection, and forest enhancement and conservation; and

WHEREAS, to accord a measure of compensation to these affected counties and public school districts for the critical services they provide to county residents, public school children and the general citizenry that receive benefits from these lands and for the lost economic opportunities stemming from federal ownership as compared to private ownership, Congress determined that the federal government should share with these counties a portion of the revenues the United States receives from these federal lands; and

WHEREAS, Congress enacted in 1908 and subsequently amended a law that requires that twenty-five percent of the revenues derived from the National Forest System lands be paid to the states for use by counties where the lands are situated for the benefit of public schools and roads; and

WHEREAS, Idaho counties dependent on and supportive of these federal lands received and relied on shared revenues from these lands for many decades to provide essential funding for schools, road maintenance and other critical public services; and

WHEREAS, in recent years, the principal source of these revenues, federal timber sales, has been sharply curtailed, and as the volume of timber sold annually from the federal lands in Idaho has decreased substantially, so too have the revenues shared with the affected counties, adversely af-

fecting funding for education, road maintenance and other public programs and services; and

WHEREAS, in the Secure Rural Schools and Community Self-Determination Act of 2000, Congress recognized this trend and mitigated the adverse consequences by providing annual payments through federal fiscal year 2006, with a one-year extension through federal fiscal year 2007, and a subsequent four-year extension from federal fiscal year 2008 through federal fiscal year 2011, to counties across the United States, including counties in Idaho that traditionally shared in timber receipts from national forest lands; and

WHEREAS, the authority for these payments will expire in federal fiscal year 2011; and

WHEREAS, without these payments, revenue sharing is based only on actual federal timber receipts, and Idaho will lose more than \$30,086,006 million per year in payments for rural public schools and counties under Titles I and III of the Secure Rural Schools and Community Self-Determination Act of 2000, with associated losses of essential programs and services and thousands of jobs in both the government and private sectors, and Idaho will lose an additional \$4,080,943 million per year that is currently spent by counties on special conservation projects under Title II of the Secure Rural Schools and Community Self-Determination Act of 2000, for a total loss of more than \$34,166,949 per biennium, most of which are spent on programs and services that the state cannot replace; and

WHEREAS, there is a need to maintain funding for public education, road maintenance and other public services through predictable payments to the affected counties, as well as job creation in those counties and other opportunities associated with restoration, maintenance and stewardship of federal lands that benefit all citizens available under the Secure Rural Schools and Community Self-Determination Act of 2000.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to pass the Secure Rural Schools and Community Self-Determination Reauthorization Act of 2012 that will reauthorize and extend the Secure Rural Schools and Community Self-Determination Act of 2008 (P.L. 106-3893) for an additional ten-year period through federal fiscal year 2021, and that the Act be continued at federal fiscal year 2008 funding levels and be funded through mandatory, continuing appropriations.

BE IT FURTHER RESOLVED that if the Congress of the United States is unable to reauthorize the Secure Rural Schools and Community Self-Determination Act for an additional ten-year period through federal fiscal year 2021, that we urge the Congress of the United States to keep its commitment to provide funding for roads and schools in counties with federal forest land and develop an appropriate funding mechanism to provide payment for county roads and schools to mitigate the loss of property tax revenues on federal forest land within Idaho counties.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Agriculture of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 16, 2011

Adopted by the House March 4, 2011

HOUSE JOINT MEMORIALS

(H.J.M. No. 1)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE LEGISLATURES OF THE SEVERAL STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States and the State of Idaho; and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, the interests of children are best served when parents are free to make child rearing decisions about education, religion and other areas of a child's life without state interference; and

WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder* (1972), has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, however, the United States Supreme Court in *Troxel v. Granville* (2000), produced six different opinions on the nature and enforceability of parental rights under the United States Constitution; and

WHEREAS, this decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states; and

WHEREAS, the United Nations Convention on the Rights of the Child has been proposed and may soon be considered for ratification by the United States Senate, which would drastically alter this fundamental right of parents to direct the upbringing of their children; and

WHEREAS, this convention has already been acceded to by 194 nations worldwide and has already been cited by United States courts as "customary international law"; and

WHEREAS, international influence is being exerted on the United States Supreme Court, as demonstrated in *Roper v. Simmons* (2005), where "the court referred to the laws of other countries and to the international authorities as instructive for its interpretation ..." of the United States Constitution; and

WHEREAS, Senator James DeMint of the state of South Carolina and Representative Peter Hoekstra of the state of Michigan have introduced in the United States Congress an amendment to the United States Constitution to

prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

SECTION ONE. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

SECTION TWO. Neither the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

SECTION THREE. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret or apply to the rights guaranteed by this article; and

WHEREAS, this amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; and

WHEREAS, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by treaty or international law.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby affirm the Parental Rights Amendment to the United States Constitution as presented to the United States Congress by Senator James DeMint of the state of South Carolina and Representative Peter Hoekstra of the state of Michigan and as referenced herein.

BE IT FURTHER RESOLVED that the Legislature of the state of Idaho urges the members of the United States Congress to propose the Parental Rights Amendment to the states for ratification.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the clerk of the legislative body of each of the several states of the United States.

Adopted by the House February 7, 2011

Adopted by the Senate March 9, 2011

(H.J.M. No. 2)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE SECRETARY OF THE INTERIOR.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on December 22, 2010, United States Secretary of the Interior Ken Salazar entered Secretarial Order 3310 which sets forth as its subject: "Protecting Wilderness Characteristics on Lands Managed by the Bureau of Land Management," and requires the Bureau of Land Management to identify and manage certain lands, out of the 245 million acres it manages in the West, as de facto wilderness; and

WHEREAS, Idaho's Governor C.L. "Butch" Otter responded to this order in a letter to Secretary Salazar on January 12, 2011, wherein he expressed his disappointment in the order and the fact that it was made without any state or public input, proper notice or environmental compliance, including the National Environmental Policy Act. Governor Otter also expressed that the Bureau of Land Management's draft policy makes it clear that areas designated as "Wild Lands" will carry a heavy presumption of de facto "W"ilderness management and that this type of de facto designation by administrative fiat was categorically rejected in the state of Wyoming's challenge to the 2001 Clinton Roadless Rule; and

WHEREAS, Governor Otter asked that the Secretary immediately withdraw the order and initiate proper federal rulemaking pursuant to the Administrative Procedure Act; and

WHEREAS, sixty-nine percent of Idaho's land is managed by governmental agencies, and federal agencies are currently purchasing more land using taxpayer funds to buy private property, removing such property from county tax rolls; and

WHEREAS, the Bureau of Land Management manages about one-quarter of Idaho land and has just initiated further restrictions for twelve million acres; and

WHEREAS, Idaho is a sovereign state, and it is the duty of its citizens to determine what is best for the state through the public process; and

WHEREAS, Idaho already has established the Frank Church River of No Return, Gospel-Hump, Hell's Canyon, Sawtooth, Selway-Bitterroot and Owyhee wilderness areas and proposals are currently being drafted for additional wilderness areas including CIEDRA (Boulder White Clouds), Secesh, Needles, French Creek, Clearwater, Scotchman Peaks and the Selkirk; and

WHEREAS, Idaho's economy depends on the resources from these lands which create jobs and sustainable communities in rural areas and wilderness designations lock up the land from production; and

WHEREAS, in designating Idaho's current wilderness and other special management units, many compromises and agreements were laboriously and painfully worked out by all interests involved and specific legislative language was agreed upon to protect traditional uses. Once the designations were made, however, the compromises and agreements were forgotten and the protective language was circumvented. Idaho now finds itself again trying to protect access to lands that were to be available pursuant to the prior agreements.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho shall not support any type of wilderness designations without having used the public process which includes the citizens of the state of Idaho; and

BE IT FURTHER RESOLVED that our elected officials are urged to defend this position whenever necessary with the full support of the citizens of the state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Secretary of the Interior.

Adopted by the House February 21, 2011

Adopted by the Senate March 4, 2011

(H.J.M. No. 3)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO SECRETARY KATHLEEN SEBELIUS, SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, licensed health insurance agents and brokers provide an invaluable service in assisting consumers to navigate America's complex health care delivery system; and

WHEREAS, licensed health insurance agents and brokers provide thousands of jobs in the state of Idaho; and

WHEREAS, on August 17, 2010, the National Association of Insurance Commissioners passed a resolution recognizing that: "Licensed health insurance producers (agents and brokers) provide a wide range of services for both individual consumers and the business community"; and

WHEREAS, the federal Patient Protection and Affordable Care Act requires that insurance carriers abide by strict Medical Loss Ratio (MLR) requirements that have led many carriers to dramatically reduce insurance commissions that could ultimately force many agents and brokers to cut their workforces or close their businesses entirely; and

WHEREAS, agent and broker commissions are pass-through fees that are collected from the purchaser of insurance and passed on to the agent and should not constitute an administrative expense; and

WHEREAS, the U.S. Department of Health and Human Services issued interim final rules that include agent commissions in the MLR calculation; and

WHEREAS, the National Association of Insurance Commissioners expressed concern that the U.S. Department of Health and Human Services regulations will have a negative effect on the ability of insurance agents and brokers to continue assisting health insurance consumers at a time of rapid change that makes their role even more essential; and

WHEREAS, the National Conference of Insurance Legislators urged the Department of Health and Human Services to exclude agent and broker compensation from the calculation of the MLR.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urgently appeal to the U.S. Department of Health and Human Services to remove health insurance agent and broker commissions from the MLR calculation; and

BE IT FURTHER RESOLVED that we strongly encourage Congress to pass legislation that amends the Patient Protection and Affordable Care Act to remove agent and broker commissions from the MLR calculation to protect consumers and the potential loss of thousands of jobs in Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, and to Secretary Kathleen Sebelius, Secretary of the U.S. Department of Health and Human Services.

Adopted by the House March 11, 2011

Adopted by the Senate March 21, 2011

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE RESOLVING THAT THE STATE OF IDAHO AND ITS CITIZENS ARE CONCERNED WITH THE THREAT OF AQUATIC NUISANCE SPECIES AND WILL COLLECTIVELY STRIVE TO EDUCATE AND PREVENT THE CONTAMINATION OF IDAHO'S PUBLIC LAKES, STREAMS, RIVERS AND CREEKS, AND ENCOURAGE INDUSTRY AND RECREATIONISTS AROUND THE WORLD TO BE AWARE THAT IDAHO TAKES THE RESPONSIBILITY TO PROTECT AND PRESERVE ITS NATURAL RESOURCES VERY SERIOUSLY.

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

WHEREAS, according to the National Invasive Species Council, while prevention is the first line of defense, even the best prevention efforts will not stop all invasive species. Early detection and rapid response (EDRR) efforts increase the likelihood that invasions will be halted and eradicated, but once a species becomes widely established, the only action possible is the partial mitigation of negative impacts; and

WHEREAS, Idaho is blessed with world-renowned "blue-ribbon" streams, rivers and lakes. These waters have profound economic impact to our state, bringing international fishermen, kayakers, gold miners and all types of other recreationists. These natural resources are being used and enjoyed by countless numbers of people, and we must now recognize the need for further vigilance to protect these valuable resources. The impacts of droughts, overfishing, water depletion, power production and other uses have been, and will continue to be, managed by city, county, state and federal agencies in cooperation with a vast array of member organizations; and

WHEREAS, Idaho has taken action to protect our waters by the creation of the Idaho Invasive Species Council and the enactment of laws to prevent deterioration of our natural resources. The council is a multiagency organization that provides direction and planning for combating invasive species throughout the state and for preventing the introduction of other species that may be potentially harmful. Included in the council are state and federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in invasive species; and

WHEREAS, aquatic nuisance species are aquatic and terrestrial organisms that could be introduced into new habitats throughout Idaho and other areas of the United States and the world. They have the potential to produce harmful impacts on aquatic natural resources in these ecosystems and on the human use of these resources. The invasive species can be transported into Idaho waters by boats, waders, felt sole boots and a vast assortment of other recreational and commercial equipment. Felt soles absorb water and carry aquatic nuisance species and other fish killing species, such as, didymo,

New Zealand mud snails and whirling disease. Felt soles are used because of their ability to cling or hold fast to slippery rocks and boulders in streams and creeks. They absorb water because of their manufactured properties and thus have the potential to become a host and breeding ground for, as well as a carrier of, aquatic nuisance species. Felt sole boots and waders that are used by fishermen, hunters, government agencies and other recreationists are not the sole source material that can cause the spreading of these harmful species; and

WHEREAS, to date, Idaho fishermen, boaters and the general public have been served by notification of new Idaho invasive species laws and ongoing information and educational advertising campaigns, roadside invasive species check stations, and the prevention programs of the Idaho Department of Agriculture and the Idaho Department of Fish and Game; and

WHEREAS, the purpose of this concurrent resolution is to bring greater attention to the harmful and catastrophic potential threat of invasive species by providing additional awareness, encouragement and education to its citizens and industry. Idaho's waters are vitally important to our citizens and the nation and we will strive to protect them for the long-term health and benefit of all; and

WHEREAS, Idaho congratulates those fishing tackle manufacturers that offer alternatives to felt soles, for their foresight and efforts to offer products that reduce the threat and potential transfer of aquatic nuisance species. Other manufacturers, both domestic and foreign, are encouraged to engineer, develop, manufacture and sell similar products that reduce and/or help prevent the spread of aquatic nuisance species.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the state of Idaho and its citizens are concerned with the threat of aquatic nuisance species. Collectively, we will strive to educate and prevent the contamination of our public lakes, streams, rivers and creeks and encourage industry and recreationists around the world to be aware that Idaho takes the responsibility to protect and preserve its natural resources very seriously.

Adopted by the Senate March 10, 2011

Adopted by the House April 7, 2011

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENCOURAGING WIDESPREAD PARTICIPATION IN EDUCATION, DIALOGUE AND EVENTS ASSOCIATED WITH "THE YEAR OF IDAHO FOOD," ENCOURAGING THE USE OF INFORMATION GATHERED IN "THE YEAR OF IDAHO FOOD" IN FURTHERANCE OF POLICY DEVELOPMENT TO INCREASE PRODUCTION, DISTRIBUTION AND CONSUMPTION OF IDAHO GROWN FOOD IN THE STATE OF IDAHO AND RECOGNIZING LABOR DAY, SEPTEMBER 5, 2011, AS "THE DAY OF IDAHO FOOD" WHEN EVERY CITIZEN OF THE STATE IS ENCOURAGED TO ENJOY THE PRODUCTS OF OUR STATE'S SOILS AND WATERS AND EXTEND APPRECIATION TO OUR FARMERS, LARGE AND SMALL, BY EATING AT LEAST ONE FOOD THAT IS GROWN IN IDAHO AND LEARNING THE SIGNIFICANCE OF THAT FOOD TO OUR FAMILIES, COMMUNITIES AND THE STATE OF IDAHO, IN CELEBRATION OF OUR PROUD FOOD AND AGRICULTURAL HERITAGE.

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

WHEREAS, in 2010, the Idaho Legislature adopted House Concurrent Resolution 59 to celebrate Idaho's history of agricultural industriousness and encourage economic growth, entrepreneurism and self-sufficiency among Ida-

hoans through increased production, distribution and consumption of Idaho grown food; and

WHEREAS, individuals and organizations around the state must work together to improve the processing, storage and distribution facilities needed to restore Idaho's agricultural diversity so that once again a majority of the food eaten by modern Idahoans is produced in Idaho rather than in other states and nations; and

WHEREAS, great opportunities exist to leverage the lessons and achievements of Idaho's globally admired export industry to rebuild and reinvigorate Idaho's urban and rural communities through Idaho grown food; and

WHEREAS, there are few venues and opportunities to reflect on the surprising variety of food grown in Idaho and the social, economic and environmental significance of these foods; and

WHEREAS, Idahoans from various backgrounds, disciplines and values are establishing an authentic forum for exchange about Idaho's food economy and the sharing of cultural and social experiences with food through efforts to make 2011 "The Year of Idaho Food"; and

WHEREAS, the culmination of efforts and emphasis on Idaho grown food encouraged by "The Year of Idaho Food" is best focused upon a single, celebratory day that will commemorate our food heritage as well as to honor gardeners, farmers, ranchers, all those involved in food processing and distribution, food writers, cooks and all others who continue to contribute to our food culture.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage widespread participation in education, dialogue and events associated with "The Year of Idaho Food."

BE IT FURTHER RESOLVED that we encourage the use of information gathered in "The Year of Idaho Food" in furtherance of policy development to increase production, distribution and consumption of Idaho grown food in the state of Idaho.

BE IT FURTHER RESOLVED that Labor Day, September 5, 2011, be recognized as "The Day of Idaho Food" and every citizen of the state be encouraged to enjoy the products of our state's soils and waters and extend appreciation to our farmers, large and small, by eating at least one food that is grown in Idaho and learning the significance of that food to our families, communities and the state of Idaho, in celebration of our proud food and agricultural heritage.

Adopted by the Senate February 16, 2011

Adopted by the House March 10, 2011

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND CONGRATULATING CLEARWATER COUNTY AND ITS RESIDENTS FOR THE COUNTY'S CENTENNIAL ANNIVERSARY.

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

WHEREAS, Clearwater County was established February 27, 1911, by the state of Idaho under the provisions of House Bill No. 2 of the Eleventh Session of the Idaho Legislature; and

WHEREAS, Clearwater County was named for the Clearwater River whose name was translated from the Nez Perce term Koos-Koos-Kai-Kai, describing clear water; and

WHEREAS, in 1805 Lewis and Clark followed an old Indian trail between the north and middle forks of the Clearwater River and met the Nez Perce near the present site of Weippe, Idaho; and

WHEREAS, gold was first discovered by E.D. Pierce in 1860, and Pierce City, the oldest mining town in Idaho, came into existence and was home to the first courthouse in Idaho; and

WHEREAS, Clearwater County was formed from Nez Perce County which was a part of Shoshone County from 1864 until 1904, when it then became established as a part of Nez Perce County from 1904 until 1911; and

WHEREAS, February 27, 2011, marks the 100th anniversary of the creation of Clearwater County, as authorized by the Idaho Legislature; and

WHEREAS, Clearwater County has four incorporated cities within its boundaries: Elk River, Orofino, Pierce and Weippe. Orofino, established as the county seat pursuant to the authority of the Idaho Legislature, is the largest with a population of 3,247. Orofino is home to the supervisor of the Clearwater National Forest and several state of Idaho offices including the Idaho Correction Institution-Orofino, the Idaho Department of Lands Clearwater Supervisory Area Office and State Hospital North. The Clearwater County Courthouse as well as the Orofino City Hall and the Clearwater Potlatch Timber Protective Association are located in Orofino; and

WHEREAS, Pierce, with a population of 617 lies some 20 miles east of Orofino and is named for E.D. Pierce who discovered the first gold in Clearwater County. Weippe lies about 10 miles southwest of Pierce and 18 miles southeast of Orofino and has a population of 416. Elk River is almost 23 miles due north of Orofino. Born of logging, Elk River boasted the largest sawmill in the area at one time. The mill closed many years ago and the population has dwindled to around 156. These areas boast a wealth of recreational opportunities; and

WHEREAS, Clearwater County is a vast area covering 2,488 square miles, ranking the county as the 10th largest of Idaho's 44 counties. Elevation ranges from approximately 1,000 feet above sea level at Orofino, Ahsahka and Greer to peaks of nearly 8,000 feet above sea level located within the Clearwater National Forest. Most of the land in Clearwater County averages between 2,000 to 3,000 feet in elevation; and

WHEREAS, Clearwater County contains within its boundaries a large portion of the Clearwater National Forest. The Clearwater National Forest covers 800,000 acres from the jagged peaks of the Bitterroot Mountains in the east to the river canyons and the rolling hills of the Palouse Prairie in the west. The Clearwater National Forest is a recreational haven in Clearwater County. The recreational uses are plentiful and recreational information can be obtained from the Clearwater National Forest Supervisor's Office located in Orofino, Idaho; and

WHEREAS, the Clearwater River is the main river of Clearwater County, its tributaries include the Lochsa River, the Selway River and the South Fork, North Fork and Middle Fork of the Clearwater River. The Clearwater River empties into the Snake River at Lewiston, Idaho; and

WHEREAS, Dworshak Dam, located on the North Fork of the Clearwater River, provides flood control, recreation and electric power generation. Dworshak Dam creates the 53 mile long, 19,824 acre Dworshak Reservoir and has made recreational uses, including boating, camping, fishing, hunting and swimming, more plentiful; and

WHEREAS, Dworshak State Park is located among trees and meadows on the western shores of Dworshak Reservoir. The park is comprised of three units, Freeman Creek, Three Meadows Group Camp and Big Eddy Marina. This park is a valued recreational asset in Clearwater County; and

WHEREAS, Clearwater County is rich in Idaho and local history and houses several museums in the county including: the Clearwater Historical Museum located in Orofino; the J. Howard Bradbury Memorial Logging Museum and the Old Shoshone County Courthouse, the first government building in Idaho, lo-

cated in Pierce; the Idaho Weippe Discovery Center and the Hilltop Heritage Museum located in Weippe; and Elk River Museum located in Elk River; and

WHEREAS, the Board of Clearwater County Commissioners will open this year of centennial celebration for Clearwater County, honoring its founders and congratulating its citizens on this anniversary; and

WHEREAS, Clearwater County has created a centennial coin to commemorate its centennial celebration and will be celebrating its centennial throughout the entire year of 2011, including hosting several events to celebrate this monumental occasion.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby recognize and congratulate Clearwater County and its residents for Clearwater County's Centennial Anniversary on February 27, 2011.

Adopted by the Senate February 21, 2011

Adopted by the House April 6, 2011

(S.C.R. No. 105)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, URGING THE SECRETARY OF INTERIOR TO ABANDON THE "WILD LANDS" WILDERNESS RE-INVENTORY AND REQUESTING THE UNITED STATES CONGRESS TO HONOR THE LONGSTANDING COMMITMENT TO MULTIPLE USE MANAGEMENT OF PUBLIC LANDS IN IDAHO AND THE WESTERN UNITED STATES, AND TRANSMITTING A COPY OF THIS RESOLUTION TO THE PRESIDENT OF THE UNITED STATES, TO THE PRESIDENT OF THE UNITED STATES SENATE, TO THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, AND TO MEMBERS OF IDAHO'S CONGRESSIONAL DELEGATION.

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

WHEREAS, the wide multiple use of the public lands in Idaho and in the western United States is necessary for economic stability and is an important part of our culture, our heritage and is critical to our futures; and

WHEREAS, prudent application of sustainable multiple use principles allows our renewable and abundant natural resources to be of value to all Americans while protecting the many unique and sensitive parts of our state; and

WHEREAS, the federal government controls nearly two of every three acres of land within the state of Idaho; and

WHEREAS, the multiple use management of the lands held in common in Idaho has contributed to the well-being of the state and nation through energy development, mineral development, production of food and fiber and recreational opportunities; and

WHEREAS, abundant and affordable supplies of energy are vital ingredients to a thriving economy, with additional transmission and generation being necessary to increase supplies to keep up with growing demands; and

WHEREAS, the BLM's stated multiple use mission is: "To sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes its mission by managing such activities as outdoor recreation, livestock grazing, mineral development and energy production, and by conserving natural, historical, cultural and other resources on public lands"; and

WHEREAS, on November 28, 2008, the BLM, and the U.S. Departments of Energy, Agriculture and Defense identified 6,100 miles of energy corridors on federally administered lands in eleven western states to facilitate future siting of oil, gas and hydrogen pipelines, as well as renewable energy devel-

opment projects and electricity transmission and distribution facilities on federal lands in the West to meet the region's increasing energy demands; and

WHEREAS, 296 miles of identified energy corridors are on BLM administered lands within Idaho; and

WHEREAS, the BLM has identified Idaho as a critical link in U.S. power-line and pipeline networks and, furthermore, the BLM acknowledges that BLM managed lands can play a key role in expanding pipeline and powerline capacity while protecting and conserving other resources found on the land; and

WHEREAS, solar, wind, geothermal and biomass energy production opportunities have been identified on BLM administered lands within Idaho and within the eleven western states; and

WHEREAS, management of the unreserved federal lands administered by the Department of Interior are obligated under the Federal Land Policy Management Act (FLPMA) to incorporate into agency management plans "consistency" in partnership with state and local planning; and

WHEREAS, a fundamental principle espoused by the nation's founders called for equality among the states and is referred to as the "Equal Footing Doctrine," a principle that calls for each state to enter the Union equal in their sovereign power; and

WHEREAS, the Department of Interior's "Treasured Landscapes" internal planning document reveals an agency bias, and outside influences identified as much as 130 million acres of BLM administered lands for special "Wild Lands" designation and recommending the Secretary of Interior circumvent congressional mandates relating to wilderness designations, calling for wilderness protection through Presidential Proclamations; and

WHEREAS, the Secretary of the Interior announced on December 22, 2010, Secretarial Order 3310 calling for a re-inventory of BLM lands with "wilderness characteristics" under a new secretarial definition of "Wild Lands" diverting funds from critical agency needs; and

WHEREAS, the Bureau of Land Management has inventoried lands with wilderness characteristics, following the National Environmental Policy Act (NEPA) requirements as part of the agency's Resource Management Planning (RMP) process; and

WHEREAS, Secretarial Order 3310 seeks to establish new wilderness study areas in Idaho and throughout the West based on the new wild lands definition and BLM inventory guidance providing BLM broader authority to stop energy development, livestock grazing, mineral extraction and recreational activities; and

WHEREAS, the BLM is currently involved in processing right-of-way applications for the Gateway West transmission line, the Southwest Intertie Project, the Boardman to Hemingway transmission line and the Mountain States Transmission Intertie which may be jeopardized or severely delayed due to the Secretarial Order 3310; and

WHEREAS, Secretarial Order 3310 would seriously impair, or entirely eliminate, the ability of Idaho to produce clean, home-grown renewable energy on vast areas of BLM administered lands; and

WHEREAS, Secretarial Order 3310 is a violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the goodwill and collaborative efforts currently underway in Idaho to find mutually agreeable land use solutions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Secretary of Interior to abandon the "Wild Lands" wilderness re-inventory and we request the United States Congress to honor the longstanding commitment to multiple use management of public lands in Idaho and the western United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate shall transmit a copy of this resolution to the President of the United States, to the Presi-

dent of the United States Senate, to the Speaker of the United States House of Representatives, and to members of Idaho's congressional delegation.

Adopted by the Senate February 21, 2011

Adopted by the House April 6, 2011

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND CONGRATULATING LEWIS COUNTY AND ITS RESIDENTS FOR LEWIS COUNTY'S CENTENNIAL ANNIVERSARY ON MARCH 3, 2011.

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

WHEREAS, on March 3, 2011, Lewis County will celebrate its Centennial Anniversary as an Idaho County; and

WHEREAS, Lewis County is bounded on the north by Nez Perce and Clearwater Counties, on the east by Clearwater and Idaho Counties, on the south by Idaho County and on the west by Nez Perce County. The Clearwater River flows along its eastern boundary and the Salmon River touches its southwest corner; and

WHEREAS, Lewis County is named in honor of Captain Meriwether Lewis, one of the first white men to visit what is now Lewis County. In May of 1806, the Lewis and Clark Corps of Discovery spent a month in the Kamiah Valley near the town of Kamiah, waiting for the snow to melt so they could cross the Bitterroot Mountains on their return to the east. During that time, Captain William Clark wrote that the Nez Perce Tribe showed much greater acts of hospitality than he had witnessed from any other tribe since the Corps passed the Rocky Mountains; and

WHEREAS, in the early 1870s, missionaries Kate and Sue McBeth came to the Kamiah Valley to teach Christianity and Euro-American ways to the Nez Perce. The McBeth sisters inspired the construction of the First Presbyterian Church, which stands today in East Kamiah as the oldest church in Idaho still conducting weekly services; and

WHEREAS, the act that created Lewis County in 1911, located the county seat temporarily at Nezperce. Nezperce became the county's permanent county seat following the general election of 1912. Nezperce now has a population of 523; and

WHEREAS, Kamiah is Lewis County's largest city, with a population of 1,160. The Kamiah Valley Museum is located in Kamiah. The museum has many interesting exhibits including remains of an ancient mammoth that was excavated at Kamiah, local farming implements used from the late 1800s to the 1950s, instruments used by the first doctor and dentist in the area and crafts made by early Nez Perce tribal members; and

WHEREAS, with a size of 480 square miles and a current population of 3,645, Lewis County is a largely rural county. Fifty-eight percent of its land is devoted to agriculture, with 21% devoted to rangeland and 20% being forest; and

WHEREAS, Lewis County is an outdoor paradise. Elk, deer, bear, game birds, wild turkeys, steelhead, rainbow trout, bass and kokanee are game animals and fish. Snowmobiling and four-wheeling are popular activities. Ospreys soar and swoop over the Clearwater River from their nests high on the great yellow pine. Bald eagles wait on the winter ice floes to snag a steelhead for dinner. Many small birds flit through the riverside greenery and high in the surrounding mountains. Birders delight in a visit here. In a recent May excursion, 56 species were sighted on a one day bird count in the Clearwater River area.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby recognize and congratulate Lewis County and its residents for Lewis County's Centennial Anniversary on March 3, 2011.

Adopted by the Senate February 25, 2011

Adopted by the House April 7, 2011

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH A STATED EXCEPTION, AND REJECTING AGENCY RULES THAT ARE NOT APPROVED BY THIS OR BY SEPARATE CONCURRENT RESOLUTION.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2011 legislative session, which impose a fee or charge, be, and the same are hereby approved, with the exception of Docket Number 16-0602-1002, Rules Governing Standards for Child Care Licensing, which is subject to approval by this Legislature pursuant to a separate concurrent resolution.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review, or that otherwise are not included and approved in this concurrent resolution, shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate February 28, 2011

Adopted by the House April 7, 2011

(S.C.R. No. 108)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2011 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are hereby approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Sixty-first Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which were not submitted to the Legislature for review during the 2011 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-first Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 4, 2011

Adopted by the House April 7, 2011

(S.C.R. No. 109)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND COMMENDING THE COMMANDER AND CREW OF THE
USS BOISE FOR WINNING NUMEROUS UNITED STATES NAVY AWARDS.

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

WHEREAS, the USS Boise (SSN 764), one of the Los Angeles-class attack submarines and the second ship in the Navy to bear the name of Idaho's capital, was commissioned on November 7, 1992, and is a nuclear powered submarine with its home port in Norfolk, Virginia; and

WHEREAS, the Los Angeles-class attack submarine USS Boise (SSN 764) was officially presented the 2010 Battle Efficiency (Battle "E") award during a ceremony aboard Naval Station Norfolk, Virginia on February 11, 2011; and

WHEREAS, the Battle "E" competition is conducted to strengthen individual command performance, overall force readiness, and to recognize outstanding performance and the criterion for the award is the overall readiness of the command to carry out its assigned wartime tasks as a unit of the Atlantic Submarine Force, and is based on a year-long evaluation; and

WHEREAS, one submarine from each submarine squadron in the Atlantic Fleet is recognized and the awards are presented by the commodore of each squadron to the submarine under his command that has demonstrated the highest level of battle readiness during the evaluation year; and

WHEREAS, in addition to the Battle "E" award, the USS Boise was also presented the Medical "M," the Supply "E," the Communications "C," the Navigation "N," and the Engineering "E"; and

WHEREAS, the Meritorious Unit Commendation award highlighted the USS Boise's success in exceeding operational requirements during a 2008 deployment in the European Command area of operations, conducting four highly successful allied naval exercises with the United Kingdom, France, Germany and Spain.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we commend the commander and crew of the USS Boise for a job well done in keeping this country and world safe.

BE IT FURTHER RESOLVED that a copy of this resolution shall be presented to Commander Brian Sittlow, the USS Boise commanding officer.

Adopted by the Senate March 28, 2011

Adopted by the House April 6, 2011

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Sixty-first Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 10, 2011.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 10, 2011, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 10, 2011

Adopted by the Senate January 10, 2011

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING BONNEVILLE COUNTY FOR ITS CENTENNIAL ANNIVERSARY AS A COUNTY.

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

WHEREAS, Bonneville County was established February 7, 1911, by the Idaho Legislature and was named after Captain Benjamin Bonneville, a French born officer in the United States Army who was a fur trapper and explorer in the American West and is noted for his expeditions to the Oregon Country and the Great Basin in the 1830's; and

WHEREAS, the first bridge spanning the Snake River was constructed by Matt Taylor in 1865, around which developed a settlement known as Eagle Rock, which became known as Idaho Falls in 1891; and

WHEREAS, Bonneville County was formed from Bingham County, which was part of Oneida County until 1893 and Bonneville County is part of the Idaho Falls statistical area and is 1,901 square miles with 1,869 square miles of land and 32 square miles of water with its population in 2000 of 82,522 and its estimated 2008 population of 99,135; and

WHEREAS, the following cities are included in Bonneville County: Ammon, Idaho Falls, Iona, Irwin, Ririe, Swan Valley and Ucon as well as the unincorporated communities of Lincoln and Osgood; and

WHEREAS, the Snake River flows northwest through Bonneville County beginning at the Wyoming border as the Palisades Reservoir and the river exits the county midway on its northern border, turns and re-enters approximately twenty miles west to flow southwest through Idaho Falls; and

WHEREAS, Caribou National Forest, Grays Lake National Wildlife Refuge and Targhee National Forest all lay partially within the boundaries of Bonneville County, and Yellowstone National Park is adjacent; and

WHEREAS, Bonneville County's county seat is Idaho Falls and the waterfalls in the city limits are a focal point that were created by a diversion dam that provides hydroelectric power; and

WHEREAS, the original dam was built in 1909 and in 1928 a bond election was called for \$100,000 to finish the power plant; today's dam was constructed as part of a \$55.3 million hydroelectric power project in 1982, and the citizenry of Idaho Falls paid \$48.0 million in taxes to fabricate the hydroelectric power plant and the U.S. Department of Energy in turn funded \$7.3 million allowing for completion of the power plant for a total of three power plants that produce hydroelectric power for Idaho Falls and combined they produce fifty percent of the electricity needed; and

WHEREAS, Bonneville County is less than 100 miles from Yellowstone and Grand Teton National Parks and is one of eastern Idaho's regional centers for shopping, medical care, cultural awareness, education, development of new energy and education infrastructure with the AREVA Eagle Rock Enrichment Facility, and the Center for Advanced Energy Studies (CAES); and

WHEREAS, in 1931 under the direction of E. F. McDermott, its publisher, the Post newspaper purchased the ailing Times-Register and became the Post Register and has been operating since; and

WHEREAS, in 1969 Eastern Idaho Vocational Technical School was founded in Idaho Falls and classes were held in leased buildings for an initial 330 students, and in 1975 Eastern Idaho Vocational Technical School, now called Eastern Idaho Technical College, constructed its first building on a 60 acre site donated on the Ammon-Idaho Falls border; and

WHEREAS, in 1976 a building was constructed for the Bicentennial and became University Place, with other buildings being added, giving the capability to have upper division and graduate courses offered in Bonneville County by Idaho State University and the University of Idaho; and

WHEREAS, Bonneville County is home headquarters of offices and key lab facilities of the Idaho National Laboratory (INL), the state's only federally funded research and development center and the nation's leading center for nuclear energy research, development, demonstration and deployment; and

WHEREAS, the ingenuity of INL scientists and engineers, along with that of other Idaho-based researchers, has consistently kept the state at or near the top spot in the nation in patents issued per capita; and

WHEREAS, Bonneville County has been the birthplace of many leaders including members of Congress, the United States House of Representatives and Governors; and

WHEREAS, the 1987 Legislature, with SCR 101 by Senator Ann Rydalch and Representative John Sessions, recognized and declared the Vietnam Veterans' Memorial in Freeman Park in the city of Idaho Falls, to be the official Vietnam Veterans' Memorial of the state of Idaho; and

WHEREAS, Bonneville County Commissioners Roger Christensen, Lee Staker and Dave Radford determined early on, it was important to look ahead to year 2011, the County Centennial, and they established the Bonneville County Centennial Heritage Association; and

WHEREAS, this association, under the direction of Mary Jane Fritzen and Gary Goodson, has utilized numerous volunteers, and Bonneville County authors, as well as the Museum of Idaho historically developed by the Carr fam-

ily, located in Idaho Falls and the museum exhibit, to plan and celebrate the history of Bonneville County throughout the year of 2011. This includes an award winning publication by Connie Otteson, of a History of Bonneville County from the point of view of a real pioneer boy, as a supplementary text for fourth grade study of Idaho history as well as other authors' publications about Bonneville County; and

WHEREAS, histories of individual communities included in Bonneville County will be presented throughout 2011, ending with a Centennial Gala Celebration on November 10-12, 2011, honoring our military and showcasing the Bonneville County Centennial High School Choir coordinated by Hillcrest Choir Director Camille Blackburn, which will consist of high school students from Bonneville, Hillcrest, Idaho Falls and Skyline and their choir directors.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby congratulate Bonneville County and its residents for its Centennial Anniversary on February 7, 2011.

Adopted by the House January 20, 2011

Adopted by the Senate February 7, 2011

(H.C.R. No. 3)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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

WHEREAS, the First Regular Session of the Sixtieth Idaho Legislature adopted House Concurrent Resolution No. 13 which authorized the appointment of a committee to undertake and complete a two-year study of natural resource issues, including issues relating to water, throughout the state of Idaho; and

WHEREAS, the committee's official term expired on November 30, 2010, and numerous natural resource-related issues continue to pose concerns for the future of Idaho and the quality of life our citizens enjoy; and

WHEREAS, issues of continued concern include, but are not limited to, stabilization of the water distribution system, the status of aquifers throughout the state, management of wolves in Idaho, and the study of the implementation of the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of natural resource issues of importance to the state of Idaho. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the water supply arena and are expected to receive input from stakeholders in the water rights system of Idaho to attempt to stabilize the water delivery system in this state.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixty-first Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-second Idaho Legislature.

Adopted by the House February 1, 2011

Adopted by the Senate March 30, 2011

(H.C.R. No. 4)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF ENERGY, ENVIRONMENT AND TECHNOLOGY AND TO MONITOR THE INTEGRATED STATE ENERGY PLAN AND OTHER ISSUES.

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

WHEREAS, for the past fourteen years, the Legislature has adopted concurrent resolutions that authorized the Legislative Council to appoint a committee to undertake and complete a study of energy, environment and technology related issues from both the statewide perspective and the national perspective and to submit a final report to the Idaho Legislature; and

WHEREAS, in 2006 the Legislature felt the state of Idaho needed to have an integrated state energy plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state; and

WHEREAS, Idaho has substantial power needs in the near future, and the goal of the 2007 Integrated State Energy Plan is to ensure that those needs will be met; and

WHEREAS, it is the goal of the 2007 Integrated State Energy Plan to maintain the health, safety and welfare of Idaho's citizens, the quality and financial security of existing agricultural businesses and industries, the economic growth of the state of Idaho, and the environmental quality and natural resources of this state; and

WHEREAS, it is the goal that the 2007 Integrated State Energy Plan be a living, vibrant document; and

WHEREAS, the committee met in 2009 and 2010 and monitored the 2007 Integrated State Energy Plan, followed the fluctuation in petroleum prices and heard testimony regarding issues facing regulated utilities, municipal utilities and cooperatives, industry and alternative energy sources.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the 2007 Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state, and make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input,

advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixty-first Idaho Legislature and report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-second Idaho Legislature.

Adopted by the House February 8, 2011

Adopted by the Senate February 15, 2011

(H.C.R. No. 5)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND PROVIDING THAT IN CONJUNCTION WITH THIS YEAR'S APRIL CHILD ABUSE AWARENESS MONTH THAT AGENCIES AND NONPROFIT ORGANIZATIONS ARE ENCOURAGED TO EMPHASIZE SHAKEN BABY SYNDROME AS A LEADING CAUSE OF CHILD ABUSE DEATHS IN CHILDREN LESS THAN ONE YEAR OF AGE, THEREBY EDUCATING IDAHO CITIZENS ON THIS PREVENTABLE TRAGEDY.

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

WHEREAS, Shaken Baby Syndrome is the number one cause of death in child abuse cases involving children less than one year of age; and

WHEREAS, Shaken Baby Syndrome incidents are increasing in Idaho; and

WHEREAS, Shaken Baby Syndrome can be prevented and nationally, 1,200 to 1,400 babies suffer from preventable abusive head trauma caused by Shaken Baby Syndrome and one out of four of these babies will die from this trauma and seventy-five percent of survivors will need ongoing medical attention; and

WHEREAS, when an infant is shaken, the brain is injured, causing bleeding and swelling, shearing tissue and possible damage to the spinal cord and these effects can lead to brain damage, seizures, mental retardation, spinal injury, paralysis, impaired use of limbs and death; and

WHEREAS, ongoing systematic education of parents before they leave the hospital is relatively inexpensive, as compared to caring for these infants after abuse has occurred, and is the only prevention strategy that has shown significant results; and

WHEREAS, experts said a similar program enforced in the state of New York reduced Shaken Baby Syndrome cases by forty-six percent in thirteen counties over six years and by taking responsibility for the prevention of Shaken Baby Syndrome through education, Idahoans can be more aware as a whole and therefore more likely to pass on these good habits to their new family and community members; and

WHEREAS, several Idaho hospitals have already begun systematic education programs for new parents and they can lead the effort in communities statewide; and

WHEREAS, a cultural change needs to take place in the way society comprehends infant crying in early infancy and the danger of shaking a baby as a result of this frustration, as crying is the number one trigger to shaking.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that in conjunction with this year's

April Child Abuse Awareness month that agencies and nonprofit organizations are encouraged to emphasize Shaken Baby Syndrome as a leading cause of child abuse deaths in children less than one year of age, thereby educating Idaho citizens on this preventable tragedy.

Adopted by the House March 4, 2011

Adopted by the Senate March 16, 2011

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF THE SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter referred to as the Joint Printing Committee, that the contract for the printing of the Session Laws of the First and Second Regular Sessions and any Extraordinary Session of the Sixty-first Idaho Legislature in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Printing Committee as party of the first part, and THE CAXTON PRINTERS, LTD., Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of the resolution, in words and figures following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into the 15th day of February, 2011, by and between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Printing Committee, hereinafter referred to as party of the first part, and THE CAXTON PRINTERS, LTD., Caldwell, Idaho, hereinafter referred to as party of the second part:

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted to the said party of the first part by the party of the second part, a contract for legislative printing is hereby awarded to said THE CAXTON PRINTERS, LTD., as follows:

SESSION LAWS
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS
SIXTY-FIRST LEGISLATURE

As outlined in the February 7, 2011, quote of the party of the second part, the Session Laws will be printed and charged at a price per page not to exceed seventeen dollars and forty-five cents (\$17.45) based on incremental numbers of copies ordered. The number of copies to be supplied under this contract shall be specified at the time of order. The charge for individually binding the books shall not exceed twelve dollars and twenty-five cents (\$12.25) per volume based on the number of copies ordered. The party

of the second part shall provide additional copies to be made available for sale to the general public, and based on the number of copies ordered by the party of the first part, the price to the general public shall not exceed fifty dollars and fifty cents (\$50.50) for single volumes and sixty-three dollars and fifty cents (\$63.50) per set of two volumes if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 2011, shall be included in the Session Laws of the First Regular Session, or if adjourned prior to June 1, 2012, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in the quote of the party of the second part dated February 7, 2011, in compliance with the statutes of the state of Idaho where not otherwise provided, such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth herein at length.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawrence Denney

LAWRENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Rich Wills

RICH WILLS, Chairman

By /s/ Brent Hill

BRENT HILL, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington

DENTON DARRINGTON, Chairman

Party of the Second Part

THE CAXTON PRINTERS, LTD.

By /s/ Dave Gipson

DAVE GIPSON, President

Adopted by the House February 18, 2011

Adopted by the Senate February 25, 2011

(H.C.R. No. 7)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE REGARDING THE BUDGET STABILIZATION FUND AND DIRECTING THE STATE CONTROLLER NOT TO TRANSFER GENERAL FUNDS TO THE BUDGET STABILIZATION FUND IN FISCAL YEAR 2012.

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

WHEREAS, the Economic Outlook and Revenue Assessment Committee has determined that the revenue growth for fiscal year 2011 is four and two-tenths percent (4.2%) higher than the previous fiscal year's revenue, as included in the Governor's budget recommendation; and

WHEREAS, Section 57-814(2)(a), Idaho Code, directs the State Controller to transfer certain funds to the Budget Stabilization Fund if revenues are in excess of four percent (4%) over the previous fiscal year; and

WHEREAS, all available revenues will be needed to support critical on-going programs and services of the State of Idaho, for fiscal year 2012, as recommended in the Governor's budget; and

WHEREAS, Section 57-814(3), Idaho Code, authorizes the Legislature through Concurrent Resolution to reduce the transfers made by the State Controller to the Budget Stabilization Fund.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State Controller is hereby directed not to transfer general funds to the Budget Stabilization Fund pursuant to Section 57-814, Idaho Code, during fiscal year 2012.

Adopted by the House February 18, 2011

Adopted by the Senate February 25, 2011

(H.C.R. No. 8)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND CONGRATULATING LEWISTON, IDAHO, AND THE LEWIS-CLARK VALLEY FOR BEING CHOSEN AS ONE OF THE MOST SECURE PLACES TO LIVE IN THE UNITED STATES.

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

WHEREAS, in this time of economic uncertainty, a safe and secure environment in which to live, work and raise a family has become an even greater priority; and

WHEREAS, the Farmers Insurance Group of Companies annually ranks communities as the most secure places to live; and

WHEREAS, the rankings took into consideration crime statistics, extreme weather, risk of natural disasters, housing depreciation, foreclosures, air quality, terrorist threats, environmental hazards, life expectancy and job loss numbers in 379 municipalities; and

WHEREAS, in 2010 the Lewiston, Idaho, and the Lewis-Clark Valley area ranks as the most secure small town with a population of less than 150,000 in 2010; and

WHEREAS, the Lewiston and Lewis-Clark Valley area's access to the Pacific Ocean through a network of river, rail and highway transportation facilities provides an excellent business climate for what is regarded as the most inland seaport in the western United States and it scored high in the

study due to excellent job growth, low crime and minimal housing depreciation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we congratulate the city of Lewiston, Idaho, and the Lewis-Clark Valley for being chosen as one of the most secure places to live in the United States.

Adopted by the House February 18, 2011

Adopted by the Senate March 2, 2011

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF LANDS RELATING TO SELLING FOREST PRODUCTS ON STATE OWNED ENDOWMENT LANDS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands relating to Selling Forest Products on State Owned Endowment Lands are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 20.02.14, Department of Lands Rules Governing Selling Forest Products on State Owned Endowment Lands, Section 010, Definitions, Subsection 16, the definition of "Public Auction," and Section 023, Delivered Product Sales, only, adopted as pending rules under Docket Number 20-0214-1001, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 23, 2011

Adopted by the Senate March 4, 2011

(H.C.R. No. 12)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID ENHANCED PLAN BENEFITS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Medicaid Enhanced Plan Benefits is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.10, Department of Health and Welfare Rules Governing Medicaid Enhanced Plan Benefits, Section 663, Children's HCBS State Plan Option: Coverage and Limitations, Subsection 02.a relating to Habilitative Supports, only, adopted as a pending rule under Docket Number 16-0310-1002, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 24, 2011

Adopted by the Senate March 4, 2011

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID ENHANCED PLAN BENEFITS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to Medicaid Enhanced Plan Benefits are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.10, Department of Health and Welfare Rules Governing Medicaid Enhanced Plan Benefits, Section 270, Nursing Facility: Special Rates, Subsection 03 relating to Reporting and 07 relating to Treatment of the Special Rate Cost for Future Rate Setting Periods, only, adopted as pending rules under Docket Number 16-0310-1003, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 24, 2011

Adopted by the Senate March 4, 2011

(H.C.R. No. 14)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO CRIMINAL HISTORY AND BACKGROUND CHECKS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Criminal History and Background Checks is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.05.06, Department of Health and Welfare Rules Governing Criminal History and Background Checks, Section 210, Disqualifying Crimes Resulting in an Unconditional Denial, Subsection 01.j relating to Disqualifying Crimes, only, adopted as a pending rule under Docket Number 16-0506-1001, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 24, 2011

Adopted by the Senate March 4, 2011

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE CERTIFIED SHORTHAND REPORTERS BOARD RELATING TO RULES OF PROCEDURE OF THE CERTIFIED SHORTHAND REPORTERS BOARD.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Certified Shorthand Reporters Board relating to Rules of Procedure of the Certified Shorthand Reporters Board is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 49.01.01, Certified Shorthand Reporters Board, Rules of Procedure of the Certified Shorthand Reporters Board, Section 400, Temporary Permit, Subsection 02.d relating to Certificate, only, adopted as a pending rule under Docket Number 49-0101-1001, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 4, 2011

Adopted by the Senate March 14, 2011

(H.C.R. No. 16)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO WATER QUALITY STANDARDS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Environmental Quality relating to Water Quality Standards are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 58.01.02, Department of Environmental Quality Rules Governing Water Quality Standards, Section 010, Definitions, Subsection 19, "Degradation or Lower Water Quality," and Section 052, Implementation, Subsection 03, General Permits, Subsection 05, Identification of Tier II Waters, and Subsection 08.a, relating to Tier II Analysis, only, adopted as pending rules under Docket Number 58-0102-1001, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 2, 2011

Adopted by the Senate March 18, 2011

(H.C.R. No. 18)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOUNTING THE HISTORY OF THE DISCOVERY OF GOLD IN IDAHO AND THE GEORGE GRIMES MONUMENT AND OFFICIALLY RECOGNIZING THE IDAHO SESQUICENTENNIAL CELEBRATION AND THE GOLD 2012 COMMITTEE.

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

WHEREAS, gold was discovered in Washington Territory, now Boise County, Idaho, in August 1862 by a party of twelve miners led by Moses Splawn, George Grimes and Joseph Branstetter; and

WHEREAS, George Grimes lost his life and was buried in what is now known as Grimes Pass, which is located in Boise County, Idaho; and

WHEREAS, in August 1914, Dr. John C. Mitchell delivered an address at the Grimes grave, noting the dilapidated condition of the fence and marker; and

WHEREAS, in April 1920, Dr. R.W. Hale and Frank Coffin began efforts to raise funds for the purpose of erecting a suitable monument in memory of George Grimes as an Idaho pathfinder; and

WHEREAS, on April 22, 1926, the U.S. Forest Service gave the Sons of Idaho five acres surrounding George Grimes' grave for the purpose of erecting a monument in memory of George Grimes; and

WHEREAS, on September 11, 1926, the Sons of Idaho erected a monument of native granite and Governor James H. Hawley dedicated the monument in honor of the venturesome spirit of George Grimes; and

WHEREAS, in 2010, the Boise Basin Boosters formed the Gold 2012 Committee to preserve and restore the Grimes Monument site; and

WHEREAS, the Gold 2012 Committee has undertaken to preserve the Grimes Monument, historic cemeteries in the Centerville Valley, Boise County, Idaho, and to celebrate the 150th year of the discovery of gold in Idaho; and

WHEREAS, in April 2010, it was discovered that access to the Grimes Monument site had been removed and replaced with an ATV trail leading to the imminent danger of the monument collapsing; and

WHEREAS, in June 2010, the Gold 2012 Committee made emergency repairs to stabilize the Grimes Monument; and

WHEREAS, in September 2010, the United States Forest Service erected a fence to restrict access to the Grimes Monument site, allowing foot traffic only; and

WHEREAS, the year 2012 will mark the 150th year of the discovery of gold in Washington Territory, an event that contributed to the establishment of the state of Idaho; and

WHEREAS, further restoration of the Grimes Monument, as well as surrounding historical sites that have fallen into disrepair, is needed.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the week of July 28 through August 4, 2012, be officially recognized as the Idaho Sesquicentennial Celebration and that the Gold 2012 Committee be the official state of Idaho organizer for such Celebration.

Adopted by the House March 4, 2011

Adopted by the Senate March 10, 2011

(H.C.R. No. 19)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING IDAHO NATIONAL LABORATORY ON ITS ACHIEVEMENTS AND RECOGNIZING STATE AND FEDERAL OFFICIALS FOR THEIR LEADERSHIP IN SUSTAINING THE LABORATORY'S FUTURE.

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

WHEREAS, the year 2011 marks the 60th anniversary of a technological milestone that has forever thrust Idaho into a place of global prominence - that milestone being the world's first production of usable amounts of electricity from nuclear power at the Experimental Breeder Reactor I (EBR-I); and

WHEREAS, this pioneering first reactor built in Idaho, the 51 others that followed it and the supporting labs and related facilities that have risen on both the expansive Arco Desert site and within the city of Idaho Falls represent multibillion dollar good faith investments by the federal government to create globally distinctive facilities for the future of nuclear science and engineering; and

WHEREAS, scientific infrastructure renewal efforts began to accelerate anew in 2005, resulting in the construction or modification and occupation of six new facilities in Idaho Falls and five labs and offices on the Idaho National Laboratory (INL) Site between that time and the end of 2010; and

WHEREAS, ground was just broken on a massive new 91,000 square foot Energy Systems Laboratory on the INL campus in Idaho Falls, which is due for completion in late 2012, and which clearly demonstrates the U.S. Department of Energy's intentions to continue to perform national priority energy security work at Idaho's national laboratory; and

WHEREAS, the Department of Energy (DOE) and its cleanup contractors have created an enhanced environment for similar future investments in Idaho by cost-effectively accelerating the cleanup and shipment out of state of legacy wastes long stored at the INL Site; and

WHEREAS, the courage and leadership of Governor Otter, working collaboratively with Attorney General Wasden and the U.S. Department of Energy, has resulted in a critical new Memorandum of Agreement allowing Settlement Agreement-compliant quantities of used commercial fuel to be brought in for examination and testing at INL, thereby securing the ongoing scientific relevance of the lab and enhancing the economic stability of all of Idaho as a consequence.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby congratulate Idaho National Laboratory on the 60th anniversary of its EBR-I nuclear electricity milestone, acknowledge the federal government's historic and ongoing investments in creating and maintaining globally distinctive nuclear energy

research facilities in our home state, encourage a continuation of the safe and cost-effectively accelerated cleanup of the site, and applaud our Governor, Attorney General and the U.S. Department of Energy for their vision and leadership in crafting a means to protect Idaho's environmental interests while concurrently brightening the future mission prospects of Idaho National Laboratory.

Adopted by the House March 11, 2011
 Adopted by the Senate March 21, 2011

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE GRANT FUNDING.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.05.04, Department of Health and Welfare Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding, Section 004, Incorporation by Reference, Subsection 03, Documents Incorporated by Reference, Paragraph b, Minimum Standards for Domestic Violence Offender Intervention Programs, published by the Idaho Council on Domestic Violence and Victim Assistance, effective July 1, 2011, Section I.B.4, only, adopted as a pending rule under Docket Number 16-0504-1001, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 22, 2011
 Adopted by the Senate March 30, 2011

(H.C.R. No. 23)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID BASIC PLAN BENEFITS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Medicaid Basic Plan Benefits is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.09, Medicaid Basic Plan Benefits, Section 514, Abortion Procedures: Provider Qualifications and Duties, Subsection 01.d. relating to Documentation that the woman was under the age of eighteen (18) at the time of sexual intercourse, only, relating to Rules of the Department of Health and Welfare, adopted as a permanent rule under Docket Number 16-0309-0604, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 15, 2011

Adopted by the Senate March 30, 2011

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE GOVERNOR ISSUE AN EXECUTIVE ORDER DIRECTING THE STATE TAX COMMISSION THAT THE GROCERY TAX CREDIT ALLOWED REMAIN UNCHANGED FOR TAX YEAR 2011.

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

WHEREAS, Section 63-3024A, Idaho Code, provides for a food tax credit against taxes due under the Idaho Income Tax Act for any resident individual who files a taxpayer's Idaho income tax return; and

WHEREAS, each incremental increase of ten dollars in the tax credit represents roughly a fifteen million dollar reduction to the general fund; and

WHEREAS, the state of Idaho is facing a substantial General Fund budget shortfall for fiscal year 2012; and

WHEREAS, it is an appropriate year to postpone an increase in the food tax credit for this tax year.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby requests that the Governor issue an Executive Order directing the State Tax Commission that the credit allowed in Section 63-3024A, Idaho Code, remain unchanged for tax year 2011.

Adopted by the House March 18, 2011

Adopted by the Senate March 25, 2011

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, BEN YSURSA, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixty-first Legislature of the State of Idaho, First Regular Session thereof, which convened on January 10, 2011, and which adjourned on April 7, 2011, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this eighteenth day of May, 2011.

Ben Yursa
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

CONSTITUTIONAL AMENDMENTS

**Submitted for Vote at General Election
November 2, 2010**

SENATE JOINT RESOLUTION

(S.J.R. No. 101)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE UNIVERSITY OF IDAHO TO PERMIT THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO TO IMPOSE RATES OF TUITION AND FEES ON ALL STUDENTS ENROLLED IN THE UNIVERSITY OF IDAHO AS AUTHORIZED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 10, Article IX, of the Constitution of the State of Idaho be amended to read as follows:

Section 10. STATE UNIVERSITY -- LOCATION, REGENTS, TUITION, FEES AND LANDS. The location of the University of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises, and endowments, heretofore granted thereto by the territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university, and the control and direction of all the funds of, and appropriations to, the university, under such regulations as may be prescribed by law. The regents may impose rates of tuition and fees on all students enrolled in the university as authorized by law. No university lands shall be sold for less than ten dollars per acre, and in subdivisions not to exceed one hundred and sixty acres, to any one person, company or corporation.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 10, Article IX, of the Constitution of the State of Idaho be amended to permit the Board of Regents of the University of Idaho to impose rates of tuition and fees on all students enrolled in the University of Idaho as authorized by law?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Approved at General Election, November 2, 2010.

HOUSE JOINT RESOLUTIONS

(H. J. R. No. 4)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 3C, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO HOSPITALS AND HEALTH SERVICES TO AUTHORIZE PUBLIC HOSPITALS, ANCILLARY TO THEIR OPERATIONS AND IN FURTHERANCE OF HEALTH CARE NEEDS IN THEIR SERVICE AREAS, TO INCUR INDEBTEDNESS OR LIABILITY TO PURCHASE, CONTRACT, LEASE OR CONSTRUCT OR OTHERWISE ACQUIRE FACILITIES, EQUIPMENT, TECHNOLOGY AND REAL PROPERTY FOR HEALTH CARE OPERATIONS, PROVIDED THAT NO AD VALOREM TAX REVENUES SHALL BE USED FOR SUCH ACTIVITIES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 3C, Article VIII, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 3C. HOSPITALS AND HEALTH SERVICES -- AUTHORIZED ACTIVITIES AND FINANCING. Provided that no ad valorem tax revenues shall be used for activities authorized by this section, public hospitals, ancillary to their operations and in furtherance of health care needs in their service areas, may: (i) incur indebtedness or liability to purchase, contract, lease or construct or otherwise acquire facilities, equipment, technology and real property for health care operations as provided by law; (ii) acquire, construct, install and equip facilities or projects to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations other than municipal corporations and may, in the manner prescribed by law, finance the costs thereof; (iii) engage in shared services and other joint or cooperative ventures; (iiiv) enter into joint ventures and partnerships; (iv) form or be a shareholder of corporations or a member of limited liability companies; (vi) have members of its governing body or its officers or administrators serve as directors, managers, officers or employees of any venture, association, partnership, corporation or limited liability company as authorized by this section; (vii) own interests in partnerships, corporations and limited liability

companies. Any obligations incurred pursuant to this section shall be payable solely from charges, rents or payments derived from the existing facilities and the facilities or projects financed thereby and shall not be secured by the full faith and credit or the taxing power of the county, hospital taxing district, the state, or any other political subdivision; and provided further, that any county or public hospital taxing district contracting such indebtedness shall own its just proportion to the whole amount so invested. The authority granted by this section shall be exercised for the delivery of health care and related service and with the prior approval of the governing body of the county, hospital district or other governing body of a public hospital. No provisions of this Constitution including, but not limited to Sections 3 and 4 of Article VIII, and Section 4 of Article XII, shall be construed as a limitation upon the authority granted under this section.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 3C, Article VIII, of the Constitution of the State of Idaho be amended to authorize public hospitals, ancillary to their operations and in furtherance of health care needs in their service areas, to incur indebtedness or liability to purchase, contract, lease or construct or otherwise acquire facilities, equipment, technology and real property for health care operations, provided that no ad valorem tax revenues shall be used for such activities?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Approved at General Election, November 2, 2010.

(H.J.R. No. 5)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 3E, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO REVENUE BOND FINANCING OF POLITICAL SUBDIVISIONS OF THE STATE AND REGIONAL AIRPORT AUTHORITIES TO PROVIDE FOR THE ISSUANCE OF REVENUE AND SPECIAL FACILITY BONDS BY POLITICAL SUBDIVISIONS OF THE STATE AND REGIONAL AIRPORT AUTHORITIES AS DEFINED BY LAW, IF OPERATING AN AIRPORT TO ACQUIRE, CONSTRUCT, INSTALL, AND EQUIP LAND, FACILITIES, BUILDINGS, PROJECTS OR OTHER PROPERTY, WHICH ARE HEREBY DEEMED TO BE FOR A PUBLIC PURPOSE, TO BE FINANCED FOR, OR TO BE LEASED, SOLD OR OTHERWISE DISPOSED OF TO PERSONS, ASSOCIATIONS OR CORPORATIONS, OR TO BE HELD BY THE SUBDIVISION OR REGIONAL AIRPORT AUTHORITY, AND MAY IN THE MANNER PRESCRIBED BY LAW ISSUE REVENUE AND SPECIAL FACILITY BONDS TO FINANCE THE COSTS THEREOF, PROVIDED THAT ANY SUCH BONDS SHALL BE PAYABLE SOLELY FROM FEES, CHARGES, RENTS, PAYMENTS, GRANTS, OR ANY OTHER REVENUES DERIVED FROM THE AIRPORT OR ANY OF ITS FACILITIES, STRUCTURES, SYSTEMS, OR PROJECTS, OR FROM ANY LAND, FACILITIES, BUILDINGS, PROJECTS OR OTHER PROPERTY FINANCED BY SUCH BONDS, AND SHALL NOT BE SECURED BY THE FULL FAITH AND CREDIT OR THE TAXING POWER OF

THE SUBDIVISION OR REGIONAL AIRPORT AUTHORITY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Article VIII, of the Constitution of the State of Idaho, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3E, Article VIII, of the Constitution of the State of Idaho and to read as follows:

SECTION 3E. AIRPORTS AND AIR NAVIGATION FACILITIES -- AIRPORT RELATED PROJECTS -- REVENUE AND SPECIAL FACILITY BOND FINANCING. Political subdivisions of the state and regional airport authorities as defined by law, if operating an airport, may acquire, construct, install, and equip land, facilities, buildings, projects or other property, which are hereby deemed to be for a public purpose, to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations, or to be held by the subdivision or regional airport authority, and may in the manner prescribed by law issue revenue and special facility bonds to finance the costs thereof; provided that any such bonds shall be payable solely from fees, charges, rents, payments, grants, or any other revenues derived from the airport or any of its facilities, structures, systems, or projects, or from any land, facilities, buildings, projects or other property financed by such bonds, and shall not be secured by the full faith and credit or the taxing power of the subdivision or regional airport authority. No provision of this constitution including, but not limited to, sections 3 and 4 of article VIII and section 4 of article XII, shall be construed as a limitation upon the authority granted under this section.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Article VIII, of the Constitution of the State of Idaho be amended by the addition of a New Section 3E, to provide for the issuance of revenue and special facility bonds by political subdivisions of the state and regional airport authorities as defined by law, if operating an airport to acquire, construct, install, and equip land, facilities, buildings, projects or other property, which are hereby deemed to be for a public purpose, to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations, or to be held by the subdivision or regional airport authority, and may in the manner prescribed by law issue revenue and special facility bonds to finance the costs thereof; provided that any such bonds shall be payable solely from fees, charges, rents, payments, grants, or any other revenues derived from the airport or any of its facilities, structures, systems, or projects, or from any land, facilities, buildings, projects or other property financed by such bonds, and shall not be secured by the full faith and credit or the taxing power of the subdivision or regional airport authority?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Approved at General Election, November 2, 2010.

(H.J.R. No. 7)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 3D, ARTICLE VIII, RELATING TO AUTHORIZED INDEBTEDNESS FOR MUNICIPAL ELECTRIC SYSTEMS, TO PROVIDE THAT ANY CITY OWNING A MUNICIPAL ELECTRIC SYSTEM MAY ACQUIRE, CONSTRUCT, INSTALL AND EQUIP ELECTRIC GENERATING, TRANSMISSION AND DISTRIBUTION FACILITIES FOR THE PURPOSE OF SUPPLYING ELECTRICITY TO CUSTOMERS LOCATED WITHIN THE SERVICE AREA OF EACH SYSTEM ESTABLISHED BY LAW AND FOR THE PURPOSE OF PAYING THE COST THEREOF, ISSUE REVENUE BONDS WITH THE ASSENT OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT AN ELECTION HELD AS PROVIDED BY LAW AND INCUR INDEBTEDNESS OR LIABILITY UNDER AGREEMENTS TO PURCHASE, SHARE, EXCHANGE OR TRANSMIT WHOLESALE ELECTRICITY FOR THE USE AND BENEFIT OF CUSTOMERS LOCATED WITHIN SUCH SERVICE AREA AND PROVIDED THAT ANY REVENUE BONDS, INDEBTEDNESS OR LIABILITY SHALL BE PAYABLE SOLELY FROM THE RATES, CHARGES OR REVENUES DERIVED FROM THE MUNICIPAL ELECTRIC SYSTEM AND SHALL NOT BE SECURED BY THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THE CITY, THE STATE OR ANY POLITICAL SUBDIVISION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Article VIII, of the Constitution of the State of Idaho, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3D, Article VIII, of the Constitution of the State of Idaho and to read as follows:

SECTION 3D. MUNICIPAL ELECTRIC SYSTEMS -- AUTHORIZED INDEBTEDNESS. Notwithstanding the limitations and requirements of Section 3, Article VIII, of the Constitution of the State of Idaho, any city owning a municipal electric system may:

(a) acquire, construct, install and equip electric generating, transmission and distribution facilities for the purpose of supplying electricity to customers located within the service area of each system established by law and for the purpose of paying the cost thereof, may issue revenue bonds with the assent of a majority of the qualified electors voting at an election held as provided by law; and

(b) incur indebtedness or liability under agreements to purchase, share, exchange or transmit wholesale electricity for the use and benefit of customers located within such service area;

provided that any revenue bonds, indebtedness or liability shall be payable solely from the rates, charges or revenues derived from the municipal electric system and shall not be secured by the full faith and credit or the taxing power of the city, the state or any political subdivision.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Article VIII, of the Constitution of the State of Idaho be amended by the addition of a New Section 3D to provide that any city owning a municipal electric system may:

(a) acquire, construct, install and equip electric generating, transmission and distribution facilities for the purpose of supplying electricity to customers located within the service area of each system established

by law and for the purpose of paying the cost thereof, may issue revenue bonds with the assent of a majority of the qualified electors voting at an election held as provided by law; and

(b) incur indebtedness or liability under agreements to purchase, share, exchange or transmit wholesale electricity for the use and benefit of customers located within such service area;

provided that any revenue bonds, indebtedness or liability shall be payable solely from the rates, charges or revenues derived from the municipal electric system and shall not be secured by the full faith and credit or the taxing power of the city, the state or any political subdivision?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Approved at General Election, November 2, 2010.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2010-05ESTABLISHING THE GOVERNORS COMMISSION ON SERVICE AND VOLUNTEERISM

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, public safety and homeland security needs; and

WHEREAS, promoting the capability of Idaho's people, communities and enterprises to work together is vital to the long-term prosperity of this state; and

WHEREAS, building and encouraging community collaboration and service is an integral part of the State's future well-being and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order as follows:

1. The Governors Commission on Service and Volunteerism, will be known as Serve Idaho, with a tag line of "The Governors Commission on Service and Volunteerism."

2. Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations which support the intent of the Serve America Act of 2009 ("the Act").

3. The Commission will be composed of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:

a) The Commission's membership shall include:

- i. a representative from a community-based agency or organization in the state;
- ii. the head of the State education agency or his designee;
- iii. a representative from local government;
- iv. a representative from local labor organizations;
- v. a representative from the business sector;
- vi. a representative from a national service program;
- vii. a representative from the volunteer sector;
- viii. An individual between the ages of sixteen (16) and twenty-five (25), who is a participant in or supervisor of a service program for school-age youth, a campus-based or national service program;
- ix. an individual with expertise in the educational, training and development needs of youth, particularly disadvantaged youth;
- x. an individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;

- xi. The Corporation for National and Community Service ("Corporation"); will designate one of its employees to serve as an ex-officio member on the Commission;
 - b) Other members may include; educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Domestic Volunteer Service Act.
 - c) All members of the Commission shall serve at the pleasure of the Governor.
 - d) Not more than twenty-five (25) percent of the Commission members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the proceeding twelve (12) months.
 - e) Not more than fifty (50) percent of the Commission plus one member may be from the same political party. To the maximum extent practicable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; and one-third will serve terms of two years; one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.
 - f) The Commission will elect from among its members a chairperson.
4. The Commission will have the following duties and responsibilities:
- a) To develop a three-year comprehensive national and community service plan and establish of state priorities;
 - b) To administer a competitive process to select national service programs to be included in any application to the Corporation for National and Community Service for funding;
 - c) To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;
 - d) To assist the State education agency in preparing the application for subtitle B school-based service learning programs;
 - e) To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Serve Idahos fiscal agent;
 - f) To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;
 - g) To assist in the development of programs pursuant to the Act;
 - h) To develop mechanisms for recruitment and placement of people interested in participating in national service programs;
 - i) To assist in the provision of health and child care benefits to eligible program participants as specified by regulations pertaining to the Act;
 - j) To make recommendations to the Corporation with respect to priorities within the State for programs receiving assistance pursuant to the Act;
 - k) To coordinate with other state agencies that administer federal financial assistance programs under the Community Service Block Grant Act

(42 U.S.C. 9901 et seq.) or other appropriate federal financial assistance programs;

- l) To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in the state; and
 - m) To provide technical assistance to agencies, corporations and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and
 - n) To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho; and
 - o) Other activities as determined by the Governor to be necessary for the development and implementation of programs which enhance national and community service.
5. Serve Idaho shall reside within the Idaho Department of Labor and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.
- a) The Commission Administrator and all Commission staff members shall be non-classified employees of the Department.
 - b) The Commission Administrator shall select and supervise Commission staff members according to the Departments personnel policies and procedures.
 - c) Evaluation of Commission staff members will be the responsibility of the Commission Administrator.
 - d) Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.
6. The Commission and its activities shall be funded from federal, state and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services from other state and private entities.
7. The Commission shall meet at least quarterly. Failure to attend at least seventy-five (75) percent of the meetings in any calendar year shall result in removal from the Commission. A quorum shall consist of a simple majority of voting members.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 11th day of May in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fourth and of the Statehood of Idaho the one hundred twentieth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-06

AUTHORIZING THE ESTABLISHMENT OF THE IDAHO
ABRAHAM LINCOLN BICENTENNIAL COMMISSION
REPEALING AND REPLACING EXECUTIVE ORDER 2006-17

WHEREAS, the 200th anniversary of the birth of President Abraham Lincoln will be celebrated on February 12, 2009; and

WHEREAS, President Abraham Lincoln was personally and directly involved in the creation of the Idaho Territory in 1863 by helping select the name "Idaho", lobbying Congress for the passage of our territorial bill, signing the legislation into law in the U.S. Capitol, and appointing our first territorial officers; and

WHEREAS, political relations with the Idaho Territory remained important to Abraham Lincoln during his presidential administration since he mentioned the Idaho Territory in his 1863 and 1864 State of the Union Addresses, several times filled vacancies in our territorial offices by appointing successors and invited the delegation from the Idaho Territory to attend Fords Theatre on the night of his assassination, intending to make additional Idaho appointments the next week; and

WHEREAS, the United States of America and the States of Illinois, Indiana, Kentucky, Rhode Island and New York have each established Bicentennial Commissions to create and conduct appropriate recognition celebrations; and

WHEREAS, Abraham Lincoln was among the greatest Presidents of the United States embodying equality, freedom and opportunity for all and leading the Nation through the Civil War to preserve the Union; and

WHEREAS, a recognition and celebration of the birth of Abraham Lincoln and his special relationship to Idaho will serve important ceremonial and educational functions for the citizens of our State and the Nation.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order the following:

1. There shall be established an Idaho Abraham Lincoln Bicentennial Commission.
2. The purpose of the Commission shall be to:
 - a. Plan for a statewide recognition and celebration of the 200th anniversary of Lincolns birth;
 - b. To educate the people of Idaho and the Nation about the unique relationship between the Idaho Territory and the sixteenth President of the United States;
 - c. To encourage and coordinate the activities of local historical societies, civic groups, public schools, institutions of higher education, chambers of commerce and other entities to celebrate the Lincoln Bicentennial;
 - d. To coordinate and establish a liaison with the Abraham Lincoln Bicentennial Commission of the United States and its Advisory Committee and those commissions established by other states;
 - e. To seek volunteer assistance, monetary donations, public and private grants, and legislative appropriations in support of its mission;
 - f. To support research, publications, historical analysis and exploration, the acquisition and preservation of artifacts and displays appropriate to the presentation and explanation of the career and contributions of Abraham Lincoln to the United States and Idaho;
 - g. To issue such interim and final reports and periodicals as shall advance the Commissions work.
3. The membership of the Commission shall be twenty-three (23) individuals serving through calendar year 2009. The membership shall be as follows:
 - a. the Governor or a designee;
 - b. the Lieutenant Governor or a designee;
 - c. the Secretary of State or a designee;
 - d. the Attorney General or a designee;
 - e. the Superintendent of Public Instruction or a designee;
 - f. the State Treasurer or a designee;
 - g. the State Controller or a designee;
 - h. a member of the Idaho State Senate, designated by the President Pro Tem;

- i. a member of the Idaho House of Representatives, designated by the Speaker;
 - j. the Chief Justice of the Idaho Supreme Court or a designee;
 - k. the Director of the Idaho State Historical Society;
 - l. five individuals appointed by the Governor from the leaders or active members of local or regional historical societies from throughout the State, including one from Lewiston, the original territorial capitol;
 - m. the Director of the Idaho Department of Commerce and Labor;
 - n. the Director of the Idaho Human Rights Commission;
 - o. five individuals appointed by the Governor who have demonstrated dedication to the study or education of historical matters and have substantial knowledge of Abraham Lincoln and Idaho history.
4. Vacancies on the Commission shall be filled by the Governor.
5. The Commission may recommend additional members to the Governor, as it deems appropriate and may establish sub-committees consistent with the needs of the Commission. The Governor will select the Chair of the Commission. The Commission shall meet at least twice during calendar year 2006 as determined by the Chair, and as frequently thereafter as the role and mission of the Commission shall require.
6. The Commission members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
7. The Commission shall receive administrative and technical staff support from the Idaho State Historical Society or such other agencies as shall be designated by the Governor.

This Executive Order shall cease to be effective December 31, 2010.



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 11th day of May in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fourth and of the Statehood of Idaho the one hundred twentieth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-07

ESTABLISHING THE IDAHO GEOSPATIAL COUNCIL

WHEREAS, government agencies and private industries have developed powerful computer systems designed to process and analyze map and other information collectively called geospatial information; and

WHEREAS, these systems, referred to as Geographic Information Systems (GIS), significantly increase efficiency for conducting land, water, demographic, social, health and other management activities, and are linked as components of Idaho's information management activities; and

WHEREAS, geospatial information produced and maintained by organizations provide a valuable information infrastructure for public and private entities; and

WHEREAS, GIS assists all levels of government in carrying out their mandated responsibilities more efficiently, with better services to citizens and as a valuable tool for scientific investigation, emergency response, resource management and many other areas; and

WHEREAS, it is important to provide channels of communication and cooperation among agencies of the State of Idaho, federal agencies, local and tribal governments, private organizations, educational institutions and the citizens of Idaho; and

WHEREAS, there is a need to facilitate and promote the cooperation and coordination of programs, policies, products and resources using GIS to maximize opportunities and minimize inefficiencies; and

WHEREAS, there is a need to develop and implement policies, standards, and guidelines for producing and sharing geospatial information; and

WHEREAS, there is a need to support the ongoing development of technical infrastructure, including a clearinghouse/data portal in order to foster the sharing and use of geospatial information; and

WHEREAS, there is a need to promote best practices and raise awareness of the potential inherent in geospatial information; and

WHEREAS, the Idaho Legislature annually appropriates a significant amount of State funds for agency GIS activities that benefit from coordination; and

WHEREAS, GIS activities and implementation have a long-term economic benefit to the citizens of Idaho;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order:

1. The Idaho Geospatial Committee is now called the Idaho Geospatial Council.

2. the Idaho Geospatial Council represents the Idaho geospatial community and shall be composed of representatives with knowledge and interest in geospatial technologies from all stakeholder groups, including state government, federal government, regional government, county government, municipal government, tribal government, higher education institutions, public utilities, private companies, and the public at large.

3. a decision-making and steering body called the Idaho Geospatial Council Executive Committee (Executive Committee) shall be formed. Standing members of the Executive Committee shall be Idaho's Geospatial Information Officer, the USGS Federal Liaison, the Clearinghouse/Portal Manager, and the GIS Training and Research Center Manager. The Council shall elect twelve (12) additional members to the Executive Committee from Council membership, forming a committee of sixteen (16) members. The 12 additional members elected shall provide a balanced representation of stakeholder groups as specified in the bylaws. The Chair shall be elected from among the Executive Committee members as defined in the bylaws. Executive Committee membership will be approved by the Information Technology Resource Management Council.

4. the purpose of the Idaho Geospatial Council acting through the Executive Committee is to provide policy-level direction and promote efficient and effective use of resources for matters related to geospatial information. To that end they shall:

- a. promote cooperation among all stakeholder groups in addressing geographic data and information needs and services in Idaho;
- b. review priorities for statewide geospatial information needs and assist in the development of projects, plans, policies, standards, priorities and guidelines for geographic information;
- c. facilitate cooperative and contract arrangements to develop and maintain high-priority geospatial databases, applications, and services, collectively referred to as the Idaho Spatial Data Infrastructure (ISDI);

- d. promote and seek financial support for ISDI as described and planned in the Strategic and Business Plans for Development and Deployment of Idahos Spatial Data Infrastructure (March 2009); and
- e. provide recommendations to ITRMC, the Governor and the Legislature, when appropriate, concerning issues related to geospatial Information in Idaho.

5. The Idaho Geospatial Council Executive Committee will appoint sub-committees consistent with the needs of the Council.

6. The Idaho Geospatial Council and Executive Committee will each meet at least twice a year and all meetings are open to all interested parties.

7. The Idaho Geospatial Council Executive Committee shall receive administrative support from the Information Technology Resource Management Council staff.

8. The Idaho Geospatial Council Executive Committee shall prepare and submit a report annually to the Information Technology Resource Management Council describing the Councils activities and achievements of the previous year. Additionally, the report shall include bylaws for this Council and provide a progress report on the Idaho Spatial Data Infrastructure initiative, as set forth in the Strategic and Business Plans for Development and Deployment of Idahos Spatial Data Infrastructure (March 2009).



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of May in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fourth and of the Statehood of Idaho the one hundred twentieth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-08

AMENDING AND RESTATING EXECUTIVE ORDER NO. 2009-15
CONTINUING A SYSTEM FOR ALLOCATING VOLUME CAP FOR
RECOVERY ZONE BONDS IN THE STATE CONSISTENT WITH THE PROVISIONS OF THE
U.S. INTERNAL REVENUE CODE OF 1986

WHEREAS, Sections 1400U-1 through U-3 of the U.S. Internal Revenue Code of 1986 (the "Code") provide that until January 1, 2011 certain bonds can be issued for Projects in Recovery Zones, and subjects such recovery zone bonds to volume limitations or "volume cap" (the "Volume Cap"); and

WHEREAS, the Code, as amended, provides a formula for allocations of such Volume Cap, and in order to provide for the implementation and administration of the formula for allocation of the Volume Cap among the state and its issuing authorities, it is necessary and desirable to issue this Executive Order; and

WHEREAS, on July 30, 2009, Executive Order No. 2009-15 (the Prior Executive Order) was issued providing for the said Volume Cap allocations and now it is desirable to amend and restate the Prior Executive Order to include provisions for deemed waiver by eligible counties and the City of Boise in Idaho (the Municipalities) of the allocations of Volume Cap back to the Idaho

Department of Commerce for further allocation for eligible projects in the State.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order and proclaim:

Section 1: As used in this Executive Order:

(1) "Allocation Dollars" means the dollar amount of the Volume Cap expressed in terms of dollars. Each allotment dollar equals one dollar of Volume Cap that may be allocated under this Executive Order.

(2) "Bonds" means the Recovery Zone Bonds for which an allocation of the Volume Cap is required by the Code.

(3) "Code" means the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Act of 2009, and any related regulations including without limitation the Notice, all as may be amended or supplemented.

(4) "Department" means the Department of Commerce of the State.

(5) "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(6) "Form 8038" means Department of the Treasury tax form 8038 (OMB NO. 1545-0720) or any other federal tax form or other method of reporting required by the Department of the Treasury under Section 149(e) of the Code.

(7) "Initial Allocation" means one of the initial allocations established under Section 4(1) hereof.

(8) "Issuing Authority" means

(a) any county, city or port district;

(b) any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both;

(c) the Idaho Housing and Finance Association;

(d) the State; or

(e) any other entity authorized to issue Bonds in the State.

(9) "Municipality" means a county or city receiving an Initial Allocation.

(10) "Notice" means IRS Notice 2009-50, as amended, revised or supplemented.

(11) "Program" means the program to be financed in whole or in part with the proceeds of the sale of Bonds.

(12) "Project" means the facility to be financed in whole or in part with the proceeds of sale of Bonds.

(13) "Recovery Zone" means an area of the State as determined in accordance with the Code and Notice.

(14) "Recovery Zone Bonds" means Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds as provided in the Code and Notice.

(15) "Recovery Zone Economic Development Bonds" means bonds issued in accordance with the Code and the Notice for qualified economic development purposes for state or local government facilities as further provided in the Code and the Notice.

(16) "Recovery Zone Facility Bonds" means bonds issued in accordance with Code and the Notice for Recovery Zone property as further provided in the Code and Notice.

(17) "State" means the state of Idaho, any of its agencies, instrumentalities, institutions and divisions authorized to issue Bonds under State law.

(18) "Subsequent State Allocation" means an allocation of Volume Cap by the Department acting for the State of all or a portion of Initial Allocations returned to the State by waiver or deemed notice under the Code and Notice.

(19) "Ultimate Beneficiary" means the ultimate beneficiary of the Volume Cap as provided in the Code and Notice.

(20) "Volume Cap" means the volume cap for Recovery Zone Bonds for the State as computed under Sections 1400U-1 through U-3 of the Code, the Notice and related regulations.

Section 2. The Volume Cap is allocated in accordance with the procedures set forth in this Executive Order. An Initial Allocation of the Volume Cap which has been waived or deemed waived and thereby returned to the State in accordance with the Code and/or Notice may be obtained by submitting an application to the Director in accordance with Section 3, as appropriate. The Director shall evidence a grant of an allocation of the Volume Cap by issuing a certificate of such allocation in accordance with Section 4, as appropriate. The Department may seek and obtain waivers of Initial Allocations from applicable counties or municipalities that choose not to make their own allocations under the Code and Notice and allow the Department to make Subsequent State Allocations hereunder. Such waivers may include conditions regarding the Subsequent State Allocations.

Section 3.

(1) In the event an Initial Allocation is waived, deemed waived or returned in accordance with the Code and/or Notice, any Issuing Authority or Ultimate Beneficiary shall, prior to the issuance of such Bonds, submit an application to the Director which contains the following information and attachments:

- (a) the name of the Issuing Authority or Ultimate Beneficiary;
- (b) the mailing address of the Issuing Authority or Ultimate Beneficiary;
- (c) the tax identification number of the Issuing Authority or Ultimate Beneficiary;
- (d) the name, title and office telephone number of the official of the Issuing Authority or Ultimate Beneficiary to whom notices should be sent and from whom information can be obtained;
- (e) the principal amount of Bonds proposed to be issued for which an application for an allocation of the Volume Cap is requested;
- (f) the nature, the purpose and the specific location of the Project or the type of Program;
- (g) the initial owner or user of the Project, if other than the Issuing Authority or Ultimate Beneficiary;
- (h) a copy of a valid and fully executed resolution or similar official action of the Issuing Authority evidencing its intention to issue Bonds for the Project;
- (i) with respect to Bonds, the anticipated date on which the Bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the Bonds is expected to occur;
- (j) the name, address, and telephone number of all parties to the transaction;
- (k) that the Bonds are expected to be issued under the Code and Notice and including a copy of a letter from the purchaser or underwriter of the Bonds confirming the expected issuance date;
- (l) that the Project or Program is located in a Recovery Zone and that the Project will be accomplished in accordance with the Code and Notice;
- (m) such information as the applicant may wish to submit in order to demonstrate the need for, and economic impact of, its Program or Project in the State, together with any information which demonstrates how its Program or Project will effectively utilize and efficiently distribute resources throughout the State; and

(n) any other information or attachments reasonably required by the Director.

(2) The Director shall

(a) establish the form of application for requests for allocations of the Volume Cap, which form shall contain the information required by Section 3(1), and

(b) make such forms available to the public upon request.

(3) The Director shall be under no obligation to process any application that is incomplete. Any application submitted by an Issuing Authority or Ultimate Beneficiary that the Director does not process shall be returned by the Director on or before the fifteenth day after receipt thereof with a brief explanation as to why the application was not processed.

Section 4.

(1) Allocations of Volume Cap shall initially be made to eligible counties and large municipalities in the amounts as set forth in section 12 below which are the amounts determined by the Internal Revenue Service under the Notice (collectively, the "Initial Allocations") to be further allocated by said entities as provided in the Code and Notice. Such Initial Allocation shall be permanent unless such Initial Allocation is returned to the State because it is waived or deemed waived or otherwise as provided in the Code and Notice:

(a) In accordance with the Code and Notice, the States national allocation of Volume Cap Allocation Dollars is hereby allocated to Recovery Zones throughout the State, as Initial Allocations as provided in section 12 below;

(b) The above Initial Allocations shall be in effect until the same are waived or deemed waived or otherwise returned to the State Department of Commerce in accordance with the Code and Notice. If an Initial Allocation is not allocated to an Ultimate Beneficiary or returned to the Department by July 1, 2010 such Initial Allocation shall be deemed waived to the Department as of said date. Not later than August 1, 2010, each Municipality shall notify the Department of any allocations to Ultimate Beneficiaries under its Initial Allocation by transmitting a copy of such Municipalitys Certificate of Allocation for such Ultimate Beneficiary. Each Ultimate Beneficiary of a Certificate of Allocation shall furnish to the Municipality and to the Department a copy of the IRS reporting form for the Bonds to be issued under the Certificate of Allocation. In the event that Bonds are not issued pursuant to such Certificate of Allocation, the Municipality shall so notify the Department and such amount of Bonds shall be deemed waived back to the Department.

(c) The Director shall track the use of the Initial Allocations as described in section 4(1)(b) above.

(d) Thereafter, Subsequent State Allocations shall be made based first on need, economic impact and efficient distribution of resources as determined by the Department and within that determination, and then in the chronological order in which they are received as provided in Section 3, subject to any conditions which may be set forth in any voluntary waiver by the applicable county or municipality of an Initial Allocation.

(2) Except as otherwise provided in this Executive Order, on or before the fifteenth day after receipt by the Director of an application for a Subsequent State allocation of the Volume Cap under Section 3 above, the Director shall, if the application is in satisfactory order, the Director will make the requested allocation in the amount so requested, and certify to the Issuing Authority applying for the allocation that an allocation has been made, the amount of such allocation. Certificates of allocation evidencing the granting of an allocation by the Director in accordance with the preceding sentence, shall be issued by the Director, first based on a determination

of need, economic impact and efficient use of resources as determined by the Department, and then in the chronological order in which completed applications are received subject to any conditions which may be set forth in the waiver of Initial Allocation executed by the applicable county or municipality.

(3) Every allocation of the Volume Cap by application under Section 3 shall remain effective until, and including, the earlier of

- (a) a date to be determined by the Director but not to exceed 180 days after the date on which such allocation was made,
- (b) 12:00 o'clock midnight on December 31, 2010, or
- (c) the date upon which the Director receives a written notification from any such Issuing Authority pursuant to Section 6(2). Any allocation for which Bonds are issued on or prior to the applicable date specified in this subsection shall be irrevocably allocated to such Bonds.

(4) No application submitted by an Issuing Authority or Ultimate Beneficiary to the Director pursuant to this section shall be processed if the amount of allocation of the Volume Cap requested in such application is in excess of the amount of Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the first based on need, economic impact and efficient use of resources as determined by the Department and then in chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.

(5) The expiration date of an allocation of Volume Cap under this Executive Order may be extended upon prior written approval of the Director.

(6) In the event that the Director is uncertain whether an application meets the requirements set forth in this Executive Order or the Code and/or Notice above, he may defer action on such application until he has received another application(s) and then determine which application best meets such criteria.

Section 5. No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for an Issuing Authority or Ultimate Beneficiary to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for an Issuing Authority or Ultimate Beneficiary to withdraw a previously submitted application. For purposes of receiving an allocation of the Volume Cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.

Section 6.

(1) After the effective date of this Executive Order, any Issuing Authority issuing Bonds under a Subsequent State Allocation without a certificate or allocation of the Director required to be applied for pursuant to Section 3, or any Issuing Authority issuing Bonds under a Subsequent State Allocation after the expiration of an allocation under Section 4, as appropriate, is not entitled to any Subsequent State Allocation of the Volume Cap for such Bonds, and any Issuing Authority issuing Bonds in excess of the Subsequent State Allocation set forth in the certificate of allocation is not entitled to any Subsequent State Allocation of the Volume Cap for such excess.

(2) Each Issuing Authority shall

(a) advise the Director on or before the earlier of the fifteenth day after the issuance of any Bonds or the fifteenth day after December 31, 2010, of the principal amount of Bonds issued under the Subsequent State Allocation set forth in each certificate of allocation issued by the Director evidencing the granting of an allocation for such Bonds by delivering to the Director a copy of the Form 8038 which was delivered to the Internal Revenue Service in connection with such Bonds, or, if no such form was required to be delivered to the Internal Revenue Service, a completed copy of a Form 8038 prepared for the Director with respect to such Bonds, or

(b) if all or a stated portion of such Bonds will not be issued, shall advise the Director in writing, on or before the earlier of

(i) the fifteenth day after the earlier of

(A) the final decision not to issue all or a stated portion of such Bonds or

(B) the expiration of the Subsequent State Allocation, or

(ii) December 31, 2010.

(3) Each Issuing Authority and Ultimate Beneficiary shall cooperate with the Director in furnishing any information the Director reasonably requires. If an Issuing Authority or Ultimate Beneficiary obtains a Subsequent State Allocation of a portion of the Volume Cap for a particular Project or Program from the Director under Section 3, but does not issue its Bonds within the prescribed time limit, or issues a lesser amount of Bonds within the prescribed time limit, such Issuing Authority or Ultimate Beneficiary may again submit an application with respect to the proposed Bonds or portion of such Bonds not issued for such Project or Program as provided in Section 3, as appropriate. Such application shall be treated as a new application.

Section 7. In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

(1) maintain a record of all applications filed by Issuing Authorities or Ultimate Beneficiaries under Section 3 and all certificates of allocation issued;

(2) maintain a record of all Bonds issued by Issuing Authorities;

(3) maintain a record of all information filed by Issuing Authorities or Ultimate Beneficiaries under this Executive Order;

(4) make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the Volume Cap allocated and any amounts available or at any time remaining available, for allocation under this Executive Order;

(5) the Director shall serve as the State official designated under State law to make any allocation including without limitation Subsequent State Allocations or certifications required to be made under the Code; and

(6) promulgate reasonable rules not inconsistent with this Executive Order deemed necessary or expedient to allocate the Volume Cap hereunder.

Section 8. If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid, inoperative, or unconstitutional, all allocations of the Volume Cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State in accordance with this Executive Order.

Section 9. The State pledges and agrees with the owners of any Bonds to which an allocation of the Volume Cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Volume Cap to such Bonds.

Section 10. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.

Section 11. The purpose of this Executive Order is to maximize the benefits of financing and development through the use of Bonds providing a system for the implementation and administration of the formula provided under the Code for allocating the Volume Cap.

Section 12. Volume Cap Amounts:

Area	<i>Residual</i>	<i>Recovery Zone Economic Development Bond</i>	<i>Recovery Zone Facility Bond</i>
Ada County, ID	Residual	19,381,000	29,071,000
Adams County, ID		933,000	1,400,000
Bannock County, ID		3,902,000	5,854,000
Benewah County, ID		455,000	682,000
Blaine County, ID		52,000	77,000
Boise City city, ID		24,902,000	37,352,000
Boise County, ID		797,000	1,196,000
Bonner County, ID		230,000	345,000
Bonneville County, ID		2,894,000	4,341,000
Boundary County, ID		145,000	218,000
Butte County, ID		131,000	197,000
Camas County, ID		5,000	7,000
Canyon County, ID		18,542,000	27,811,000
Caribou County, ID		145,000	218,000
Cassia County, ID		441,000	661,000
Clark County, ID		47,000	70,000
Clearwater County, ID		38,000	56,000
Elmore County, ID		1,210,000	1,815,000
Franklin County, ID		553,000	830,000
Gem County, ID		1,581,000	2,371,000
Idaho County, ID		891,000	1,337,000
Jefferson County, ID		638,000	957,000
Kootenai County, ID		4,965,000	7,043,000
Lemhi County, ID		1,130,000	1,696,000
Lewis County, ID		220,000	331,000
Lincoln County, ID		469,000	704,000
Minidoka County, ID		408,000	612,000

<i>Area</i>	<i>Residual</i>	<i>Recovery Zone Economic Development Bond</i>	<i>Recovery Zone Facility Bond</i>
Nez Perce County, ID		1,656,000	2,484,000
Oneida County, ID		80,000	120,000
Owyhee County, ID		1,018,000	1,527,000
Payette County, ID		750,000	1,126,000
Power County, ID		352,000	528,000
Valley County, ID		910,000	1,365,000
Washington County, ID		399,000	598,000



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of May in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fourth and of the Statehood of Idaho the one hundred twentieth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-09

ASSIGNMENTS OF ALL-HAZARD MITIGATION, PREPAREDNESS,
RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES
IN SUPPORT OF LOCAL AND STATE GOVERNMENT
RELATING TO EMERGENCIES AND DISASTERS

WHEREAS, widespread property damage, personal injury and loss of life from man-made and natural disasters is an ever present possibility in Idaho; and

WHEREAS, Chapter 10, Title 46, Idaho Code requires the protection of lives and property in any type of natural or man-made disaster emergency or threat that might conceivably confront the State; and

WHEREAS, local government is the principal provider of emergency response in Idaho and local volunteers deliver nearly 85% of the emergency services within the State; and

WHEREAS, the role of state government is to support and enhance local community emergency response efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster mitigation, preparedness, response and recovery plans; and

WHEREAS, effective state mitigation, preparedness, response and recovery planning requires proactively identifying functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the powers authority vested in me by the Constitution and laws of the State of Idaho, do hereby assign emergency mitigation, preparedness, response and recovery functions to the various agencies.

Each department and agency with essential functions, whether expressly identified in this Order or not, shall:

I. COORDINATING INSTRUCTION

A. Office of the Adjutant General, Chief, Bureau of Homeland Security

1. Coordinate emergency management activities of all state agencies on behalf of the Governor (Section 46-1006, Idaho Code).
2. Provide executive supervision and policy guidance to the State Director/Coordinator, Bureau of Homeland Security.
3. Order into active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of an extreme emergency is declared (Section 46-601, Idaho Code)
4. Draw upon existing advisory committees, commissions and councils to form a Homeland Security Coordination Group in order to exchange information and coordinate preparedness efforts. Assign management and oversight of the Coordination Group to the Director, Bureau of Homeland Security.

B. Bureau of Homeland Security

1. Coordinate state and federal emergency response, recovery and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state resources.
2. Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster operations.
3. Develop and coordinate the preparation and implementation of plans and programs for mitigation to prevent or reduce the harmful consequences of disasters in accordance with Section 46-1006(1), Idaho Code.
4. Ensure state and local preparedness, response and recovery plans are consistent with national plans and programs. Ensure state agency plans are consistent with the States emergency management goals and procedures.
5. Coordinate collaborative efforts with other state governments and federal agencies.
6. Coordinate all requests from state and local governments for disaster emergency assistance.
7. Coordinate the use of state emergency communications and warning systems. Develop, administer, and integrate the state Radio Amateur Civil Emergency Service (RACES) and other volunteer communications programs into a state system or network in accordance with Section 46-1013, Idaho Code.
8. In coordination with the Governors Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information preparedness, emergency evacuation, response and recovery objectives.
9. Function as the State Administering Agency for the federal State Homeland Security Grant Program (SHSGP). Ensure that Idaho meets national standards and criteria established by the U. S. Department of Homeland Security.

II. GENERAL ASSIGNMENTS

Each state agency will:

A. Prepare for and respond to emergencies or disasters within the State of Idaho in a manner consistent with the National Incident Management System (NIMS) using management structure consistent with the Incident Command System (ICS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS and ICS training commensurate with their expected roles in response to such emergencies or disasters.

B. Appoint at least one state agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Provide the names, addresses, and phone numbers of agency emergency coordinators to the Bureau of Homeland Security.

C. Develop and maintain an agency emergency operations plan to carry out the agency's response and recovery support functions. Agency plans will assign disaster emergency duties to all subdivisions and personnel and will provide capability to support the Idaho Emergency Operation Center (IDEOC), Emergency Support Functions (ESF), and the National Incident Management System (NIMS) as required by the Idaho Emergency Operation Plan and the National Response Plan. Such support includes:

1. Assigning an ESF coordinator to interface with the IDEOC;
2. Providing situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC;
3. Providing personnel and resources to staff the ESF;
4. Providing personnel to staff the IDEOC, this may also require involvement of agency directors and emergency coordinators;
5. Providing personnel and resources for field deployment; and
6. Accepting IDEOC mission assignments to provide resources for response and recovery actions.

Plans will be kept current and an electronic copy provided to the Bureau of Homeland Security.

D. Develop and maintain Continuity of Operations Plan (COOP) to (a) address how the agency will provide essential services to citizens during response and recovery, and (b) return the agency to normal operations. An electronic copy of the current COOP will be kept on file at the Bureau of Homeland Security.

E. Agencies will notify the Bureau of Homeland Security of any significant event, incident, emergency or disaster, impacting the ability of government to provide public services within the State of Idaho. The Adjutant General, Chief, Bureau of Homeland Security will notify the Governors Office.

F. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.

G. Train personnel to meet state emergency prevention, protection, response and recovery objectives as coordinated by the Bureau of Homeland Security.

H. Support the coordination of emergency services training through the Bureau of Homeland Security Training Advisory Board.

I. Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster mitigation, preparedness, response, and recovery functions with the Bureau of Homeland Security. Such agreements or understandings will be integrated as part of the Idaho Emergency Operations Plan.

J. Public Information Officers of each state agency are collaterally assigned to the States Public Information Emergency Response (PIER) Team Program during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. Public Information Officers will train and exercise under the auspices of the Bureau of Homeland Security. When emergencies and disasters occur, PIER Teams will be deployed, when necessary, to the IDEOC, Joint Information Centers, field support offices and/or local jurisdictions.

III. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide legal advice and assistance to all executive officers of state government and to all offices or agencies of the state regarding any question of law relating to their respective functions.
2. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

B. DEPARTMENT OF ADMINISTRATION

1. Prepare communication and warning studies to improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the State.
2. Assist other state and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities. Maintain an inventory and coordinate the availability of mobile and portable radios between state agencies.
3. Promote and develop mitigation strategies to prevent or reduce damage as a result of disasters for state-owned or leased buildings and structures in coordination with the Bureau of Homeland Security, the Idaho Department of Transportation, and the Division of Building Safety.
4. Provide personnel for damage assessment and damage survey teams in cooperation with the Idaho Transportation Department and Division of Building Safety.
5. Supervise and coordinate the procurement of construction equipment and personnel as it pertains to essential facilities, housing, and sanitation in conjunction with other state agencies.
6. Provide state and local governments with emergency contractual assistance and guidance.
7. Provide for the expanded security of the Capitol Mall Complex and state-owned or leased facilities, when required.
8. Coordinate with all state agencies to provide administrative support to the Bureau of Homeland Security when the IDEOC is activated. The Department of Administration may engage administrative support labor through temporary services agencies.
9. Assist in meeting agency needs relative to losses of state properties and or liability coverage, assignment of adjusters, and submission of claims. Submit copies of claims against the State of Idaho as a result of a disaster to the Bureau of Homeland Security.

C. DEPARTMENT OF AGRICULTURE

1. Provide primary support for mitigation, preparedness, response, and recovery activities pertaining to agricultural issues.

2. Coordinate with local officials for the evacuation of domestic livestock and other animals, and the establishment of an evacuation reception area for appropriate animal care.
3. Coordinate feeding requirements and care arrangements for livestock and other animals evacuated, lost, or abandoned as a result of disaster.
4. Coordinate dead animal removal.
5. Assist with incident response and recovery activities when chemicals, including pesticides, chemical agents, and biological agents are suspected or involved.
6. Provide technical assistance concerning livestock health, disease control, and preventive medicine.
7. Facilitate the distribution of medical supplies for livestock and other animals.
8. Inspect feed to ensure it is safe for livestock consumption.
9. Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments, and other chemicals to response personnel and the public.
10. Assist with the disposal of unusable pesticides, fertilizers, and plant or soil amendments and help coordinate the transportation of these materials.
11. Provide personnel for damage assessments of commodity warehouses, potato storage facilities, livestock waste lagoon, and/or soil sediment pond breaks.
12. Provide trained personnel for agricultural and conservation damage survey teams.

D. STATE CONTROLLER

1. Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied by state agencies during emergency response and recovery operations.
2. Fulfill fiscal obligations to the extent possible that monies exist in the state treasury.
3. During state response to emergencies and disasters, advise the Division of Financial Management and the Bureau of Homeland Security any time the disaster emergency account is inadequate to meet obligations and expenses provided by Section 46-1005A, Idaho Code.

E. DEPARTMENT OF COMMERCE AND LABOR

1. Provide primary support for mitigation, preparedness, response and recovery activities related to economic injury/losses as a result of disasters.
2. Provide an economic impact analysis of the effects of disasters or emergencies when requested by the Bureau of Homeland Security or other state agencies.
3. Provide assistance to local government as coordinated by the Bureau of Homeland Security.
4. Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Homeland Security.
5. Provide unemployment insurance claims service for disaster victims.
6. Provide re-employment assistance to individuals unemployed as a result of a disaster.
7. Provide personnel to support Disaster Recovery Centers with information on disaster unemployment services.

F. DEPARTMENT OF CORRECTION

1. Provide personnel (inmates/permanent staff) for emergency response and recovery assistance.

G. STATE BOARD OF EDUCATION

1. State Department of Education

- a. Coordinate the development of emergency disaster plans for all local school district buildings to ensure the safety of school populations in time of emergency.
- b. Assist local school districts and other qualifying agencies to develop a policy for the use of buses in an emergency.
- c. Prior to and after disasters affecting school facilities, promote mitigation activities to reduce the risk from structural and nonstructural hazards in school facilities in coordination with the Bureau of Homeland Security.
- d. Assist in coordinating activities for damage assessments and damage surveys for school facilities.
- e. Coordinate the utilization of school facilities for reception, shelter, and mass feeding during disasters.

2. The Office of the State Board of Education

- a. Coordinate the development of emergency disaster plans for colleges, universities, and area vocational-technical facilities to ensure the safety of school populations in time of emergency.
- b. In coordination with the Bureau of Homeland Security, promote mitigation activities to reduce the risk from hazards in colleges, universities, and area vocational-technical facilities.
- c. Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.
- d. Provide personnel to assist damage assessment of colleges, universities, and area vocational-technical facilities.
- e. Coordinate the utilization of colleges, universities, and area vocational-technical facilities for reception, shelter, and mass feeding during disasters.
- f. Provide academic personnel for assessment of hazards and for coordinating the activities of investigators for scientific research.

3. Idaho State Historical Society/State Historic Preservation Officer

- a. Promote mitigation activities to reduce the potential loss of the States historic and cultural resources as a result of hazards.
- b. In coordination with the Bureau of Homeland Security, conduct damage assessments, surveys, and reviews of historic and cultural resources in areas affected by disasters.
- c. Coordinate activities under Section 106 of the National Historic Preservation Act concerning emergency repairs and recovery projects in those areas affected by disasters.

H. DEPARTMENT OF FISH AND GAME

1. Provide personnel to be used as auxiliary police during emergencies.

2. Assist in search and rescue operations.
3. Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.
4. Provide personnel for damage assessment and damage survey teams.
5. Provide emergency communications.

I. DEPARTMENT OF HEALTH AND WELFARE

1. Coordinate emergency medical and health services throughout the State. Such responsibilities include development of general plans for public health and sanitation; emergency medical assistance; identification and mortuary services; mass care and feeding management; crisis counseling; emergency social services; evacuation of sick and injured; and use of hospitals and other medical facilities.
2. Support implementation of the States Individual Assistance, Crisis Counseling and Community Relations programs during a disaster declared by the President under the auspices of the Bureau of Homeland Security.
3. Provide damage assessment and survey team personnel for health and welfare-related functional activities.
4. Provide food stamp and disaster welfare services.
5. Provide staff personnel to work in Disaster Recovery Centers. Provide personnel to work in the Disaster Field Office during federally declared disasters.
6. Monitor the National Warning System (NAWAS) through State Communications within the Bureau of Emergency Medical Services. Provide emergency communications support as coordinated by the Bureau of Homeland Security.

J. DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Assess supplies of potable water and coordinate portable water resources with other state agencies.
2. Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.
3. Idaho National Laboratory-Oversight Program (INL-OP)
 - a. Provide overall technical support for mitigation, preparedness, response, and recovery activities pertaining to radiological/nuclear health and safety issues.
 - b. Support state and local efforts related to off-site radiological emergency planning at the INL.
 - c. Serve as state liaison to the U.S. Department of Energy, the U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency for radiological emergencies involving regulated materials and U.S. Department of Energy facilities and transportation activities.
 - d. Provide radiation protection guidance, training, and information in support of state and local emergency responders.
 - e. Conduct radiological monitoring and coordinate radiological sample analysis with Idaho State University.
 - f. Maintain the INL Fixed Nuclear Facility Emergency Response Plan as an Annex to the Idaho Emergency Operations Plan.

K. DEPARTMENT OF INSURANCE

1. Provide insurance counseling services for disaster victims.

2. Prepare required insurance certifications for federal disaster assistance.
3. Provide personnel to perform fire and explosion investigations and to assist with prosecution as required. Provide personnel to perform building inspections with regard to fire safety appliances and nonstructural built in fire protection.

L. DIVISION OF BUILDING SAFETY

1. Provide personnel for damage assessment and damage survey teams.
2. Promote and develop mitigation activities in conjunction with the Department of Administration, the Department of Education, and the Bureau of Homeland Security.

M. DEPARTMENT OF LANDS

1. Develop and direct the States mitigation, preparedness, response, and recovery activities for state endowment lands.
2. Cooperate with federal, state, and local governments in developing plans for and directing activities relating to the prevention and control of wild land and urban/wild land interface fires.
3. Develop plans and direct activities for the emergency protection, management, and utilization of land resources, under the Department of Lands jurisdiction.
4. Provide emergency communications assistance.
5. Provide personnel for damage assessment, and damage survey teams.
6. Develop, coordinate, and maintain a statewide Fire Service and Rescue Emergency Mutual-Aid Plan. Provide a copy of the Fire Service and Rescue Emergency Mutual-Aid Plan to the Bureau of Homeland Security.

N. IDAHO STATE POLICE

1. Develop and direct mitigation, preparedness, response, and recovery programs for civil disorder and terrorism.
2. Provide for the safety and protection of personnel including the evacuation, warning, scene protection, and traffic control in conjunction with Idaho Transportation Department.
3. Coordinate all requests for additional state law enforcement.
4. Coordinate with the Bureau of Homeland Security for response and recovery disaster operations in and around crime scenes.
5. Operate a statewide emergency communication system, which may be designated as a primary system during emergencies and disasters.
6. In coordination with the Bureau of Homeland Security, alert state agencies and local governments of impending threats.
7. Enforce statewide emergency traffic controls and evacuation plans.
8. Provide damage assessment and information on disaster incidents to the Bureau of Homeland Security.
9. Provide brand inspection personnel to determine ownership of animals.
10. Assist in search and rescue operations.
11. Provide specially trained officers with radiological monitoring equipment to conduct monitoring as coordinated by Bureau of Homeland Security.
12. Conduct required weekly and monthly tests of the States Emergency Alert System within the prescribed time limits to meet volunteer broadcaster requirements. Provide public warnings when notified by the Bureau of Homeland Security and/or local public officials.

O. DEPARTMENT OF PARKS AND RECREATION

1. Provide lands and facilities for mass care and feeding centers during emergencies and disasters.
2. Provide personnel for damage assessment and damage survey teams.

P. STATE TAX COMMISSION

1. Provide tax-counseling services for disaster victims as coordinated by the Bureau of Homeland Security.

Q. IDAHO TRANSPORTATION DEPARTMENT

1. Provide engineering support to the Bureau of Homeland Security for emergency planning and mitigation for disasters.
2. Provide debris removal services and resources as coordinated by the Bureau of Homeland Security.
3. Provide engineering services and resources, for the repair and maintenance of state highways, bridges, and airfields.
4. Develop, implement, and manage new emergency highway traffic regulations that may be required as a result of the emergency or disaster.
5. Coordinate the use of state aviation assets and aviation activities and assist the Bureau of Homeland Security with the coordination of requests for restricted air space over emergency and disaster areas.
6. Provide aviation resources for evacuation, search, and rescue operations, and aerial radiological monitoring as coordinated by the Bureau of Homeland Security.
7. Activate "Plan Bulldozer" (An agreement with Associated General Contractors to contract for equipment) when requested by the Bureau of Homeland Security.
8. Provide specialized heavy construction and transport equipment with operators as coordinated by the Bureau of Homeland Security.

R. DEPARTMENT OF WATER RESOURCES

1. Develop mitigation, preparedness, and response programs for flood, drought, and energy shortages in concert with the Bureau of Homeland Security.
2. Conduct dam safety inspections and supervise dam safety practices during times of flooding or imminent failure.
3. Advise the Bureau of Homeland Security of impending emergency conditions such as imminent failure or other conditions involving dam safety.
4. Coordinate operation of water structures to minimize flood damage. Ensure emergency maintenance and repairs are performed to protect life and property during impending or actual occurrence of a disaster.
5. Establish procedures to grant stream channel protection waivers to entities involved in emergency flood situations and when channel work is necessary on an emergency basis to protect life and property.
6. Assist agencies and individuals in obtaining emergency authorization from the U.S. Army Corps of Engineers, under Public Law 92-500, to conduct flood control activities in waterways.
7. Provide personnel for damage assessment and damage survey teams.
8. Provide assistance in finding and obtaining alternative water supplies during drought.

9. Assist the Department of Environmental Quality in assuring adequate supplies of potable water are available.
10. Provide emergency communications, as coordinated by the Bureau of Homeland Security.

S. PUBLIC UTILITIES COMMISSION

1. Assist with energy shortage mitigation, preparedness, response, and recovery.

T. DIVISION OF FINANCIAL MANAGEMENT

1. Coordinate and develop a fiscal impact analysis on the effects of a disaster emergency upon request by the Bureau of Homeland Security.
2. Coordinate with the Bureau of Homeland Security to determine funding needs for disasters.
3. Expedite interim disaster funding for emergency work as part of the Governors disaster declaration.

U. IDAHO GEOLOGICAL SURVEY

1. Formulate and direct the states geologic hazard reduction effort by providing hazard identification, analysis, and mapping of the geologic threats.
2. Provide representatives for damage assessment, damage survey, and hazard mitigation teams for events that involve geologic hazards.
3. Coordinate the activities of geologists, scientists, and researchers attempting to study natural hazard events including those invited by the State of Idaho as well as those who respond independently to conduct scientific research and evaluations. Inform the Bureau of Homeland Security of the status of coordination efforts.

V. MILITARY DIVISION

1. National Guard
 - a. Provide military support to civil authorities during a disaster emergency in accordance with federal and state laws and regulations.
 - b. Provide specific guidance as required for emergency preparedness planning and programming for state military forces.
 - c. Establish a statewide military emergency communications system. During emergencies, maintain communications between the Idaho Emergency Operations Center and National Guard Joint Operations Center.
 - d. Develop radio communications capability between the state military forces and civilian agencies. Participate in the State Interoperability Executive Committee.
 - e. Provide logistical assistance to state damage assessment and damage survey teams, as well as Disaster Field Office operations.
2. Bureau of Homeland Security
 - a. Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.

- b. Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.
- c. Provide ongoing validity assessment of the Idaho Emergency Operations Plan and National Response Plan. Provide training for state agency personnel in mitigation, preparedness, response and recovery operations.
- d. Administer the States Emergency Alert System in accordance with Section 46-1013, Idaho Code. Collaborate with volunteer broadcasters to facilitate a viable and effective statewide alert system using commercial radio, television, cable television, and other such systems that will alert citizens to impending natural or man-made disasters, when feasible.
- e. Maintain the State Emergency Communications Using Radio Effectively (SECURE) network for emergencies and disasters communications.
- f. Regularly review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to provide state assistance for hazardous materials/WMD emergencies in Idaho.
- g. Coordinate state and federal emergency response efforts for hazardous materials incidents.
- h. Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal statute.
- i. Administer and coordinate the state-sponsored hazardous materials regional response teams (Coeur d'Alene, Lewiston, Nampa-Caldwell, Boise, Magic Valley, Idaho Falls-Jefferson County, and Pocatello).
- j. Coordinate federal training opportunities for response to Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) incidents.

W. COMMISSION ON AGING

1. Develop area-wide plans for the following:
 - a. Assessing the needs of the elderly and homebound elderly.
 - b. Coordination of senior services through the Area Agencies on Aging during natural or man-made disasters.
 - c. Providing information/assistance to their clientele and the public.
 - d. Coordination of senior citizen centers for shelter, mass feeding, and rest centers.
 - e. Identification of homebound isolated elderly clients.

Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Homeland Security. The Chief, Bureau of Homeland Security, may assign any new emergency preparedness function to the head of a governmental agency by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him or her by this Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 16th day of July in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-10

ESTABLISHING AN IDAHO MEDICAL HOME COLLABORATIVE TO IMPLEMENT
A PATIENT-CENTERED MEDICAL HOME MODEL OF CARE (COLLABORATIVE)

WHEREAS, in 2008, there were an average of 254.5 active physicians per 100,000 people in the US, ranging from a high of 405.4 in Massachusetts to a low of 174.2 in Mississippi; Idaho ranks 49th with 181.8. (American Association of Medical Colleges); and

WHEREAS, the need for a patient-centered approach to health care has become the focus of health care transformation nationally; and

WHEREAS, the importance of decreasing health care costs and increasing efficiency has become significant to Idaho's economy and the maintenance of a high performing health care system; and

WHEREAS, a process to address the transformation of Idaho's health care system to a Patient-Centered Medical Home model is needed by insurers and health care providers; and

WHEREAS, collaboration among public payers, private health carriers, third-party purchasers, and providers to identify appropriate reimbursement methods to align incentives in support of Patient-Centered Medical Homes is in the best interest of the public; and

WHEREAS, the establishment of this collaborative is in response to Idaho's growing need for more affordable and accessible healthcare as recognized by the Governors Select Committee on Health Care; and

WHEREAS, the Idaho Governors Select Committee on Health Care recommends working with key stakeholders to align the vision and key elements of a Patient-Centered Medical Home; and

WHEREAS, the Governors Health Care Implementation Committee has identified the Patient-Centered Medical Home as a priority; and

WHEREAS, the Idaho Governors Select Committee on Health Care also recommends developing a multi-payer pilot to test the efficacy of the Patient-Centered Medical Home;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of this state do hereby order:

1. The creation of the Idaho Medical Home Collaborative (Collaborative);
2. The Department of Insurance, an agency of the State of Idaho, will actively supervise and oversee the activities of the Collaborative;
3. Members of the Collaborative shall be appointed by and serve at the pleasure of the Governor and include representatives from the

- Health Insurance Payers, Primary Care Provider organizations and individuals;
4. The chair of the Collaborative shall be appointed by the Governor from its members;
 5. The Collaborative shall make recommendations to the Department of Insurance and Governor on guidelines for a Patient-Centered Medical Home model and the following:
 - a. The creation of primary care provider qualifications, standards and eligibility criteria;
 - b. A common definition of a Patient-Centered Medical Home (PCMH);
 - c. Appropriate common payment formulas to providers qualified as a PCMH;
 - d. Establish methods and procedures to engage patients, employers and providers in the successful implementation of the PCMH;
 - e. Guidelines for a model of care coordination and case management to enhance patient and provider involvement, improve health outcomes, and achieve cost savings;
 - f. Formulating procedures to exchange data between payers, payers and providers and multiple providers by utilizing electronic means and create reports to evaluate quality, cost and utilization;
 - g. Establishing cost measures for practices serving as a Patient-Centered Medical Home; and
 - h. Determining quality metrics for monitoring and reporting evidence-based patterns, improved outcomes and quality improvements.
 6. The Collaborative shall report its progress, through the Department of Insurance to the Governor quarterly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 3rd day of September in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER
GOVERNOR

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-11

REVIEWING THE PREPARATION AND
ADMINISTRATION OF IDAHO'S PLAN UNDER THE
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601 ("JJJPA"), is required to designate a state agency to supervise and administer Idaho's plan under the JJJPA and to establish a state juvenile justice advisory group; and

WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based

on principles of accountability, community protection, and competency development; and

WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDPa was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department; and

WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDPa, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and

WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5 of the Idaho Constitution and Section 67-802, Idaho Code, do hereby order that:

1. The composition of membership of the Commission shall be in conformity with the JJDPa. The chairman, vice-chairman, and members of the Commission shall be appointed by, and serve at the pleasure of the Governor. Members shall serve a term of three years, except for the youth members who shall serve a term of one year. The chairman and vice-chairman shall serve in such capacities for three years.
2. The Commission shall perform the following functions:
 - a. Advise the Department on juvenile justice and delinquency prevention issues;
 - b. Participate in the development and review of Idaho's plan under the JJDPa;
 - c. Be afforded an opportunity to review and comment on all grant applications under the JJDPa submitted by the Department;
 - d. Ensure compliance with the core protections of the JJDPa by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;
 - e. Perform such other duties that the JJDPa requires to be performed by the advisory group referenced in Title 42, Section 5633(a)(3), United States Code;
 - f. Perform such other duties that the JJDPa requires to be performed by the supervisory board referenced in Title 42, Section 5671(c)(1), United States Code, and Title 28, Section 31.102(b), Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and
 - g. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDPa submitted to the Department.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 4th day of October in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-12

ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-35

WHEREAS, Idaho is consistently among the states with the highest suicide rates. In 2007 Idaho had the 11th highest suicide rate, 28% higher than the national average; and

WHEREAS, Idaho's suicide rate is consistently higher than that of the United States as a whole; and

WHEREAS, Suicide is the 2nd leading cause of death for Idahoans age 15-34 and for males age 10-14; and

WHEREAS, In 2009, 307 people completed suicide in Idaho; a 22% increase over 2008, and a 40% increase over 2007; and

WHEREAS, suicide is particularly devastating in the rural and frontier areas of Idaho where one suicide significantly impacts entire small communities for years, even generations; and

WHEREAS, suicide attempts cost Idaho \$36 million annually; and

WHEREAS, suicide completion in Idaho cost \$861,431 annually in medical care.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby establish the Idaho Council on Suicide Prevention.

I. The Council's responsibilities shall be:

- A. To oversee the implementation of the Idaho Suicide Prevention Plan;
- B. To ensure the continued relevance of the Plan by evaluating implementation progress reports and developing changes and new priorities to update the Plan;
- C. To be a proponent for suicide prevention in Idaho;
- D. To prepare an annual report on Plan implementation for the Governor and Legislature.

II. The Governor shall appoint all members of the Council. The Council shall include representatives from:

- A. a representative from the Office of the Governor
- B. representatives from the Idaho State Legislature
- C. a representative from the Department of Health and Welfare
- D. a representative from the Department of Education or School Districts
- E. a representative from juvenile justice
- F. a representative adult corrections
- G. a representative from SPAN Idaho

- H. a mental health professional
- I. a representative for The National Alliance for the Mentally Ill or other mental health advocacy group
- J. Suicide survivors
- K. a representative from the Idaho Tribes
- L. a youth representative
- M. a representative from the Commission on Aging or aging services
- N. a military member, veteran or a representative from Veterans Affairs
- O. other members actively engaged in suicide prevention and awareness activities.

III. Council members shall:

- A. Serve for a term of three (3) years.
- B. The Governor shall appoint the Chair of the Council.
- C. The Council shall meet in person annually.
- D. The Council shall not exceed eighteen (18) members.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of September in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER
GOVERNOR

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-13

GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-30

WHEREAS, Idaho's children are her most valuable and most vulnerable resource; and

WHEREAS, crimes of abuse and neglect can psychologically and physically harm innocent children for life, depriving them of their right to live happy and productive lives; and

WHEREAS, abuse and neglect of children have been recognized to be multi-generational problems; and

WHEREAS, thousands of incidents of child abuse and neglect occur each year in Idaho; and

WHEREAS, the system that responds to reports of child abuse and neglect requires more effective and efficient statewide coordination and consistent monitoring in order to better protect children; and

WHEREAS, in order to protect all children, those who commit crimes against children need to be held accountable for their actions; and

WHEREAS, the child victims of abuse, neglect, and domestic violence must receive immediate and adequate protection from continued maltreatment; and

WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and

WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuance of the Governor's Task Force on Children at Risk.

The Task Force's responsibilities are:

1. To review existing systems and procedures and encourage improvements in the investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse to limit the trauma to the child victim;
2. To evaluate, propose, and encourage cooperation between persons and agencies involved in cases of child abuse and domestic violence evaluations;
3. To investigate and recommend optimum models of prevention, evaluation and treatment of victims and offenders;
4. To establish procedures for the review of child fatalities and substantial or severe injuries where the circumstances of the death or injury suggest the possibility of child abuse; and
5. To study, propose and encourage means to establish a highly professional, stable work force devoted to working with child abuse cases and issues.

The Task Force shall be composed of between 12 and 18 members appointed by the Governor. The membership shall include, but will not be limited to, the following with consideration of geographical representation:

Law Enforcement Community
 Criminal Court Judge
 Civil Court Judge
 Prosecuting Attorney
 Defense Attorney
 Child Advocate Attorney for Children
 Court Appointed Special Advocate Representative (where such programs operate)
 Health Professional
 Mental Health Professional
 Child Protective Service Agency
 Individual experience in working with children with disabilities
 Parent Group Representative
 Education Representative
 Juvenile Justice Representative

The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Reappointment is at the discretion of the Governor with a recommendation from the chair. Members of the Task Force shall elect their chair from among their members.

The Department of Health and Welfare shall be the lead agency, providing support for the Task Force, and shall monitor contracts for staff to carry out the activities directed by the Task Force, as funding is available.

This Executive Order repeals and replaces Executive Order No. 2006-30.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 18th day of November in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-14

THE IDAHO INVASIVE SPECIES COUNCIL

WHEREAS, the land, water and other resources of Idaho are being severely impacted or threatened by the invasion of an increasing number of harmful, nonnative plant and animal species; and

WHEREAS, these impacts and potential infestations result in damage to Idaho's environment and causing economic hardships to public, private and tribal owners; and

WHEREAS, representatives of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species to need a mechanism for cooperation, collaboration and development of statewide plans to this threat; and

WHEREAS, the Idaho Invasive Species Council serves as a mechanism for cooperation, collaboration and development of policy recommendations for statewide plans; and

WHEREAS, multiple agencies, authorities and information sources are used to implement a wide variety of invasive species management programs; and

WHEREAS, a need exists to build upon the strength of existing invasive species programs, to improve areas that are weaker and integrate efforts into an efficient unified state response to the threat of invasive species; and

WHEREAS, noxious weed and invasive species programs have similar program objectives, resources and technical requirements that encourage them to be managed and implemented within the same organizational structure in order to maximize efficiency and effectiveness of limited funding;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho do hereby order the following:

The continuation of the Idaho Invasive Species Council (the Council) as a joint effort between local, tribal, state, and federal governments, as well as profit and not-for-profit private entities. The purpose of the Council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species.

A. The Council's responsibilities shall be:

1. To provide policy level recommendations and planning assistance for combating harmful invasive species infestations throughout the state and preventing the introduction of others that may be potentially harmful;
2. To serve as a nonpartisan forum for identifying and understanding invasive species issues;
3. To recommend steps for implementing actions proposed in the Strategic Action Plan for Invasive Species;
4. To take measures that will encourage control and prevention of harmful non-native species;
5. To organize and streamline the process for identifying and controlling invasive species among all stakeholders;
6. To consider ways to halt the spread of invasive species as well as finding possible ways to bring current problems under control;
7. To consider merging the Strategic Action Plan for Invasive Species, the Strategic Plan for Controlling Noxious and Invasive Weeds and other plans and strategies that guide the implementation of efforts pertaining to noxious weeds and invasive species.

B. Membership shall include a representative from the Office of the Governor and the directors of the following State entities:

1. Department of Agriculture;
2. Department of Environmental Quality;
3. Department of Parks and Recreation;
4. Department of Fish and Game;
5. Department of Lands;
6. Department of Water Resources;
7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Welfare;
10. Idaho Transportation Department;
11. Office of Species Conservation.

C. Representatives and members of federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the well being of Idaho pertaining to invasive species shall be invited to participate by the director of the Department of Agriculture.

D. Additional Members may be added by consensus of the Council.

E. The Council shall meet no less than twice annually. The chairman of the council shall be the director of the Idaho Department of Agriculture or his/her representative.

F. The Council shall submit a report of its activities to the Governor and the Legislature annually.



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 13th day of December in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2010-15

ESTABLISHING THE GOVERNORS IDAHO HEALTH CARE COUNCIL
REPEALING AND REPLACING EXECUTIVE ORDERS 2007-13 AND 2009-17

WHEREAS, the Governor's Select Committee on Health Care identified and addressed health care issues facing Idaho; and

WHEREAS, the Governor's Health Policy Implementation Committee provided leadership and accountability in furthering the main priorities identified by the Select Committee; and

WHEREAS, it is in the State's best interest to carry forward and add to the previously completed work; and

WHEREAS, the State has a continued interest in implementing workable, realistic solutions to health care issues, with the objective of increasing health care options for all Idahoans; and

WHEREAS, the Patient Protection and Affordable Care Act imposes certain statutory requirements on states regarding the implementation of major aspects of health care reform; and

WHEREAS, state decision-making is required for provisions of health care affecting Medicaid, an insurance exchange, insurance market reforms and delivery system improvements; and

WHEREAS, in order to effectively address health care delivery, the State of Idaho must prepare and develop a plan, coordinating the various state agencies that will be responsible for certain reforms and accountable for the expenditure of federal and state funds;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby:

1. Create the Idaho Health Care Council (Council);
2. The purpose of the Council shall be to effectuate the implementation of State health care initiatives.
3. The council shall:
 - a. Develop a coordinated effort for implementing health care initiatives that builds on Idaho's existing programs;
 - b. Identify short and long range opportunities and issues created by the enactment of health care reform;

- c. Identify structures and processes needed by state agencies to orchestrate implementation, including those to appropriately assist the private health care sector in its implementation efforts;
 - d. Develop specific action steps, timelines and assignment of lead responsibility;
 - e. Identify available funding sources, including federal grants and existing state resources, as well as potential gaps in funding;
 - f. Address issues of fraud and waste in the current health care system, ensuring that proper penalties are enacted for abuse of public funds;
 - g. Recommend executive action or legislation needed to effectively address health care implementation;
 - h. Review and address the federal establishment of new rules, regulations or mechanisms for health care implementation;
 - i. Develop a communication system for stakeholders, the public and state agencies to ensure all parties are informed of ongoing activities and changes; and
 - j. Present to the Governor and the Legislative Health Care Task Force bi-annual reports on the progress of the State's coordination of health care initiatives;
4. Members of the Council shall be appointed by and serve at the pleasure of the Governor;
 5. Members of the Executive Leadership Team shall be appointed by the Governor and shall provide quarterly updates to the Governor regarding recommendations for policy changes to the State's health care system;
 6. The chair or co-chairs of the Council shall be appointed by and serve at the pleasure of the Governor;
 7. The Council shall convene as necessary and at the direction of the chair or co-chairs.
 8. The Council may establish workgroups, subcommittees or other structures from within its membership or outside its membership as needed to address specific issues or to assist in its work;
 9. The Department of Health and Welfare shall have the power to accept money and in-kind contributions from private entities and persons to the extent such donations are necessary to cover the Council's expenses. Assuming necessary resources are secured, the Department of Health and Welfare may contract any needed staff to facilitate the work. Any money contributed to the Council shall be directed to the Department of Health and Welfare and deposited with the Treasurer of the State of Idaho in an account within the Department of Health and Welfare.
 10. Council members will serve without compensation.
 11. The Governor shall appoint members of the Council consisting of assigned workgroup participants and an Executive Leadership Team. Workgroups are not mutually exclusive.

12. Council members shall include:

A. Executive Leadership Team

Department of Health and Welfare, Director
 Division of Medicaid, Administrator
 Department of Insurance, Director
 Two Health Care Representatives
 Office of the Governor Representative

B. Stakeholder Workgroups

1. Health Care Delivery

Department of Health and Welfare, Director (Chair)
 Medicaid Representative
 Idaho Hospital Association Representative
 Idaho Medical Association Representative
 Idaho Primary Care Association Representative
 Office of Drug Policy or Behavioral Health, Director
 Idaho Health Professions Council Representative
 Health Districts' Representative
 Health Quality Planning Commission Representative
 Rural Health Care Representative
 Medical Residency Representative
 A member of the House, appointed by the Speaker of the House.
 A member of the Senate, appointed by the President Pro Tempore.

2. Health Information Technology

Health Care Representative (Chair)
 Medicaid Representative
 Idaho Health Data Exchange Representative
 Regional Extension Center Representative
 Beacon Grants Representative
 Broadband Data and Development Representative
 Health IT Workforce Development Representative
 Immunization Information Systems Electric Health Records
 Representative

3. Health Insurance Accessibility and Affordability

Dept. of Insurance, Director (Chair)
 Department of Health and Welfare Eligibility Representative

BlueCross of Idaho Representative
 Regence Blue Shield Representative
 Pacific Source Representative
 Citizen/Insurance producer
 Small Business Representative
 Medicaid Representative
 Association of Counties Representative
 A member of the House, appointed by the Speaker of the House
 A member of the Senate, appointed by the President Pro Tempore



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 14th day of December in the year of our Lord 2010, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
 SECRETARY OF STATE

EXECUTIVE ORDER NO. 2011-01

ESTABLISHING THE BEHAVIORAL HEALTH INTERAGENCY COOPERATIVE

WHEREAS, the Behavioral Health Transformation Work Group established by Executive Order 2010-01 was tasked to develop a plan for a coordinated, efficient state behavioral health infrastructure with clear responsibilities, leadership authority and accountability;

WHEREAS, the Behavioral Health Transformation Work Group has worked diligently to develop an integrated structure and coordinated delivery system;

WHEREAS, the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) codified in section 39-303 Idaho State Code is set to sunset on June 30, 2011;

WHEREAS, ICSA has made progress in bringing about open communication between stakeholders and providers resulting in meaningful reform of the state's substance use disorders system and this effort should continue; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of this State, do hereby create the Behavioral Health Interagency Cooperative (Cooperative).

1. Members of the Cooperative shall be appointed by and serve at the pleasure of the Governor.
2. The Chair of the Cooperative shall be appointed by and serve at the pleasure of the Governor.

3. The members of the Cooperative shall include, but are not limited to:
 - a. Director, Department of Health and Welfare;
 - b. Administrator, Office of Drug Policy;
 - c. Director, Department of Correction;
 - d. Director, Department of Juvenile Corrections; and
 - e. One representative from the State Mental Health Planning Council.
4. The following representatives from other levels and branches of government shall be invited by the Governor to participate on the Council:
 - a. Administrator of the Idaho Courts;
 - b. Superintendent of Public Instruction; and
 - c. One representative of the counties;
5. The Cooperative shall:
 - a. Work in close coordination with local and state government, the judiciary, and specifically with the Idaho Health Care Council, the Office of the Governor and members of the Senate and House Committees on Health and Welfare;
 - b. Review and confirm recommendations, statewide standards, guidelines, contract templates, core services, and other elements of the behavioral health system as they are developed;
 - c. Provide input on any draft legislation regarding the transformation of the behavioral health system;
 - d. Facilitate transformation efforts as described in the BHTWG Plan for transformation of Idaho's Behavioral health System (October 2010), with consideration for fiscal restrictions in Idaho's budget, current needs of the agencies, and recommendations of the Idaho Health Care Council;
 - e. Be able to establish workgroups, subcommittees or other structures to address specific issues or to assist in its work;
 - f. Produce and present a status report of the Cooperative's efforts to the Office of the Governor on an annual basis beginning on November 1, 2011; and
 - g. Meet as necessary and at the direction of the chair.
6. This executive order shall be effective for two (2) years from the date of signature.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of January in the year of our Lord 2011, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2011-02

ESTABLISHING THE COUNCIL FOR PURCHASES FROM
NON-PROFIT BUSINESSES THAT SERVE PEOPLE WITH DISABILITIES

WHEREAS, it is in the public interest to promote employment opportunities for people with disabilities; and

WHEREAS, the Idaho Code encourages State agencies to the purchase goods and services produced by people with disabilities participating in private and non-private community rehabilitation programs in Idaho;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and the laws of this state do hereby order:

1. The creation of the Council for Purchases from Non-Profit Businesses that Serve People With Disabilities.
2. The Council's responsibilities shall be:
 - a. To promote the purchase by state agencies of goods and services produced by people with disabilities in a rehabilitation program under the auspices of Section 67-2319, Idaho Code;
 - b. To monitor and study the implementation of the purchasing program authorized by section 67-2319;
 - c. To designate a central non-profit organization to coordinate the participation of private and non-private community rehabilitation programs in the state purchasing program and develop procedures for such participation;
 - d. To advise the Division of Purchasing on the operation of this purchasing program;
 - e. To provide an annual report of activities products, services, employment opportunities and other benefits derived from this program to the Governor, Legislature and public by February 1st annually until the expiration of this Executive Order; and
 - f. To encourage transparency, the annual report must include all audit and fiscal information to the Governor, Legislature and public by posting said information on the Idaho Vocational Rehabilitation website.
3. The Governor shall appoint members of the Council. Members shall include representatives from a private, non-profit community rehabilitation program, the Division of Purchasing, the private sector, a labor organization, the Division of Vocational Rehabilitation, a disability advocacy organization, and at least one other State Agency. Each member of the council shall serve at the pleasure of the Governor. Members of the council shall select a chair from among their number.

4. The council shall be supported administratively by the Division of Vocational Rehabilitation.
5. This executive order shall cease to be effective three years from the date of signature.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of April in the year of our Lord 2011, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2011-03

PROHIBITING EXECUTIVE BRANCH DEPARTMENTS, AGENCIES AND INSTITUTIONS OF THE STATE FROM IMPLEMENTING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

WHEREAS, the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat. 119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, 124 Stat. 1029 (2010) (PPACA) was signed into law by the President on March 23, 2010; and

WHEREAS, PPACA represents a dramatic attempt to assert federal command and control over this country's health care system, which accounts for one-sixth of our nation's economy; and

WHEREAS, the power to require or regulate a person's choice in the mode of securing health care services, require employers to provide health insurance coverage to their employees, determine the content of health insurance policies, or limit the construction or expansion of the hospital or medical facilities or to impose a penalty related thereto, is not found in the United States Constitution; and

WHEREAS, I have opposed the overreaching nature of the PPACA and its infringement on Idahoans and the authority of the State under the Tenth Amendment of the United States Constitution; and

WHEREAS, there are serious questions about the wisdom of any further efforts in this state to implement the PPACA after two separate federal courts have overturned it or its provisions as unconstitutional; and

WHEREAS, whether court, congressional or state action ends the PPACA, there will remain a need for homegrown solutions to healthcare issues in Idaho; and

WHEREAS, it is in the State's best interest to retain control over decisions concerning public health initiatives and health care for its citizens regardless of the constitutionality of the PPACA; and

WHEREAS, consistent with my obligation to protect Idaho's sovereign interests and those of its citizens, the boundary between state and federal government must be maintained to prevent an unwise and unsustainable federal takeover of health care in Idaho;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby:

1. Direct every executive branch department, agency and institution of the State as follows:
 - a. No executive branch department, agency, institution or employee of the State shall establish or amend any program or promulgate any rule to implement any provisions of the PPACA;
 - b. No executive branch department, agency, institution or employee of the State shall enter into any agreement or obligation to implement any provisions of the PPACA;
 - c. No executive branch department, agency, institution or employee of the State shall provide assistance or resources of any kind to any agency, public official, employee or agent of the federal government to implement or enforce the PPACA; and
 - d. No executive branch department, agency, institution or employee of the State shall accept or expend federal funds to implement the provisions of the PPACA.
2. Establish the following review and waiver process:
 - a. Any executive branch department, agency, institution or employee of the State seeking a waiver from the prohibitions in section 1 of this executive order shall submit a written request to the Governor justifying the need for such a waiver;
 - b. The written request shall include:
 - i. An explanation of why the action prohibited in section 1 is required, mandated or otherwise desired;
 - ii. Confirmation that the requesting entity reasonably explored and exhausted available options that would have limited or negated the need for the waiver;
 - iii. An explanation of the desired action, detail of the funds that will be expended by fund source, a timetable for implementation and the number of employees who will be hired or involved; and
 - iv. Any additional information requested by the Governor.
 - c. The Governor will review all written requests. He must consent in writing before an executive branch department, agency, institution or employee of the State can undertake any of the actions prohibited in section 1 of this executive order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 20th day of April in the year of our Lord 2011, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

INDEX

CONTENTS

Alphabetical Index of Laws According to Subject Matter	1067
Code Index	1105
Numerical Index of Laws by Bill Number	1137

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

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

ABORTION

Abortion insurance coverage prohibited.....	Ch.152 - 436
Abortion prohibited, fetus after 20 weeks.....	Ch.324 - 945
H&W Dept Medicaid abortion rule rejected.....	HCR023 - 1010

ACCIDENTS

See also EMERGENCIES

Ski patrol, free service, not practice of medicine.....	Ch.301 - 864
Towed vehicle, release to insurer or owner.....	Ch.304 - 870

ACCOUNTING AND ACCOUNTANTS

Catastrophic health care cost program, CPA audit.....	Ch.174 - 495
Local government entity, audits, when.....	Ch. 21 - 59
State lottery drawing, remove accountant witness.....	Ch.141 - 400

ACTS

Criminal Gang Enforcement Act, amend.....	Ch.188 - 538
Fairness in Contracting Act, add.....	Ch. 32 - 75
Health Carrier External Review Act, amend.....	Ch.122 - 333
Hire One Act, add.....	Ch.318 - 925
Intermediate Care Facility Assessment Act, add.....	Ch.164 - 462
Life/Health Insurance Guaranty Assn Act, replace.....	Ch.196 - 558
Manufactured Home Residency Act, add.....	Ch.184 - 522
Medicaid Cost Containment/Health Care Improvement Act..	Ch.164 - 462
Mobile Home Park Landlord-Tenant Act, amend.....	Ch.184 - 522
Open Access to Work Act, add.....	Ch. 31 - 74
Pain-Capable Unborn Child Protection Act, add.....	Ch.324 - 945
Poultry Environmental Act, add.....	Ch.227 - 614
Right to Farm Act, amend.....	Ch.229 - 623
Small Business Federal Funding Assistance Act, add.....	Ch.224 - 611
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36 - 78

ACUPUNCTURE

Trainee permits, certification requirements.....	Ch. 75 - 157
--	--------------

ADMINISTRATION DEPARTMENT

Approp, Capitol Com.....	Ch.257 - 702
--------------------------	--------------

Approp, Public Works Div.....	Ch.250 -	691
Approp, legislative intent.....	Ch.292 -	814
Promotional probationary requirements, service time....	Ch. 98 -	235
ADMINISTRATIVE PROCEDURE ACT		
See also RULES		
Agency rules, approval, exceptions.....	SCR107 -	994
Agency rules, continue in force and effect.....	Ch.268 -	728
Agency temporary rules approved, extended.....	SCR108 -	995
Agriculture Dept, administrative rulemaking process....	Ch.233 -	635
AERONAUTICS		
Aviation foundation, special license plates.....	Ch. 22 -	61
Flight school, registration exemption.....	Ch.159 -	447
State Aeronautics Fund, air flight program costs.....	Ch. 58 -	122
AGING, COMMISSION ON		
Approp.....	Ch.208 -	589
Center and services defined.....	Ch.142 -	402
AGRICULTURE		
Alfalfa/Clover Seed Com, self-governing agency.....	Ch.181 -	513
Animal care, production or companion animals, law.....	Ch.309 -	876
Brand Bd, livestock dealer fees increased.....	Ch. 55 -	118
CAFO site suitability determination, application fee...	Ch.180 -	511
Cooperative marketing assns, activity restrictions.....	Ch.244 -	656
Crop residue burning fee, exception, propane flaming...	Ch. 51 -	115
Dairy nutrient management plan, confidential record....	Ch.232 -	634
Dept director, market news service duty deleted.....	Ch. 95 -	206
Dept, administrative rulemaking process, notice.....	Ch.233 -	635
Dept, approp.....	Ch.160 -	453
Dept, approp, Pest Control Deficiency Fund.....	Ch.119 -	329
Expanded agricultural facility, not a nuisance.....	Ch.229 -	623
Farm equipment suppliers & dealers, agreements, venue..	Ch.270 -	729
Milk components and quality testing, Babcock tests.....	Ch.115 -	314
Organic food certificate, delete education requirement.	Ch. 50 -	114
Pea/Lentil Commissioners, reduce to six.....	Ch. 54 -	117
Poultry Environmental Act, CAFO permits.....	Ch.227 -	614
Proposed land use, compatibility analysis, agriculture.	Ch. 89 -	192
Seed crop payment, when due.....	Ch.173 -	494
Wide loads allowed, farm vehicles, conditions.....	Ch.328 -	962
Year of Idaho Food, eat Idaho-grown food.....	SCR103 -	988
AIR POLLUTION		
See POLLUTION		
AIRPLANES AND AIRCRAFT		
Aviation foundation, special license plates.....	Ch. 22 -	61
Flight school, registration exemption.....	Ch.159 -	447
Hunting with aid of aircraft, when permitted.....	Ch.281 -	762
Motor fuel and petroleum product definitions.....	Ch. 6 -	13
AIRPORTS		
Revenue bonds, airport facilities, lien/security.....	Ch.129 -	358
ALCOHOLIC BEVERAGES		
See LIQUOR		
ANIMALS		
See also WILDLIFE		
Animal care, production or companion animals, law.....	Ch.309 -	876
Brand Bd, livestock dealer fees increased.....	Ch. 55 -	118
Poultry Environmental Act, CAFO permits.....	Ch.227 -	614
Veterinarians from other states, practice restrictions.	Ch. 80 -	168

Wildlife pelt recordkeeping requirements.....	Ch.252 -	695
Wolves, state of emergency disaster, executive orders..	Ch.334 -	975
APPEALS		
Appellate Public Defender, approp.....	Ch.132 -	366
State appellate public defender, appointment.....	Ch. 8 -	20
State appellate public defender, appointment.....	Ch. 67 -	142
Tax Appeals Bd, approp.....	Ch.132 -	366
APPOINTMENTS		
Chiropractic Bd members, serve at pleasure of governor.	Ch.308 -	875
Optometry Bd members, serve at pleasure of governor....	Ch.307 -	874
State appellate public defender, appointment.....	Ch. 67 -	142
State appellate public defender, appointment.....	Ch. 8 -	20
APPRAISALS AND APPRAISERS		
Real estate appraiser continuing education fees.....	Ch. 84 -	175
APPROPRIATIONS		
Administration Dept, Capitol Com.....	Ch.257 -	702
Administration Dept, Public Works Div.....	Ch.250 -	691
Administration Dept, legislative intent.....	Ch.292 -	814
Aging Com.....	Ch.208 -	589
Agriculture Dept.....	Ch.160 -	453
Appellate Public Defender.....	Ch.132 -	366
Arts Com.....	Ch.207 -	589
Attorney General.....	Ch.140 -	399
Blind/Visually Impaired Com.....	Ch.167 -	485
Catastrophic Health Care Program.....	Ch.293 -	818
Commerce Dept.....	Ch.204 -	585
Commerce Dept, Small Business Assistance Fund.....	Ch.273 -	743
Correction Dept.....	Ch.192 -	548
Correction Dept, add'l., substance abuse.....	Ch.297 -	837
DEQ.....	Ch.191 -	545
Disaster Emergency Fund.....	Ch.315 -	908
Drug Policy Office, add'l.....	Ch.297 -	837
Education Bd, Office of.....	Ch.201 -	583
Education Bd, Professional-Technical Education Div.....	Ch.202 -	583
Education Bd, Public Broadcasting System.....	Ch.200 -	582
Education Bd, Vocational Rehabilitation Div.....	Ch.254 -	696
Education Bd, community colleges.....	Ch.217 -	603
Education Bd/Univ of Idaho, colleges/universities.....	Ch.218 -	604
Education Bd/Univ of Idaho, special programs.....	Ch.220 -	606
Education Dept/Sup't of Public Instruction.....	Ch.205 -	586
Education funding, maintenance of effort, federal laws.	Ch.333 -	973
Educational Support Program.....	Ch.332 -	968
Endowment Fund Investment Bd.....	Ch.146 -	410
Energy Resources, Office of.....	Ch.155 -	440
Finance Dept.....	Ch.157 -	442
Fire Suppression Deficiency Fund.....	Ch.119 -	329
Fish and Game Dept.....	Ch.161 -	456
From Millennium Income Fund, tobacco/drug programs....	Ch.316 -	909
General Fund, transfers to.....	Ch.315 -	908
Governor, Executive Office of.....	Ch.286 -	787
Governor, Office of, Drug Policy Office.....	Ch.248 -	689
Governor, Office of, Financial Management Div.....	Ch.216 -	602
Governor, Office of, Human Resources Div.....	Ch.153 -	437
Governor, Office of, Species Conservation Office.....	Ch.156 -	442
Governor, Office of, State Liquor Div.....	Ch.219 -	605

Governor, Office of, approp, Military Div.....	Ch.288	-	790
H&W Dept.....	Ch.298	-	838
Hazardous Substance Emergency Response Fund.....	Ch.119	-	329
Hispanic Affairs Com.....	Ch.206	-	588
Historical Society, Idaho State.....	Ch.168	-	486
Idaho Judicial Council, submit budget request.....	Ch. 13	-	40
Idaho State Lottery.....	Ch.235	-	640
Idaho State Police.....	Ch.231	-	630
Industrial Com.....	Ch.138	-	397
Insurance Dept.....	Ch.262	-	707
Juvenile Corrections Dept.....	Ch.162	-	460
Juvenile Corrections Dept, add'l., substance abuse....	Ch.297	-	837
Labor Dept.....	Ch.240	-	648
Lands Dept.....	Ch.190	-	542
Lava Hot Springs Foundation.....	Ch.147	-	411
Legislative Council.....	Ch.287	-	788
Libraries Com.....	Ch.166	-	484
Lieutenant Governor, Office of.....	Ch.215	-	601
PERSI.....	Ch.139	-	398
Pardons and Parole Com.....	Ch.163	-	461
Parks and Recreation Dept.....	Ch.237	-	642
Parks and Recreation funding from gas tax, restore....	Ch. 68	-	143
Pest Control Deficiency Fund.....	Ch.119	-	329
Police, funding from highway account, restore.....	Ch. 68	-	143
Public Utilities Com.....	Ch.131	-	365
Public health districts.....	Ch.253	-	696
Revenue & Taxation Dept, Tax Appeals Bd.....	Ch.241	-	649
Secretary of State.....	Ch.314	-	908
Secretary of State, add'l.....	Ch.321	-	937
Self-Governing Agencies Dept, Building Safety Div.....	Ch.169	-	487
Self-Governing Agencies Dept, Veterans Services Div....	Ch.289	-	791
Self-Governing Agencies Dept, medical boards.....	Ch.236	-	641
Self-Governing Agencies Dept, regulatory boards.....	Ch.239	-	646
Soil and Water Conservation Com.....	Ch.150	-	413
State Controller.....	Ch.154	-	438
State Independent Living Council.....	Ch.294	-	819
State Treasurer.....	Ch.290	-	792
Supreme Court.....	Ch.251	-	693
Supreme Court, add'l., drug courts.....	Ch.297	-	837
Tax Com.....	Ch.272	-	741
Transportation Dept.....	Ch.234	-	637
University of Idaho, Agricultural Research/Extension..	Ch.203	-	585
Water Resources Dept.....	Ch.238	-	644
ARCHITECTURE AND ARCHITECTS			
Capitol Building architect repealed.....	Ch. 12	-	38
ARMED FORCES			
See MILITARY AND MILITIA			
ARTS			
Com, approp.....	Ch.207	-	589
ASSESSMENTS AND ASSESSORS			
Forest management cost study, frequency, use.....	Ch. 5	-	11
Ground water district assessment liens, priority.....	Ch.325	-	950
Intermediate Care Facility Assessment Act.....	Ch.164	-	462
New construction roll, value reductions, past 5 years..	Ch.175	-	496
Property tax relief process, remove equalization bd....	Ch. 85	-	176

Taxpayer records, exemptions from disclosure.....	Ch.245 -	657
ASSISTED LIVING AND NURSING HOMES		
Duty to support relatives repealed.....	Ch.149 -	412
H&W Dept nursing facility rate setting rule rejected...	HCR013 -	1006
Residential /assisted living advisory council members..	Ch.123 -	346
Residential care facility administrator board members..	Ch. 77 -	162
Residential care facility administrator education.....	Ch. 92 -	201
ASSOCIATIONS		
Community resident assns, manufactured home park.....	Ch.184 -	522
Cooperative marketing assns, activity restrictions.....	Ch.244 -	656
ATTORNEY GENERAL		
Approp.....	Ch.140 -	399
Capitol Mall complex, constitutional officers within...	Ch.303 -	870
ATTORNEYS		
Appellate Public Defender, approp.....	Ch.132 -	366
State appellate public defender, appointment.....	Ch. 8 -	20
State appellate public defender, appointment.....	Ch. 67 -	142
AUCTIONS AND AUCTIONEERS		
License, fee requirement repealed.....	Ch. 56 -	121
AUDITORIUM DISTRICTS		
See DISTRICTS		
AUDITS AND AUDITORS		
Catastrophic health care cost program, CPA audit.....	Ch.174 -	495
Local government entity, audits, when.....	Ch. 21 -	59
AUTOMOBILES		
See MOTOR VEHICLES		
AWARDS		
USS Boise, naval awards, commend.....	SCR109 -	995
BANKS AND FINANCIAL INSTITUTIONS		
Foreclosure process, notice, loan modification, fees...	Ch.323 -	939
BARBERS		
Barber colleges, must teach law and rules.....	Ch.221 -	607
BEER		
See LIQUOR		
BEVERAGES		
Milk components and quality testing, Babcock tests.....	Ch.115 -	314
BIDS		
Contractors, labor unions, prohibited actions.....	Ch. 32 -	75
School construction, cooperative service agency, notice	Ch.189 -	540
BLIND		
Blind/Visually Impaired Com, approp.....	Ch.167 -	485
Deaf & Blind Educational Services, PERSI benefits.....	Ch. 43 -	98
BLOOD DONATIONS AND DONORS		
Blood donations, 16 year olds, parental consent.....	Ch.126 -	352
BOARDS		
Certified Shorthand Reporters Bd rule rejected.....	HCR015 -	1007
Chiropractic Bd members, serve at pleasure of governor.	Ch.308 -	875
HVAC Bd, members, terms, compensation.....	Ch. 20 -	58
Idaho Electrical Bd, member compensation.....	Ch. 23 -	64
Immunization Assessment Bd, duties.....	Ch.121 -	331
Optometry Bd members, serve at pleasure of governor....	Ch.307 -	874
Residential care facility administrator board members..	Ch. 77 -	162
Veterinary Medicine Bd, national exam review deleted...	Ch. 78 -	163
BOATS		
Water skiing, regulation slalom, mirror requirement....	Ch.114 -	313

BONDS

Bond bank authority, deficiency, general funds.....	Ch.214	-	600
GARVEE federal highway bonds authorized, intent.....	Ch.165	-	482
Revenue bonds, airport facilities, lien/security.....	Ch.129	-	358
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
Worker's compensation insurer surety bonds.....	Ch.198	-	580

BOWLING ALLEYS

See ENTERTAINMENT

BOXING

See ENTERTAINMENT

BUDGETS

Budget Stabilization Fund, no general funds transfer...	HCR007	-	1004
Idaho Judicial Council, submit budget request.....	Ch. 13	-	40
School district funding, calculation and use of funds..	Ch.299	-	853
Teacher pay for performance, budget adjustments.....	Ch. 97	-	229
Teacher pay, SB 1110 trailer bill, effective date.....	Ch.296	-	831
Watermaster, oaths, term of service, duties, budgets...	Ch.176	-	498

BUILDING SAFETY DIVISION

Approp.....	Ch.169	-	487
Elevators, temporary certificates, expiration.....	Ch. 24	-	65
HVAC Bd, members, terms, compensation.....	Ch. 20	-	58

BUILDINGS

Building permits, upgrades, no effect, specific hazard.	Ch.228	-	622
Capitol Com duties, architect repealed.....	Ch. 12	-	38
Capitol Mall complex, constitutional officers within...	Ch.303	-	870
School construction, cooperative service agency, notice	Ch.189	-	540

BUSINESS

Small Business Federal Funding Assistance Act.....	Ch.224	-	611
--	--------	---	-----

BUSINESS ENTITIES

Taxable income, pass-through entities, gains/losses....	Ch. 3	-	6
---	-------	---	---

CAMPAIGN FINANCE

See CAMPAIGNS AND CANDIDATES

CAMPAIGNS AND CANDIDATES

Community college trustee elections, finances.....	Ch.145	-	409
County elections, procedures and requirements.....	Ch.285	-	777
Election consolidation laws amended.....	Ch. 11	-	23

CAPITOL

Building architect appointment repealed.....	Ch. 12	-	38
Capitol Mall complex, constitutional officers within...	Ch.303	-	870
Com, approp.....	Ch.257	-	702
Com, meetings, duties amended.....	Ch. 12	-	38
POW/MIA flag, display at government buildings.....	Ch.209	-	590

CATTLE

See LIVESTOCK

CHARITIES

Blood donations, 16 year olds, parental consent.....	Ch.126	-	352
--	--------	---	-----

CHILDREN

Abortion prohibited, fetus after 20 weeks.....	Ch.324	-	945
Blood donations, 16 year olds, parental consent.....	Ch.126	-	352
Child daycare licensing fees, child-staff ratios.....	Ch.274	-	744
Child labor laws, voluntary student employment.....	Ch.199	-	581
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
Child support withholding termination, time and manner.	Ch. 33	-	76
Duty to support relatives repealed.....	Ch.149	-	412

Parental Rights Amendment to the U.S. Constitution.....	HJM001	-	983
Public library internet use policy requirements.....	Ch.260	-	705
School children, immunization record requirements.....	Ch.103	-	266
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
CHIROPRACTORS			
Chiropractic Bd members, serve at pleasure of governor.	Ch.308	-	875
CIGARETTES			
See TOBACCO			
CIRCUIT BREAKER TAX RELIEF			
See TAX AND TAXATION, PROPERTY			
CITIES			
City-based intermodal commerce authority.....	Ch. 37	-	86
Election consolidation laws amended.....	Ch. 11	-	23
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623
Lewiston/Lewis-Clark Valley, secure living place.....	HCR008	-	1004
Local government investment pool authorized.....	Ch.213	-	600
POW/MIA flag, display at government buildings.....	Ch.209	-	590
Planning & zoning com, review applications to be heard.	Ch.279	-	759
Public water system, 30 year loans.....	Ch. 44	-	100
Purchasing procedures, inapplicable, federal schedules.	Ch.320	-	937
Revenue bonds, airport facilities, lien/security.....	Ch.129	-	358
Subdivision plat, costs assessment, collection.....	Ch.120	-	330
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317	-	910
CIVIL ACTIONS			
Canal operation, liable government entity.....	Ch.197	-	578
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
Child support withholding termination, time and manner.	Ch. 33	-	76
Farm equipment suppliers & dealers, agreements, venue..	Ch.270	-	729
Incompetent driver, physician notification, immunity...	Ch.124	-	348
Service upon persons outside state.....	Ch. 26	-	66
Truck permit contests, security, lost damages.....	Ch.277	-	752
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36	-	78
CODES			
Building permits, upgrades, no effect, specific hazard.	Ch.228	-	622
Codifier's corrections in Idaho Code.....	Ch.151	-	414
IRS Code, qualified capital investment definitions.....	Ch.271	-	738
IRS Code, state income tax.....	Ch. 1	-	3
Session Laws, printing contract.....	HCR006	-	1002
COLLECTIONS AND COLLECTION AGENCIES			
See also DEBTORS AND CREDITORS			
Collection of debts owed to courts, Supreme Court.....	Ch. 14	-	42
Property exemption of married person, debtor spouse....	Ch. 86	-	182
COLLEGES AND UNIVERSITIES			
College student's motor vehicle, use tax exemption.....	Ch.278	-	756
Community college trustee elections, finances.....	Ch.145	-	409
Education Bd Office employees, contracts with colleges.	Ch.222	-	609
Education Bd, approp, community colleges.....	Ch.217	-	603
Education Bd/Univ of Idaho, approp, health education...	Ch.249	-	689
Education Bd/Univ of Idaho, approp, special programs...	Ch.220	-	606
Education Bd/Univ of Idaho, approp, universities.....	Ch.218	-	604
Optional retirement program contribution rate.....	Ch.118	-	327
Proprietary schools, director powers, exemptions.....	Ch.159	-	447
Training school for education majors, repealed.....	Ch. 90	-	197
Tuition fees at the University of Idaho.....	Ch. 39	-	94

Univ of Idaho, approp, agricultural research/extension.	Ch.203	-	585
COMMERCE			
Dept, Small Business Federal Funding Assistance Act....	Ch.224	-	611
Dept, approp.....	Ch.204	-	585
Dept, approp, Small Business Assistance Fund.....	Ch.273	-	743
Dept, economic data duties deleted.....	Ch. 99	-	239
COMMISSIONS			
Aging Com, center and services defined.....	Ch.142	-	402
Alfalfa/Clover Seed Com, self-governing agency.....	Ch.181	-	513
Blind/Visually Impaired Com, approp.....	Ch.167	-	485
Capitol Com, meetings, duties amended.....	Ch. 12	-	38
Electronic Recording Com, location, duties.....	Ch.127	-	353
Hispanic Affairs Com, approp.....	Ch.206	-	588
Pea/Lentil Commissioners, reduce to six.....	Ch. 54	-	117
Soil and Water Conservation Com, approp.....	Ch.150	-	413
COMMITTEES			
Energy/environment/technology, interim study comm.....	HCR004	-	1000
Natural Resources, legislative interim comm.....	HCR003	-	999
COMMODITIES			
Agriculture Dept, market news service duty deleted.....	Ch. 95	-	206
Alfalfa/Clover Seed Com, self-governing agency.....	Ch.181	-	513
Cooperative marketing assns, activity restrictions.....	Ch.244	-	656
Milk components and quality testing, Babcock tests.....	Ch.115	-	314
Pea/Lentil Commissioners, reduce to six.....	Ch. 54	-	117
COMMUNICATIONS			
See TELECOMMUNICATIONS			
COMPACTS			
See MULTISTATE COMPACTS AND AGREEMENTS			
COMPUTERS			
See ELECTRONIC TECHNOLOGY			
CONFLICTS OF INTEREST			
See ETHICS			
CONSERVATION			
Soil and Water Conservation Com, approp.....	Ch.150	-	413
Species Conservation Office, approp.....	Ch.156	-	442
CONSERVATORS			
See GUARDIANS AND CONSERVATORS			
CONSTITUTIONAL AMENDMENTS			
U.S. Constitution, Parental Rights Amendment.....	HJM001	-	983
CONSTRUCTION			
Adjutant General duties, facilities and operations.....	Ch. 53	-	117
Building permits, upgrades, no effect, specific hazard.	Ch.228	-	622
Contractors, labor unions, prohibited actions.....	Ch. 32	-	75
Government contracts, no wage or union requirements....	Ch. 31	-	74
School construction, cooperative service agency, notice	Ch.189	-	540
CONSUMERS			
Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
CONTRACTORS			
Contractors, labor unions, prohibited actions.....	Ch. 32	-	75
Government contracts, no wage or union requirements....	Ch. 31	-	74
School construction, cooperative service agency, notice	Ch.189	-	540
CONTRACTS			
Farm equipment suppliers & dealers, agreements, venue..	Ch.270	-	729
Public water system, 30 year loans.....	Ch. 44	-	100
School district - union records kept at school office..	Ch. 40	-	95

Session Laws, printing contract.....	HCR006	-	1002
Vehicle dealer - distributor agreements, restrictions..	Ch.327	-	951
Wills/trusts, estate tax, construction of terms.....	Ch.305	-	871
CONTRIBUTIONS			
Blood donations, 16 year olds, parental consent.....	Ch.126	-	352
CONTROLLED SUBSTANCES			
Cathinone, false "bath salts", Schedule I.....	Ch. 46	-	105
Drug violations, Idaho military, jurisdiction.....	Ch. 52	-	116
Office of Drug Policy, approp.....	Ch.248	-	689
Pharmaceutical, limited service outlets, licensure.....	Ch.135	-	375
Prescriptions, content/format, comply with federal law.	Ch.133	-	367
Prospective drug review and counseling.....	Ch.263	-	708
Schedules I and II drugs revised.....	Ch.134	-	368
Tetrahydrocannabinols, Schedule I drug.....	Ch. 47	-	109
Wholesale drug distribution, veterinary pharmacy.....	Ch.144	-	405
CONTROLLER, STATE			
Approp.....	Ch.154	-	438
Bond bank authority, deficiency, general funds.....	Ch.214	-	600
Capitol Mall complex, constitutional officers within...	Ch.303	-	870
State social security administrator, records duties....	Ch.283	-	766
CORPORATIONS			
Unclaimed property, stock/shares, considered abandoned.	Ch.137	-	395
Unemployment coverage of corporate officer, when.....	Ch. 82	-	173
CORRECTIONS			
Bd employees, powers of peace officers, when.....	Ch. 28	-	70
Dept, approp.....	Ch.192	-	548
Dept, approp, add'l., substance abuse.....	Ch.297	-	837
Dept, deputy administrators definition revised.....	Ch. 30	-	72
Juvenile Corrections Dept, approp.....	Ch.162	-	460
Juvenile Corrections Dept, approp, add'l.....	Ch.297	-	837
Juvenile delinquent, competency examination.....	Ch.178	-	505
Juvenile detention center populations, standards.....	Ch. 7	-	19
Misdemeanor probation services, employee, contract.....	Ch.128	-	354
Prisoners in labor, least restrictive restraints.....	Ch.223	-	610
Probationer/parolee costs, increase contribution.....	Ch. 73	-	155
Rehabilitative research-based services authorized.....	Ch. 29	-	71
Sex offender registration laws amended.....	Ch.311	-	881
COSMETOLOGY			
Cosmetology licensee disciplinary actions, grounds.....	Ch. 83	-	175
Instructor trainees, licensed instructor on premises...	Ch. 91	-	197
COUNCILS			
Certified family home advisory council members.....	Ch.123	-	346
Idaho Judicial Council, submit budget request.....	Ch. 13	-	40
Residential/assisted living advisory council members...	Ch.123	-	346
State Independent Living Council, approp.....	Ch.294	-	819
COUNTIES			
Bonneville County, centennial anniversary celebration..	HCR002	-	997
CAFO site suitability determination, application fee...	Ch.180	-	511
Catastrophic health care cost program, CPA audit.....	Ch.174	-	495
Clearwater County, centennial anniversary.....	SCR104	-	989
Counties with federal lands, extend federal funding to.	SJM101	-	981
County medical assistance, utilization management.....	Ch.291	-	793
Election consolidation laws amended.....	Ch. 11	-	23
Electronic Recording Com, location, duties.....	Ch.127	-	353
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623

Highway use, authority to regulate for safety.....	Ch.282	-	765
Lewis County, centennial anniversary.....	SCR106	-	993
Local government investment pool authorized.....	Ch.213	-	600
Misdemeanor probation services, employee, contract.....	Ch.128	-	354
POW/MIA flag, display at government buildings.....	Ch.209	-	590
Pari-mutuel betting, simulcast horse races.....	Ch.276	-	749
Planning & zoning com, review applications to be heard.	Ch.279	-	759
Property tax relief process, remove equalization bd....	Ch. 85	-	176
Proposed land use, compatibility analysis, agriculture.	Ch. 89	-	192
Purchasing procedures, inapplicable, federal schedules.	Ch.320	-	937
Subdivision plat, costs assessment, collection.....	Ch.120	-	330
Taxpayer records, exemptions from disclosure.....	Ch.245	-	657
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317	-	910

COURTS

Administrative Director, reports per fiscal year.....	Ch. 25	-	66
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
Child support withholding termination, time and manner.	Ch. 33	-	76
Drug court, participants connected with violent crime..	Ch.186	-	536
Drug violations, Idaho military, jurisdiction.....	Ch. 52	-	116
Drunk drivers, participants in problem-solving courts..	Ch.265	-	710
Idaho Judicial Council, submit budget request.....	Ch. 13	-	40
Juvenile delinquent, competency examination.....	Ch.178	-	505
POW/MIA flag, display at government buildings.....	Ch.209	-	590
Presentence investigation costs, defendant pays.....	Ch. 74	-	156
Probation violations not found, amend judgment.....	Ch.187	-	537
Service upon persons outside state.....	Ch. 26	-	66
State Law Librarian, distribution of Idaho Reports.....	Ch. 34	-	77
State appellate public defender, appointment.....	Ch. 67	-	142
State appellate public defender, appointment.....	Ch. 8	-	20
Supreme Court, approp.....	Ch.251	-	693
Supreme Court, approp, add'l., drug courts.....	Ch.297	-	837
Supreme, collection of debts owed to courts.....	Ch. 14	-	42
Truck permit contests, security, lost damages.....	Ch.277	-	752
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36	-	78
Wills/trusts, estate tax, construction of terms.....	Ch.305	-	871

CREDIT AND CREDITORS

See DEBTORS AND CREDITORS

CRIMINAL OFFENSES & PROCEDURES

Assault upon certain personnel, enhanced penalties.....	Ch. 9	-	20
Assisted suicide, felony, injunctive relief.....	Ch.194	-	555
Contractors, labor unions, prohibited actions.....	Ch. 32	-	75
DNA sample taken of felony offenders.....	Ch.211	-	593
DUI test refusal, delete license seizure.....	Ch. 15	-	43
Driving without privileges, penalties amended.....	Ch.105	-	269
Drug court, participants connected with violent crime..	Ch.186	-	536
Drug violations, Idaho military, jurisdiction.....	Ch. 52	-	116
Drunk drivers, participants in problem-solving courts..	Ch.265	-	710
Gang activity, qualifying criminal acts.....	Ch.188	-	538
H&W Dept criminal background checks rule rejected.....	HCR014	-	1006
HIV testing of sex offense defendants.....	Ch. 70	-	148
Misdemeanor probation services, employee, contract.....	Ch.128	-	354
Probation violations not found, amend judgment.....	Ch.187	-	537
Probationer/parolee costs, increase contribution.....	Ch. 73	-	155
Rape, mistaken identity as to partner, intent.....	Ch. 27	-	67

Sex offender registration laws amended.....	Ch.311	-	881
Sex offenders, presence on school grounds by permission	Ch.266	-	725
Social security number misuse, public benefits, felony.	Ch.280	-	760
CROPS			
See AGRICULTURE			
DAYCARE			
Child daycare licensing fees, child-staff ratios.....	Ch.274	-	744
DAYS			
See HOLIDAYS AND DAYS			
DEAF			
Deaf & Blind Educational Services, PERSI benefits.....	Ch. 43	-	98
Hearing aid dealer, license requirements.....	Ch. 76	-	161
DEATH			
Assisted suicide, felony, injunctive relief.....	Ch.194	-	555
Authority over decedent's email/web sites/bloggng.....	Ch. 69	-	144
Health care professionals, conscience, living will.....	Ch.225	-	612
Renouncing inheritance rights, time frame.....	Ch.106	-	271
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
DEBTORS AND CREDITORS			
Abandoned manufactured home, sale by landlord.....	Ch.184	-	522
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
Child support withholding termination, time and manner.	Ch. 33	-	76
Collection of debts owed to courts, Supreme Court.....	Ch. 14	-	42
Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
Hospital dist, debt without elections.....	Ch.185	-	534
Property exemption of married person, debtor spouse....	Ch. 86	-	182
Revenue bonds, airport facilities, lien/security.....	Ch.129	-	358
DENTISTRY AND DENTISTS			
Pharmacists, prescriptions, fluoride, immunizations....	Ch.264	-	709
DENTURISTS			
See PROFESSIONS			
DISABLED			
Developmentally disabled, Idaho State School/Hospital..	Ch.101	-	256
Disabled American veteran, hunting license, tag.....	Ch. 88	-	183
Email/web sites/bloggng, authority over.....	Ch. 69	-	144
Incompetent driver, physician notification, immunity...	Ch.124	-	348
Intermediate Care Facility Assessment Act.....	Ch.164	-	462
PERSI, effect of military disability/death.....	Ch.100	-	240
People with intellectual disabilities, terminology.....	Ch.148	-	412
SW Idaho Treatment Center, former School/Hospital.....	Ch.102	-	260
State Independent Living Council, approp.....	Ch.294	-	819
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36	-	78
DISASTERS			
Disaster Emergency Fund, approp.....	Ch.315	-	908
Wolves, state of emergency disaster, executive orders..	Ch.334	-	975
DISEASES			
HIV testing of sex offense defendants.....	Ch. 70	-	148
Renal disease program, transfer to H&W Dept.....	Ch.254	-	696
DISTRICTS			
City-based intermodal commerce authority.....	Ch. 37	-	86
Community college trustee elections, finances.....	Ch.145	-	409
Discontinuing school, procedures, exceptions.....	Ch.125	-	351
Drainage districts, consolidation procedure.....	Ch.256	-	700
Election consolidation laws amended.....	Ch. 11	-	23

Expanded agricultural facility, not a nuisance.....	Ch.229 -	623
Fire, levy resolution, equalization bd copy deleted....	Ch. 19 -	57
Ground water district assessment liens, priority.....	Ch.325 -	950
Highways, authority to regulate for safety.....	Ch.282 -	765
Hospital, creating debt without elections.....	Ch.185 -	534
Local government investment pool authorized.....	Ch.213 -	600
Public health districts, approp.....	Ch.253 -	696
Public library internet use policy requirements.....	Ch.260 -	705
Purchasing procedures, inapplicable, federal schedules.	Ch.320 -	937
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317 -	910
Watermaster, oaths, term of service, duties, budgets...	Ch.176 -	498
DIVORCE		
See DOMESTIC RELATIONS		
DNA		
See SCIENCE AND TECHNOLOGY		
DOCTORS		
See PHYSICIANS AND SURGEONS		
DOGS		
See ANIMALS		
DOMESTIC RELATIONS		
Child support judgments, corrected effective date.....	Ch.331 -	968
Child support judgments, renewal, duration.....	Ch.104 -	267
Duty to support relatives repealed.....	Ch.149 -	412
Property exemption of married person, debtor spouse....	Ch. 86 -	182
Rape, mistaken identity as to partner, intent.....	Ch. 27 -	67
DOMESTIC VIOLENCE		
H&W Dept Domestic Violence Council rule rejected.....	HCR022 -	1010
DRINKS		
See BEVERAGES		
DRIVERS		
DUI test refusal, delete license seizure.....	Ch. 15 -	43
Driving without privileges, penalties amended.....	Ch.105 -	269
Drunk drivers, participants in problem-solving courts..	Ch.265 -	710
Forest roads, unlicensed ATV drivers, safety course....	Ch.330 -	966
Incompetent driver, physician notification, immunity...	Ch.124 -	348
License plate, special, aviation foundation.....	Ch. 22 -	61
License plates, special, veterans, Afghanistan/Iraq....	Ch. 66 -	141
Passing emergency vehicles, duty to change lanes.....	Ch. 17 -	54
ECONOMIC DEVELOPMENT		
City-based intermodal commerce authority.....	Ch. 37 -	86
Economic data duties by Commerce Dept deleted.....	Ch. 99 -	239
New capital investments defined, income tax exemption..	Ch. 10 -	22
New employee hires, tax credit, conditions.....	Ch.318 -	925
Small Business Federal Funding Assistance Act.....	Ch.224 -	611
EDUCATION		
Barber colleges, must teach law and rules.....	Ch.221 -	607
Bd office employees, contract with a college.....	Ch.222 -	609
Bd, approp.....	Ch.201 -	583
Bd, approp, Professional-Technical Education Div.....	Ch.202 -	583
Bd, approp, Public Broadcasting System.....	Ch.200 -	582
Bd, approp, Vocational Rehabilitation Div.....	Ch.254 -	696
Bd, approp, community colleges.....	Ch.217 -	603
Bd, optional retirement program contribution rate.....	Ch.118 -	327
Bd, regulation of sick leave proof of illness deleted..	Ch. 49 -	114
Bd/Univ of Idaho, approp, special programs.....	Ch.220 -	606

Bd/Univ. of Idaho, approp, colleges & universities.....	Ch.218	-	604
Bd/Univ. of Idaho, approp, health education.....	Ch.249	-	689
Charter school closure, money follows students.....	Ch.310	-	878
Community college trustee elections, finances.....	Ch.145	-	409
Cosmetology instructor trainee, licensed instructor....	Ch. 91	-	197
Deaf & Blind Educational Services, PERSI benefits.....	Ch. 43	-	98
Dept/Sup't of Public Instruction, approp.....	Ch.205	-	586
Discontinuing school, procedures, exceptions.....	Ch.125	-	351
Education funding, approp to meet federal conditions...	Ch.333	-	973
Educational Support Program, approp.....	Ch.332	-	968
Mastery advancement pilot program requirements.....	Ch. 81	-	171
Military school, youth challenge program created.....	Ch.322	-	938
Organic food certificate, delete education requirement.	Ch. 50	-	114
Proprietary schools, director powers, exemptions.....	Ch.159	-	447
Public school funding, technology, amend SB 1184.....	Ch.300	-	856
Public school funding, technology, teacher training....	Ch.247	-	668
Public schools, SB 1108 trailer bill, effective date...	Ch.295	-	820
Public schools, teacher contract, SB 1108 trailer bill.	Ch.335	-	978
Public schools, teacher contracts, pay, unions.....	Ch. 96	-	208
Real estate appraiser continuing education fees.....	Ch. 84	-	175
School district - union records kept at school office..	Ch. 40	-	95
School district funding, calculation and use of funds..	Ch.299	-	853
Superintendent of Public Instruction, Capitol mall.....	Ch.303	-	870
Teacher misconduct/past performance, records release...	Ch.246	-	662
Teacher pay for performance, budget adjustments.....	Ch. 97	-	229
Teacher pay, SB 1110 trailer bill, effective date.....	Ch.296	-	831
Training school for education majors, repealed.....	Ch. 90	-	197
Tuition fees at the University of Idaho.....	Ch. 39	-	94

ELDERLY

See SENIOR CITIZENS

ELECTIONS

Community college trustee elections, finances.....	Ch.145	-	409
County elections, procedures and requirements.....	Ch.285	-	777
Discontinuing school, procedures, exceptions.....	Ch.125	-	351
Election consolidation laws amended.....	Ch. 11	-	23
Hospital dist, debt without elections.....	Ch.185	-	534
Primaries, eligibility to vote, unaffiliated voters....	Ch.319	-	929

ELECTRICITY AND ELECTRICIANS

Idaho Electrical Bd, member compensation.....	Ch. 23	-	64
Registration renewals, requirements, rules.....	Ch. 16	-	52

ELECTRONIC TECHNOLOGY

Agriculture Dept, market news service duty deleted....	Ch. 95	-	206
Beer/wine sales, electronic funds transfers okay.....	Ch.255	-	699
Email/blogging accounts, conservators/representatives..	Ch. 69	-	144
Public library internet use policy requirements.....	Ch.260	-	705
Water Resources Dept web site, application notices.....	Ch.170	-	488

ELEVATORS AND ESCALATORS

Elevators, temporary certificates, expiration.....	Ch. 24	-	65
--	--------	---	----

ELK (DOMESTIC CERVIDAE)

See ANIMALS

EMERGENCIES

Emergency services dispatcher, assault on, penalties...	Ch. 9	-	20
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54
Ski patrol, free service, not practice of medicine....	Ch.301	-	864
Wolves, state of emergency disaster, executive orders..	Ch.334	-	975

EMERGENCY MEDICAL TECHNICIANSSee **EMERGENCIES****EMPLOYERS AND EMPLOYEES**See also **LABOR**

Canal operation, liable government entity.....	Ch.197	-	578
Child labor laws, voluntary student employment.....	Ch.199	-	581
Contractors, labor unions, prohibited actions.....	Ch. 32	-	75
Education Bd Office employees, contracts with colleges.	Ch.222	-	609
Employer tax wage rate, disregard military activation..	Ch. 94	-	202
Employer training tax extended.....	Ch. 65	-	139
Government contracts, no wage or union requirements....	Ch. 31	-	74
Health carrier external review, voluntary participants.	Ch.258	-	703
Human Resources Div rule, service time, promotion.....	Ch. 98	-	235
Industrial administration fund, surety payments.....	Ch.267	-	727
New employee hires, tax credit, conditions.....	Ch.318	-	925
Professional employer, wage reports, penalty.....	Ch.117	-	325
School district sick leave regulation, Education Bd out	Ch. 49	-	114
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
Unemployment benefit calculation table revised.....	Ch.113	-	311
Unemployment coverage of corporate officer, when.....	Ch. 82	-	173
Unemployment extended benefits, federal assistance.....	Ch.112	-	305
Veterans, hiring preference, public employer duties....	Ch.284	-	772
Worker's compensation insurer surety bonds.....	Ch.198	-	580
Worker's compensation medical reimbursement rate rules.	Ch.313	-	907

EMPLOYMENT SECURITY LAW

Employer training tax extended.....	Ch. 65	-	139
Professional employer, wage reports, penalty.....	Ch.117	-	325
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
Unemployment benefit calculation table revised.....	Ch.113	-	311
Unemployment coverage of corporate officer, when.....	Ch. 82	-	173
Unemployment extended benefits, federal assistance.....	Ch.112	-	305
Workforce training fund, obligated funds, balance.....	Ch. 65	-	139

ENDOWMENT FUNDS AND LANDS

Endowment Fund Investment Bd, approp.....	Ch.146	-	410
---	--------	---	-----

ENERGY

Energy/environment/technology, interim study comm.....	HCR004	-	1000
Idaho National Laboratory, 60th anniversary.....	HCR019	-	1009
Office of Energy Resources, approp.....	Ch.155	-	440

ENGINEERS AND SURVEYORS

Land surveys, monumentation, surveyor duties.....	Ch.136	-	383
---	--------	---	-----

ENTERTAINMENT

Media production sales tax rebate extended.....	Ch.226	-	614
Pari-mutuel betting, simulcast horse races.....	Ch.276	-	749

ENVIRONMENT

Aquatic nuisance species, protect natural resources....	SCR101	-	987
CAFO site suitability determination, application fee... Ch.180	-	511	
DEQ water anti-degradation rules approved.....	Ch.116	-	319
DEQ water quality rules rejected.....	HCR016	-	1007
DEQ, approp.....	Ch.191	-	545
Dairy nutrient management plan, confidential record....	Ch.232	-	634
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623
Injection wells, remove waste disposal references.....	Ch.110	-	287
Natural Resources, legislative interim comm.....	HCR003	-	999
Poultry Environmental Act, CAFO permits.....	Ch.227	-	614
Public water system, 30 year loans.....	Ch. 44	-	100

Underground storage tanks, penalties for violations....	Ch. 41 -	96
Vehicle registration, reinstate after emissions test...	Ch.329 -	964
Wild Lands federal designation, protest.....	SCR105 -	991
Wolves, state of emergency disaster, executive orders..	Ch.334 -	975
ESTATES		
Auctioneer license fee repealed.....	Ch. 56 -	121
Authority over decedent's email/web sites/bloggng....	Ch. 69 -	144
Renouncing inheritance rights, time frame.....	Ch.106 -	271
Taxable income, pass-through entities, gains/losses....	Ch. 3 -	6
Trust, duty, value of substituted property.....	Ch. 35 -	78
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36 -	78
Wills/trusts, estate tax, construction of terms.....	Ch.305 -	871
ETHICS		
Assisted suicide, felony, injunctive relief.....	Ch.194 -	555
Cooperative marketing assns, activity restrictions....	Ch.244 -	656
Education Bd Office employees, contracts with colleges.	Ch.222 -	609
Health care professionals, conscience, living will....	Ch.225 -	612
Veterinary licensing exam breach, disciplinary action..	Ch. 79 -	166
ETHNIC		
Hispanic Affairs Com, approp.....	Ch.206 -	588
EVIDENCE		
DNA sample taken of felony offenders.....	Ch.211 -	593
EXAMINERS, STATE BOARD OF		
State surplus property policies, federal agencies.....	Ch. 59 -	123
EXECUTIVE ORDERS		
2010-05.....		1023
2010-06.....		1025
2010-07.....		1027
2010-08.....		1029
2010-09.....		1036
2010-10.....		1047
2010-11.....		1048
2010-12.....		1050
2010-13.....		1051
2010-14.....		1053
2010-15.....		1055
2011-01.....		1058
2011-02.....		1060
2011-03.....		1061
FARMS AND FARMING		
See AGRICULTURE		
FEDERAL LAWS AND RELATIONS		
Counties with federal lands, extend federal funding to.	SJM101 -	981
Education funding, approp to meet federal conditions...	Ch.333 -	973
Federal food stamp benefits, unauthorized use.....	Ch.193 -	554
Federal wilderness designations, use public process....	HJM002 -	984
GARVEE federal highway bonds authorized, intent.....	Ch.165 -	482
Health insurance agent commissions, preserve.....	HJM003 -	986
Idaho National Laboratory, 60th anniversary.....	HCR019 -	1009
Prescriptions, content/format, comply with federal law.	Ch.133 -	367
Purchasing procedures, inapplicable, federal schedules.	Ch.320 -	937
Small Business Federal Funding Assistance Act.....	Ch.224 -	611
U.S. Constitution, Parental Rights Amendment.....	HJM001 -	983
Unemployment extended benefits, federal assistance....	Ch.112 -	305
Wild Lands federal designation, protest.....	SCR105 -	991

FEES

Auctioneer license fee repealed.....	Ch. 56 -	121
Black bear processing fee deleted.....	Ch. 57 -	121
Brand Bd, livestock dealer fees increased.....	Ch. 55 -	118
CAFO site suitability determination, application fee...	Ch.180 -	511
Crop residue burning fee, exception, propane flaming...	Ch. 51 -	115
H&W Dept nursing facility rate setting rule rejected...	HCR013 -	1006
Health insurance agent commissions, preserve.....	HJM003 -	986
Laden dealer plates, uses, weight, fees.....	Ch. 72 -	151
Public records requests, manner, copying fees.....	Ch.242 -	650
Real estate appraiser continuing education fees.....	Ch. 84 -	175
Real estate transfer fee covenants prohibited.....	Ch.107 -	273
Telephone companies, business customers, posted rates..	Ch.312 -	905
Title insurer escrow fees, rules for filing.....	Ch.195 -	556
Tuition fees at the University of Idaho.....	Ch. 39 -	94
Water right changes, application fees.....	Ch.172 -	491
Worker's compensation medical reimbursement rate rules.	Ch.313 -	907

FILM

See ENTERTAINMENT

FINANCE

Dept, approp.....	Ch.157 -	442
Financial Management Div, approp.....	Ch.216 -	602
Local government entity, audits, when.....	Ch. 21 -	59
Unemployment benefit bonds, wage tax increase.....	Ch.111 -	291

FINANCIAL INSTITUTIONS

See BANKS AND FINANCIAL INSTITUTIONS

FINES

Black bear processing fee deleted.....	Ch. 57 -	121
Collection of debts owed to courts, Supreme Court.....	Ch. 14 -	42

FIRE AND FIREFIGHTERS

Crop residue burning fee, exception, propane flaming...	Ch. 51 -	115
District, levy resolution, equalization bd copy	Ch. 19 -	57
Fire Suppression Deficiency Fund, approp.....	Ch.119 -	329
Passing emergency vehicles, duty to change lanes.....	Ch. 17 -	54

FISH AND GAME

Aquatic nuisance species, protect natural resources....	SCR101 -	987
Black bear processing fee deleted.....	Ch. 57 -	121
Com, mentored hunting program, rules.....	Ch.109 -	280
Dept, approp.....	Ch.161 -	456
Disabled American veteran, hunting license, tag.....	Ch. 88 -	183
Hunting with aid of aircraft, when permitted.....	Ch.281 -	762

FLAGS

POW/MIA flag, display at government buildings.....	Ch.209 -	590
--	----------	-----

FOOD

Federal food stamp benefits, unauthorized use.....	Ch.193 -	554
Food service tips not subject to sales tax.....	Ch.230 -	628
Food stamps, household member, proof of identity.....	Ch.269 -	729
Grocery tax credit increase, urge Governor to postpone.	HCR025 -	1011
Milk components and quality testing, Babcock tests.....	Ch.115 -	314
Organic food certificate, delete education requirement.	Ch. 50 -	114
Year of Idaho Food, eat Idaho-grown food.....	SCR103 -	988

FORESTS AND FORESTRY

Forest management cost study, frequency, use.....	Ch. 5 -	11
Forest roads, unlicensed ATV drivers, safety course....	Ch.330 -	966
Lands Dept, public auction rule rejected.....	HCR010 -	1005

FUELS

Fuel distributor license revocation, procedure.....	Ch. 4 -	10
Gas tax, restore funding to Parks and Recreation Dept..	Ch. 68 -	143
Motor fuel and petroleum product definitions.....	Ch. 6 -	13
Underground storage tanks, penalties for violations....	Ch. 41 -	96

FUNDS

Budget Stabilization Fund, no general funds transfer...	HCR007 -	1004
Catastrophic health care cost program, CPA audit.....	Ch.174 -	495
Disaster Emergency Fund, approp.....	Ch.315 -	908
General Fund, transfers from various accounts.....	Ch.315 -	908
Industrial administration fund, surety payments.....	Ch.267 -	727
Law Enforcement, restore funding from highway acct....	Ch. 68 -	143
Lewis and Clark Trail Committee Fund, uses.....	Ch. 87 -	183
Millennium Income Fund approp to tobacco/drug programs.	Ch.316 -	909
State Aeronautics Fund, air flight program costs.....	Ch. 58 -	122
State Insurance Fund, school district coverage	Ch. 42 -	97
Workforce training fund, obligated funds, balance.....	Ch. 65 -	139

GAMBLING

Horse race facility, simulcasts, approved race days....	Ch.306 -	873
Lottery line of credit, low tier claims, witness.....	Ch.141 -	400
Pari-mutuel betting, simulcast horse races.....	Ch.276 -	749

GARNISHMENT

See DEBTORS AND CREDITORS

GASOLINE

See FUELS

GEOTHERMAL

Geothermal lease rent/royalties on public lands.....	Ch. 62 -	137
Geothermal lease terms/conditions on public lands.....	Ch. 61 -	137
Geothermal lease, bond requirements.....	Ch. 64 -	138
Geothermal lease, surface area to be determined.....	Ch. 63 -	138

GIFTS

See CONTRIBUTIONS

GOLD

Gold discovery, 150th anniversary celebrations.....	HCR018 -	1008
---	----------	------

GOVERNMENT

Adjutant General duties, facilities and operations.....	Ch. 53 -	117
Agency rules, approval, exceptions.....	SCR107 -	994
Agency rules, continue in force and effect.....	Ch.268 -	728
Agency temporary rules approved, extended.....	SCR108 -	995
Aging Com, center and services defined.....	Ch.142 -	402
Alfalfa/Clover Seed Com, self-governing agency.....	Ch.181 -	513
Canal operation, liable government entity.....	Ch.197 -	578
Capitol Mall complex, constitutional officers within...	Ch.303 -	870
Chiropractic Bd members, serve at pleasure of governor.	Ch.308 -	875
City-based intermodal commerce authority.....	Ch. 37 -	86
Commerce Dept, economic data duties deleted.....	Ch. 99 -	239
Corrections Dept, deputy administrators definition....	Ch. 30 -	72
Courts Administrative Director, fiscal year reports....	Ch. 25 -	66
Government contracts, no wage or union requirements....	Ch. 31 -	74
Human Resources Div rule, service time, promotion.....	Ch. 98 -	235
Local government entity, audits, when.....	Ch. 21 -	59
Optometry Bd members, serve at pleasure of governor....	Ch.307 -	874
PERSI, effect of military disability/death.....	Ch.100 -	240
POW/MIA flag, display at government buildings.....	Ch.209 -	590
Public records requests, manner, copying fees.....	Ch.242 -	650

Public records, unlawful removal, replevin.....	Ch.302 -	866
State Controller duties, social security state records.	Ch.283 -	766
State Law Librarian, distribution of Idaho Reports.....	Ch. 34 -	77
State surplus property policies, federal agencies.....	Ch. 59 -	123
Water Resources Dept web site, application notices.....	Ch.170 -	488
Water user permit from government not required.....	Ch.261 -	707
GOVERNOR		
Executive Order 2010-05.....		1023
Executive Order 2010-06.....		1025
Executive Order 2010-07.....		1027
Executive Order 2010-08.....		1029
Executive Order 2010-09.....		1036
Executive Order 2010-10.....		1047
Executive Order 2010-11.....		1048
Executive Order 2010-12.....		1050
Executive Order 2010-13.....		1051
Executive Order 2010-14.....		1053
Executive Order 2010-15.....		1055
Executive Order 2011-01.....		1058
Executive Order 2011-02.....		1060
Executive Order 2011-03.....		1061
Adjutant General duties, facilities and operations.....	Ch. 53 -	117
Capitol Mall complex, constitutional officers within...	Ch.303 -	870
Chiropractic Bd members, serve at pleasure of governor.	Ch.308 -	875
Governor's state-of-the-state message, joint session...	HCR001 -	997
Grocery tax credit increase, urge Governor to postpone.	HCR025 -	1011
Hazardous Substance Emergency Response Fund, approp....	Ch.119 -	329
Lewis and Clark Trail Committee Fund, uses.....	Ch. 87 -	183
Office of, approp.....	Ch.286 -	787
Office of, approp, Drug Policy Office.....	Ch.248 -	689
Office of, approp, Human Resources Div.....	Ch.153 -	437
Office of, approp, Military Div.....	Ch.288 -	790
Office of, approp, Species Conservation Office.....	Ch.156 -	442
Office of, approp, State Liquor Div.....	Ch.219 -	605
Optometry Bd members, serve at pleasure of governor....	Ch.307 -	874
GUARDIANS AND CONSERVATORS		
Authority over ward's email/web sites/blogging.....	Ch. 69 -	144
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36 -	78
HANDICAPPED		
See DISABLED		
HAZARDOUS SUBSTANCES		
Hazardous Substance Emergency Response Fund, approp....	Ch.119 -	329
Restricted hazardous waste, definition amended.....	Ch. 38 -	92
Underground storage tanks, penalties for violations....	Ch. 41 -	96
HEALTH		
Abortion insurance coverage prohibited.....	Ch.152 -	436
Abortion prohibited, fetus after 20 weeks.....	Ch.324 -	945
Assisted suicide, felony, injunctive relief.....	Ch.194 -	555
Blood donations, 16 year olds, parental consent.....	Ch.126 -	352
Catastrophic Health Care Program, approp.....	Ch.293 -	818
Catastrophic health care cost program, CPA audit.....	Ch.174 -	495
County medical assistance, utilization management.....	Ch.291 -	793
HIV testing of sex offense defendants.....	Ch. 70 -	148
Health care professionals, conscience, living will.....	Ch.225 -	612
Health carrier external review, voluntary participants.	Ch.258 -	703

Health insurance agent commissions, preserve.....	HJM003	-	986
Immunization assessments, surplus funds.....	Ch.121	-	331
Insurance, adverse determination, external review.....	Ch.122	-	333
Intermediate Care Facility Assessment Act.....	Ch.164	-	462
Life/Health Insurance Guaranty Assn Act, replace.....	Ch.196	-	558
Medicaid Cost Containment/Health Care Improvement Act..	Ch.164	-	462
Midwife services, medical assistance payments.....	Ch.182	-	516
Milk components and quality testing, Babcock tests.....	Ch.115	-	314
Poultry Environmental Act, CAFO permits.....	Ch.227	-	614
Public health districts, approp.....	Ch.253	-	696
School children, immunization record requirements.....	Ch.103	-	266
School children, immunization record requirements.....	Ch.212	-	599
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
HEALTH AND WELFARE DEPARTMENT			
Approp.....	Ch.298	-	838
Benefit applicants, social security number misuse.....	Ch.280	-	760
Certified family home advisory council members.....	Ch.123	-	346
Child daycare licensing fees, child-staff ratios.....	Ch.274	-	744
Duties re: Idaho State School & Hospital and disabled..	Ch.101	-	256
Federal food stamp benefits, unauthorized use.....	Ch.193	-	554
Food stamps, household member, proof of identity.....	Ch.269	-	729
H&W Dept Domestic Violence Council rule rejected.....	HCR022	-	1010
H&W Dept Medicaid abortion rule rejected.....	HCR023	-	1010
H&W Dept criminal background checks rule rejected.....	HCR014	-	1006
H&W Dept habilitative supports medicaid rule rejected..	HCR012	-	1005
H&W Dept nursing facility rate setting rule rejected...	HCR013	-	1006
Idaho State School & Hospital, now treatment center....	Ch.102	-	260
Immunization assessments, surplus funds.....	Ch.121	-	331
Intermediate Care Facility Assessment Act.....	Ch.164	-	462
Medicaid Cost Containment/Health Care Improvement Act..	Ch.164	-	462
Medical assistance payments, midwife services.....	Ch.182	-	516
People with intellectual disabilities, terminology.....	Ch.148	-	412
Renal disease program, assume duties of.....	Ch.254	-	696
Residential/assisted living advisory council members...	Ch.123	-	346
HEATING AND COOLING			
HVAC Bd, members, terms, compensation.....	Ch. 20	-	58
HIGHWAYS			
Account, funding for Law Enforcement Fund.....	Ch. 68	-	143
Canal work, exempt from rules of the road.....	Ch.179	-	510
Commercial drivers, medical certificate requirements...	Ch. 60	-	124
Counties with federal lands, extend federal funding to.	SJM101	-	981
Dist, election consolidation laws amended.....	Ch. 11	-	23
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
GARVEE federal highway bonds authorized, intent.....	Ch.165	-	482
Highway use, authority to regulate for safety.....	Ch.282	-	765
North Idaho Medal of Honor Highway designated.....	Ch. 48	-	113
Off-highway vehicles, definitions	Ch.158	-	443
Overweight permit contests, security, lost damages....	Ch.277	-	752
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54
Vehicle loads, cover/secure on highways, exemptions....	Ch.326	-	950
Wide loads allowed, farm vehicles, conditions.....	Ch.328	-	962
HISTORICAL SITES			
Lewis and Clark Trail Committee Fund, uses.....	Ch. 87	-	183
HISTORICAL SOCIETY			
Capitol Com, meetings, duties amended.....	Ch. 12	-	38

Idaho State Historical Society, approp.....	Ch.168	-	486
Public records, unlawful removal, replevin.....	Ch.302	-	866
HISTORY			
Bonneville County, centennial anniversary celebration..	HCR002	-	997
Clearwater County, centennial anniversary.....	SCR104	-	989
Grimes gold discovery, 150th anniversary celebration...	HCR018	-	1008
Lewis County, centennial anniversary.....	SCR106	-	993
HOLIDAYS AND DAYS			
Bonneville County, centennial anniversary celebration..	HCR002	-	997
July 2- Aug 4, 2012, Sesquicentennial Gold celebration.	HCR018	-	1008
HOMES AND HOUSING			
Developmentally disabled, Idaho State School/Hospital..	Ch.101	-	256
Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
Manufactured Home Residency Act.....	Ch.184	-	522
Real estate transfer fee covenants prohibited.....	Ch.107	-	273
HORSE RACING			
See RACING			
HOSPITALS			
Districts, creating debt without elections.....	Ch.185	-	534
SW Idaho Treatment Center, former School/Hospital.....	Ch.102	-	260
HOUSE OF REPRESENTATIVES			
See also LEGISLATURE			
HUMAN RESOURCES DIVISION			
Approp.....	Ch.153	-	437
Personnel, Corrections deputy administrators defined...	Ch. 30	-	72
Promotional probationary requirements, service time....	Ch. 98	-	235
HUNTING			
See FISH AND GAME			
IDAHO CODE			
See CODES			
IDAHO HOUSING AND FINANCE ASSOCIATION			
GARVEE federal highway bonds authorized, intent.....	Ch.165	-	482
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
IDENTITY AND NAMES			
Food stamps, household member, proof of identity.....	Ch.269	-	729
IMMUNITY			
See LIABILITY			
IMMUNIZATION			
Immunization assessments, surplus funds.....	Ch.121	-	331
School children, immunization record requirements.....	Ch.212	-	599
School children, immunization record requirements.....	Ch.103	-	266
INCOME TAX			
See TAX AND TAXATION, INCOME			
INDIGENTS			
See PUBLIC ASSISTANCE			
INDUSTRIAL COMMISSION			
Approp.....	Ch.138	-	397
Industrial administration fund, surety payments.....	Ch.267	-	727
Unemployment coverage of corporate officer, when.....	Ch. 82	-	173
Worker's compensation insurer surety bonds.....	Ch.198	-	580
Worker's compensation medical reimbursement rate rules.	Ch.313	-	907
INFORMATION SYSTEMS			
See ELECTRONIC TECHNOLOGY			
INSURANCE			
Abortion insurance coverage prohibited.....	Ch.152	-	436

Dept, approp.....	Ch.262	-	707
Health carrier external review, voluntary participants.	Ch.258	-	703
Health, adverse determination, external review.....	Ch.122	-	333
Immunization Assessment Bd, duties.....	Ch.121	-	331
Industrial administration fund, surety payments.....	Ch.267	-	727
Insurer rebates/inducements, permissible amount.....	Ch.259	-	704
Lewiston/Lewis-Clark Valley, secure living place.....	HCR008	-	1004
Life/Health Insurance Guaranty Assn Act, replace.....	Ch.196	-	558
Salvage vehicle, insurer certificate, records.....	Ch.143	-	403
State Insurance Fund, school district coverage	Ch. 42	-	97
Surplus line brokers, definitions, regulation.....	Ch.183	-	517
Title insurer escrow fees, rules for filing.....	Ch.195	-	556
Vehicle insurer, right to possession, total loss.....	Ch.304	-	870
INTERNET			
See ELECTRONIC TECHNOLOGY			
INTERSTATE COMPACTS			
See MULTISTATE COMPACTS AND AGREEMENTS			
INVESTMENTS			
Local government investment pool authorized.....	Ch.213	-	600
New capital investments defined, income tax exemption..	Ch. 10	-	22
Qualified capital investment definitions, IRS Code.....	Ch.271	-	738
IRRIGATION			
Canal operation, liable government entity.....	Ch.197	-	578
Canal work, exempt from rules of the road.....	Ch.179	-	510
Irrigation canal maintenance, landowner successors.....	Ch.177	-	504
Water lease approval, conditions and factors.....	Ch.243	-	655
Water user permit from government not required.....	Ch.261	-	707
JUDGES			
Idaho Judicial Council, submit budget request.....	Ch. 13	-	40
JUDGMENTS			
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
JUVENILES			
See also CHILDREN			
Blood donations, 16 year olds, parental consent.....	Ch.126	-	352
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
Juvenile Corrections Dept, approp.....	Ch.162	-	460
Juvenile Corrections Dept, approp, add'l.....	Ch.297	-	837
Juvenile delinquent, competency examination.....	Ch.178	-	505
Juvenile detention center populations, standards.....	Ch. 7	-	19
Military school, youth challenge program created.....	Ch.322	-	938
Public library internet use policy requirements.....	Ch.260	-	705
LABELS			
Organic food certificate, delete education requirement.	Ch. 50	-	114
LABOR			
See also EMPLOYERS AND EMPLOYEES			
Child labor laws, voluntary student employment.....	Ch.199	-	581
Contractors, labor unions, prohibited actions.....	Ch. 32	-	75
Dept, approp.....	Ch.240	-	648
Employer training tax extended.....	Ch. 65	-	139
Government contracts, no wage or union requirements....	Ch. 31	-	74
New employee hires, tax credit, conditions.....	Ch.318	-	925
Professional employer, wage reports, penalty.....	Ch.117	-	325
Teacher contracts, SB 1108 trailer bill, effective date	Ch.295	-	820
Teacher contracts, pay, SB 1108 trailer bill.....	Ch.335	-	978

Teacher contracts, pay, unions, amended Luna plan.....	Ch. 96	-	208
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
Unemployment benefit calculation table revised.....	Ch.113	-	311
Unemployment extended benefits, federal assistance.....	Ch.112	-	305
Veterans, hiring preference, public employer duties....	Ch.284	-	772
Worker's compensation medical reimbursement rate rules.	Ch.313	-	907
Workforce training fund, obligated funds, balance.....	Ch. 65	-	139
LAND USE			
CAFO site suitability determination, application fee...	Ch.180	-	511
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623
Proposed land use, compatibility analysis, agriculture.	Ch. 89	-	192
Subdivision plat, costs assessment, collection.....	Ch.120	-	330
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317	-	910
LANDLORDS AND TENANTS			
Manufactured Home Residency Act.....	Ch.184	-	522
LANDS			
Counties with federal lands, extend federal funding to.	SJM101	-	981
Dept, approp.....	Ch.190	-	542
Dept, approp, Fire Suppression Deficiency Fund.....	Ch.119	-	329
Federal wilderness designations, use public process....	HJM002	-	984
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
Land surveys, monumentation, surveyor duties.....	Ch.136	-	383
Lands Dept, public auction rule rejected.....	HCR010	-	1005
Public, geothermal lease rent and royalties.....	Ch. 62	-	137
Public, geothermal lease surface area to be determined.	Ch. 63	-	138
Public, geothermal lease terms and conditions.....	Ch. 61	-	137
Public, geothermal leases, bond requirements.....	Ch. 64	-	138
Seed crop payment, when due.....	Ch.173	-	494
Wild Lands federal designation, protest.....	SCR105	-	991
LANGUAGES			
People with intellectual disabilities, terminology.....	Ch.148	-	412
LAVA HOT SPRINGS			
Lava Hot Springs Foundation, approp.....	Ch.147	-	411
LAW ENFORCEMENT			
Animal care, production or companion animals, law.....	Ch.309	-	876
Corrections Bd employees, peace officer powers, when...	Ch. 28	-	70
DNA sample taken of felony offenders.....	Ch.211	-	593
Funding from highway account, restore.....	Ch. 68	-	143
Misdemeanor probation services, employee, contract.....	Ch.128	-	354
POST employee, assault upon, enhanced penalties.....	Ch. 9	-	20
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54
LAWYERS			
See ATTORNEYS			
LEASES			
See also LANDLORDS AND TENANTS			
Farm equipment suppliers & dealers, agreements, venue..	Ch.270	-	729
Geothermal lease bond requirements.....	Ch. 64	-	138
Geothermal lease rent/royalties on public lands.....	Ch. 62	-	137
Geothermal lease surface area to be determined.....	Ch. 63	-	138
Geothermal lease terms/conditions on public lands.....	Ch. 61	-	137
Manufactured Home Residency Act.....	Ch.184	-	522
Water lease approval, conditions and factors.....	Ch.243	-	655
LEGISLATIVE COUNCIL			
Approp.....	Ch.287	-	788

LEGISLATIVE SERVICES

See LEGISLATIVE COUNCIL

LEGISLATURE

Governor's state-of-the-state message, joint session... HCR001 - 997

LIABILITY

Canal operation, liable government entity..... Ch.197 - 578

Incompetent driver, physician notification, immunity... Ch.124 - 348

Ski patrol, free service, not practice of medicine..... Ch.301 - 864

Truck permit contests, security, lost damages..... Ch.277 - 752

LIBRARIES AND LIBRARIANS

Libraries Com, approp..... Ch.166 - 484

Public library internet use policy requirements..... Ch.260 - 705

State Law Librarian, distribution of Idaho Reports..... Ch. 34 - 77

LICENSE PLATES

Laden dealer plates, uses, weight, fees..... Ch. 72 - 151

License plate, special, aviation foundation..... Ch. 22 - 61

Veterans, special, post 9/11 operations theater..... Ch. 66 - 141

LICENSES

Acupuncture trainee permits, certification Ch. 75 - 157

Auctioneer license fee repealed..... Ch. 56 - 121

Brand Bd, livestock dealer fees increased..... Ch. 55 - 118

Building permits, upgrades, no effect, specific hazard. Ch.228 - 622

Child daycare licensing fees, child-staff ratios..... Ch.274 - 744

Commercial drivers, medical certificate requirements... Ch. 60 - 124

Cosmetology instructor trainee, licensed instructor.... Ch. 91 - 197

Cosmetology licensee disciplinary actions, grounds..... Ch. 83 - 175

DUI test refusal, delete license seizure..... Ch. 15 - 43

Disabled American veteran, hunting license, tag..... Ch. 88 - 183

Electrician registration renewal, requirements, rules.. Ch. 16 - 52

Forest roads, unlicensed ATV drivers, safety course.... Ch.330 - 966

Fuel distributor license revocation, procedure..... Ch. 4 - 10

Horse race facility, simulcasts, approved race days.... Ch.306 - 873

Mentored hunters, special authorization..... Ch.109 - 280

Pharmaceutical, limited service outlets, licensure..... Ch.135 - 375

Poultry Environmental Act, CAFO permits..... Ch.227 - 614

Proprietary schools, director powers, exemptions..... Ch.159 - 447

Real estate, price opinions, designated brokers..... Ch.108 - 275

Residential care facility administrator education..... Ch. 92 - 201

Speech/hearing services, license by endorsement..... Ch. 76 - 161

Teacher misconduct/past performance, records release... Ch.246 - 662

Veterinarians from other states, practice restrictions. Ch. 80 - 168

Veterinary license denial/suspension, up to ten years.. Ch. 93 - 202

Veterinary licensing exam breach, disciplinary action.. Ch. 79 - 166

Water right licenses, content appearing on..... Ch.210 - 591

Water user permit from government not required..... Ch.261 - 707

Wildlife pelt recordkeeping requirements..... Ch.252 - 695

LIENS

Abandoned manufactured home, sale by landlord..... Ch.184 - 522

Child support judgments, corrected effective date..... Ch.331 - 968

Child support judgments, renewal, duration..... Ch.104 - 267

Ground water district assessment liens, priority..... Ch.325 - 950

Revenue bonds, airport facilities, lien/security..... Ch.129 - 358

LIEUTENANT GOVERNOR

Capitol Mall complex, constitutional officers within... Ch.303 - 870

Office of, approp..... Ch.215 - 601

LIQUOR

DUI test refusal, delete license seizure.....	Ch. 15 -	43
Drunk drivers, participants in problem-solving courts..	Ch.265 -	710
State Liquor Div, approp.....	Ch.219 -	605
Winery records of sales and imports, retention period..	Ch.130 -	363

LITIGATION

Farm equipment suppliers & dealers, agreements, venue..	Ch.270 -	729
Service upon persons outside state.....	Ch. 26 -	66
Truck permit contests, security, lost damages.....	Ch.277 -	752

LIVESTOCK

Animal care, production or companion animals, law.....	Ch.309 -	876
Brand Bd, livestock dealer fees increased.....	Ch. 55 -	118
CAFO site suitability determination, application fee...	Ch.180 -	511
Dairy nutrient management plan, confidential record....	Ch.232 -	634

LOANS

Foreclosure process, notice, loan modification, fees...	Ch.323 -	939
Public water system, 30 year loans.....	Ch. 44 -	100

LOTTERY, STATE

Approp.....	Ch.235 -	640
Line of credit, low tier claims, drawing witness.....	Ch.141 -	400

MAGISTRATES

See JUDGES

MARRIAGE

See DOMESTIC RELATIONS

MEDALS

See AWARDS

MEDICAL

Abortion insurance coverage prohibited.....	Ch.152 -	436
Abortion prohibited, fetus after 20 weeks.....	Ch.324 -	945
Assisted suicide, felony, injunctive relief.....	Ch.194 -	555
Blood donations, 16 year olds, parental consent.....	Ch.126 -	352
Catastrophic health care cost program, CPA audit.....	Ch.174 -	495
Commercial drivers, medical certificate requirements...	Ch. 60 -	124
County medical assistance, utilization management.....	Ch.291 -	793
H&W Dept habilitative supports medicaid rule rejected..	HCR012 -	1005
H&W Dept nursing facility rate setting rule rejected...	HCR013 -	1006
Health care professionals, conscience, living will.....	Ch.225 -	612
Health carrier external review, voluntary participants.	Ch.258 -	703
Health insurance agent commissions, preserve.....	HJM003 -	986
Immunization Assessment Bd, duties.....	Ch.121 -	331
Insurance, adverse determination, external review.....	Ch.122 -	333
Intermediate Care Facility Assessment Act.....	Ch.164 -	462
Medicaid Cost Containment/Health Care Improvement Act..	Ch.164 -	462
Midwife services, medical assistance payments.....	Ch.182 -	516
Pharmaceutical, limited service outlets, licensure.....	Ch.135 -	375
Pharmacists, prescriptions, fluoride, immunizations....	Ch.264 -	709
Prescriptions, content/format, comply with federal law.	Ch.133 -	367
Prospective drug review and counseling.....	Ch.263 -	708
School children, immunization record requirements.....	Ch.212 -	599
School children, immunization record requirements.....	Ch.103 -	266
Ski patrol, free service, not practice of medicine.....	Ch.301 -	864
Worker's compensation medical reimbursement rate rules.	Ch.313 -	907

MEDICAL ASSISTANCE

See PUBLIC ASSISTANCE

MEMORIALS

Counties with federal lands, extend federal funding to.	SJM101	-	981
Federal wilderness designations, use public process....	HJM002	-	984
Health insurance agent commissions, preserve.....	HJM003	-	986
U.S. Constitution, Parental Rights Amendment.....	HJM001	-	983

MENTAL HEALTH

Developmentally disabled, Idaho State School/Hospital..	Ch.101	-	256
Juvenile delinquent, competency examination.....	Ch.178	-	505
SW Idaho Treatment Center, former School/Hospital.....	Ch.102	-	260

MENTALLY RETARDED

See DISABLED

MILITARY AND MILITIA

Adjutant General duties, facilities and operations.....	Ch. 53	-	117
Disabled American veteran, hunting license, tag.....	Ch. 88	-	183
Div, approp.....	Ch.288	-	790
Drug violations, Idaho military, jurisdiction.....	Ch. 52	-	116
Employer tax wage rate, disregard military activation..	Ch. 94	-	202
License plates, special, post 9/11 operations theater..	Ch. 66	-	141
North Idaho Medal of Honor Highway designated.....	Ch. 48	-	113
PERSI, effect of military disability/death.....	Ch.100	-	240
POW/MIA flag, display at government buildings.....	Ch.209	-	590
USS Boise, naval awards, commend.....	SCR109	-	995
Use tax exemption, military personnel, conditions.....	Ch. 18	-	55
Veterans, hiring preference, public employer duties....	Ch.284	-	772
Youth challenge program created, residential school....	Ch.322	-	938

MINERALS AND MINING

Gold discovery, 150th anniversary celebrations.....	HCR018	-	1008
---	--------	---	------

MODEL LAWS

See UNIFORM AND MODEL LAWS

MONEY

Beer/wine sales, electronic funds transfers okay.....	Ch.255	-	699
Insurer rebates/inducements, permissible amount.....	Ch.259	-	704

MORTGAGES

Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
---	--------	---	-----

MOSQUITO ABATEMENT

See PESTS AND PESTICIDES

MOTOR CARRIERS

Commercial drivers, medical certificate requirements...	Ch. 60	-	124
Overweight permit contests, security, lost damages.....	Ch.277	-	752

MOTOR FUELS

See FUELS

MOTOR VEHICLES

Canal work, exempt from rules of the road.....	Ch.179	-	510
College student's motor vehicle, use tax exemption.....	Ch.278	-	756
DUI test refusal, delete license seizure.....	Ch. 15	-	43
Dealership records, physical location, access.....	Ch. 71	-	149
Driving without privileges, penalties amended.....	Ch.105	-	269
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
Highway use, authority to regulate for safety.....	Ch.282	-	765
Laden dealer plates, uses, weight, fees.....	Ch. 72	-	151
License plate, special, aviation foundation.....	Ch. 22	-	61
License plates, special, veterans, Afghanistan/Iraq....	Ch. 66	-	141
Off-highway vehicles, definitions	Ch.158	-	443
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54
Salvage vehicle, insurer certificate, records.....	Ch.143	-	403

Towed vehicle, release to insurer or owner.....	Ch.304	-	870
Vehicle dealer - distributor agreements, restrictions..	Ch.327	-	951
Vehicle loads, cover/secure on highways, exemptions....	Ch.326	-	950
Vehicle registration, reinstate after emissions test...	Ch.329	-	964
Wide loads allowed, farm vehicles, conditions.....	Ch.328	-	962
MOTORBIKES AND MOTORCYCLES			
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
MULTISTATE COMPACTS AND AGREEMENTS			
Uniform Adult Guardianship/Protective Proceedings Act..	Ch. 36	-	78
NAMES			
See IDENTITY AND NAMES			
NATIONAL GUARD			
See MILITARY AND MILITIA			
NATURAL RESOURCES			
See also ENVIRONMENT			
Aquatic nuisance species, protect natural resources....	SCR101	-	987
Natural Resources, legislative interim comm.....	HCR003	-	999
NUISANCES			
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623
NURSING AND NURSES			
H&W Dept nursing facility rate setting rule rejected...	HCR013	-	1006
NURSING HOMES			
See ASSISTED LIVING AND NURSING HOMES			
OPTOMETRY AND OPTOMETRISTS			
Optometry Bd members, serve at pleasure of governor....	Ch.307	-	874
PARDONS AND PAROLE			
Com, approp.....	Ch.163	-	461
Misdemeanor probation services, employee, contract....	Ch.128	-	354
Probationer/parolee costs, increase contribution.....	Ch. 73	-	155
Sex offender registration laws amended.....	Ch.311	-	881
PARENTS			
Blood donations, 16 year olds, parental consent.....	Ch.126	-	352
Child daycare licensing fees, child-staff ratios.....	Ch.274	-	744
Child support judgments, corrected effective date.....	Ch.331	-	968
Child support judgments, renewal, duration.....	Ch.104	-	267
Child support withholding termination, time and manner.	Ch. 33	-	76
Duty to support relatives repealed.....	Ch.149	-	412
Midwife services, medical assistance payments.....	Ch.182	-	516
Parental Rights Amendment to the U.S. Constitution....	HJM001	-	983
Prisoners in labor, least restrictive restraints.....	Ch.223	-	610
Sex offenders, presence on school grounds by permission	Ch.266	-	725
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
PARKS AND RECREATION			
Aquatic nuisance species, protect natural resources....	SCR101	-	987
Dept, approp.....	Ch.237	-	642
Dept, funding from gas tax, restore.....	Ch. 68	-	143
Lava Hot Springs Foundation, approp.....	Ch.147	-	411
Off-highway vehicles, definitions	Ch.158	-	443
PARTNERSHIPS			
Pass-through entities, income, gains, losses.....	Ch. 3	-	6
PERSI			
See RETIREMENT			
PESTS AND PESTICIDES			
Aquatic nuisance species, protect natural resources....	SCR101	-	987
Pest Control Deficiency Fund, approp.....	Ch.119	-	329

PHARMACIES AND PHARMACISTS

Limited service outlet facilities, licensure.....	Ch.135	-	375
Pharmacists, prescriptions, fluoride, immunizations....	Ch.264	-	709
Prescriptions, content/format, comply with federal law.	Ch.133	-	367
Prospective drug review and counseling.....	Ch.263	-	708
Wholesale drug distribution, veterinary pharmacy.....	Ch.144	-	405

PHYSICIANS AND SURGEONS

Assisted suicide, felony, injunctive relief.....	Ch.194	-	555
Health care professionals, conscience, living will.....	Ch.225	-	612
Incompetent driver, physician notification, immunity...	Ch.124	-	348
School children, immunization record requirements.....	Ch.212	-	599
School children, immunization record requirements.....	Ch.103	-	266
Worker's compensation medical reimbursement rate rules.	Ch.313	-	907

PLANNING AND ZONING

Com, review of applications to be heard.....	Ch.279	-	759
Expanded agricultural facility, not a nuisance.....	Ch.229	-	623
Proposed land use, compatibility analysis, agriculture.	Ch. 89	-	192
Subdivision plat, costs assessment, collection.....	Ch.120	-	330
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317	-	910

POLICE, IDAHO STATE

See also LAW ENFORCEMENT

Approp.....	Ch.231	-	630
Corrections Bd employees, peace officer powers, when...	Ch. 28	-	70
DNA sample taken of felony offenders.....	Ch.211	-	593
Funding from highway account, restore.....	Ch. 68	-	143
Misdemeanor probation services, employee, contract.....	Ch.128	-	354
POST employee, assault upon, enhanced penalties.....	Ch. 9	-	20
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54

POLITICAL PARTIES

Primaries, eligibility to vote, unaffiliated voters....	Ch.319	-	929
---	--------	---	-----

POLLUTION

Restricted hazardous waste, definition amended.....	Ch. 38	-	92
Vehicle registration, reinstate after emissions test...	Ch.329	-	964
Water policy implementation, permits, rules.....	Ch.116	-	319

POWER

See ENERGY

PRESCRIPTIONS

Pharmaceutical, limited service outlets, licensure.....	Ch.135	-	375
Pharmacists, prescriptions, fluoride, immunizations....	Ch.264	-	709
Prescriptions, content/format, comply with federal law.	Ch.133	-	367
Prospective drug review and counseling.....	Ch.263	-	708
Tetrahydrocannabinols, Schedule I drug.....	Ch. 47	-	109
Wholesale drug distribution, veterinary pharmacy.....	Ch.144	-	405

PRINTING

Session Laws, printing contract.....	HCR006	-	1002
--------------------------------------	--------	---	------

PRISONS AND PRISONERS

DNA sample taken of felony offenders.....	Ch.211	-	593
HIV testing of sex offense defendants.....	Ch. 70	-	148
Juvenile detention center populations, standards.....	Ch. 7	-	19
Prisoners in labor, least restrictive restraints.....	Ch.223	-	610
Probationer/parolee costs, increase contribution.....	Ch. 73	-	155
Rehabilitative research-based services authorized.....	Ch. 29	-	71

PRIVACY

Teacher misconduct/past performance, records release...	Ch.246	-	662
---	--------	---	-----

PROBATE

See ESTATES

PROFESSIONAL TECHNICAL EDUCATION

Div, approp.....	Ch.202	-	583
Education funding, approp to meet federal conditions...	Ch.333	-	973

PROFESSIONS

Acupuncture trainee permits, certification	Ch. 75	-	157
Auctioneer license fee repealed.....	Ch. 56	-	121
Barber colleges, must teach law and rules.....	Ch.221	-	607
Certified Shorthand Reporters Bd rule rejected.....	HCR015	-	1007
Child daycare licensing fees, child-staff ratios.....	Ch.274	-	744
Cosmetology instructor trainee, licensed instructor....	Ch. 91	-	197
Cosmetology licensee disciplinary actions, grounds.....	Ch. 83	-	175
Electrician registration renewal, requirements, rules..	Ch. 16	-	52
Fuel distributor license revocation, procedure.....	Ch. 4	-	10
Health insurance agent commissions, preserve.....	HJM003	-	986
Real estate appraiser continuing education fees.....	Ch. 84	-	175
Real estate, price opinions, designated brokers.....	Ch.108	-	275
Residential care facility administrator education.....	Ch. 92	-	201
Ski patrol, free service, not practice of medicine.....	Ch.301	-	864
Speech/hearing services, license by endorsement.....	Ch. 76	-	161
Teacher contracts under amended Luna plan, unions.....	Ch. 96	-	208
Teacher contracts, SB 1108 trailer bill.....	Ch.335	-	978
Teacher contracts, SB 1108 trailer bill, effective date	Ch.295	-	820
Teacher misconduct/past performance, records release...	Ch.246	-	662
Veterinarians from other states, practice restrictions.	Ch. 80	-	168
Veterinary license denial/suspension, up to ten years..	Ch. 93	-	202
Veterinary licensing exam breach, disciplinary action..	Ch. 79	-	166

PROPERTY

College student's motor vehicle, use tax exemption.....	Ch.278	-	756
Counties with federal lands, extend federal funding to.	SJM101	-	981
Electronic Recording Com, location, duties.....	Ch.127	-	353
Farm equipment suppliers & dealers, agreements, venue..	Ch.270	-	729
Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
Forest management cost study, frequency, use.....	Ch. 5	-	11
Ground water district assessment liens, priority.....	Ch.325	-	950
Irrigation canal maintenance, landowner successors.....	Ch.177	-	504
Land surveys, monumentation, surveyor duties.....	Ch.136	-	383
Manufactured Home Residency Act.....	Ch.184	-	522
New capital investments defined, income tax exemption..	Ch. 10	-	22
New construction roll, value reductions, past 5 years..	Ch.175	-	496
Property exemption of married person, debtor spouse....	Ch. 86	-	182
Property tax relief process, remove equalization bd....	Ch. 85	-	176
Proposed land use, compatibility analysis, agriculture.	Ch. 89	-	192
Public records, unlawful removal, replevin.....	Ch.302	-	866
Real estate transfer fee covenants prohibited.....	Ch.107	-	273
State surplus property policies, federal agencies.....	Ch. 59	-	123
Trust, duty, value of substituted property.....	Ch. 35	-	78
Unclaimed property, remove inheritance tax reference...	Ch.275	-	747
Unclaimed property, stock/shares, considered abandoned.	Ch.137	-	395
Use tax exemption, military personnel, conditions.....	Ch. 18	-	55
Vehicle insurer, right to possession, total loss.....	Ch.304	-	870

PROPERTY TAX

See TAX AND TAXATION, PROPERTY

PROSECUTING ATTORNEYS

See ATTORNEYS

PUBLIC ASSISTANCE

Benefit applicants, social security number misuse.....	Ch.280	-	760
County medical assistance, utilization management.....	Ch.291	-	793
Duty to support relatives repealed.....	Ch.149	-	412
Federal food stamp benefits, unauthorized use.....	Ch.193	-	554
Food stamps, household member, proof of identity.....	Ch.269	-	729
H&W Dept habilitative supports medicaid rule rejected..	HCR012	-	1005
H&W Dept nursing facility rate setting rule rejected...	HCR013	-	1006
Medicaid Cost Containment/Health Care Improvement Act..	Ch.164	-	462
Midwife services, medical assistance payments.....	Ch.182	-	516
People with intellectual disabilities, terminology.....	Ch.148	-	412
Unemployment benefit calculation table revised.....	Ch.113	-	311

PUBLIC BROADCASTING

Public Broadcasting System, Idaho Educational, approp..	Ch.200	-	582
---	--------	---	-----

PUBLIC EMPLOYEE RETIREMENT SYSTEM

See RETIREMENT

PUBLIC OFFICERS

Capitol Mall complex, constitutional officers within...	Ch.303	-	870
---	--------	---	-----

PUBLIC RECORDS

See RECORDS

PUBLIC UTILITIES

See UTILITIES

PUBLIC WORKS

Div, approp.....	Ch.250	-	691
------------------	--------	---	-----

PUBLICATIONS

State Law Librarian, distribution of Idaho Reports.....	Ch. 34	-	77
---	--------	---	----

PURCHASING

Purchasing procedures, inapplicable, federal schedules.	Ch.320	-	937
---	--------	---	-----

RACING

Horse race facility, simulcasts, approved race days....	Ch.306	-	873
Pari-mutuel betting, simulcast horse races.....	Ch.276	-	749

RADIO

See TELECOMMUNICATIONS

REAL ESTATE AND REALTORS

See also PROPERTY

Broker price opinion, designated brokers.....	Ch.108	-	275
Foreclosure process, notice, loan modification, fees...	Ch.323	-	939
Real estate appraiser continuing education fees.....	Ch. 84	-	175
Real estate transfer fee covenants prohibited.....	Ch.107	-	273
Title insurer escrow fees, rules for filing.....	Ch.195	-	556

RECORDERS

Electronic Recording Com, location, duties.....	Ch.127	-	353
---	--------	---	-----

RECORDS

Car dealership records, physical location, access.....	Ch. 71	-	149
Commercial drivers, medical certificate requirements...	Ch. 60	-	124
Courts Administrative Director, fiscal year reports....	Ch. 25	-	66
Dairy nutrient management plan, confidential record....	Ch.232	-	634
Public records requests, manner, copying fees.....	Ch.242	-	650
Public records, unlawful removal, replevin.....	Ch.302	-	866
Salvage vehicle, insurer certificate, records.....	Ch.143	-	403
School children, immunization record requirements.....	Ch.103	-	266
School children, immunization record requirements.....	Ch.212	-	599
School district - union records kept at school office..	Ch. 40	-	95

Sex offender registration laws amended.....	Ch.311	-	881
State Controller duties, social security state records.	Ch.283	-	766
Taxpayer records, exemptions from disclosure.....	Ch.245	-	657
Teacher misconduct/past performance, records release...	Ch.246	-	662
Water right licenses, content appearing on.....	Ch.210	-	591
Wildlife pelt recordkeeping requirements.....	Ch.252	-	695
Winery records of sales and imports, retention period..	Ch.130	-	363
RECREATION			
Outdoor emergency care, not practice of medicine.....	Ch.301	-	864
Water skiing, regulation slalom, mirror requirement....	Ch.114	-	313
REPORTS			
Courts Administrative Director, fiscal year reports....	Ch. 25	-	66
Renal disease program, transfer to H&W Dept.....	Ch.254	-	696
Tax Com, report on collection efforts.....	Ch.272	-	741
RESIDENTIAL CARE FACILITIES			
See ASSISTED LIVING AND NURSING HOMES			
RESOLUTIONS, CONCURRENT			
Agency rules, approval, exceptions.....	SCR107	-	994
Agency temporary rules approved, extended.....	SCR108	-	995
Aquatic nuisance species, protect natural resources....	SCR101	-	987
Bonneville County, centennial anniversary celebration..	HCR002	-	997
Budget Stabilization Fund, no general funds transfer...	HCR007	-	1004
Certified Shorthand Reporters Bd rule rejected.....	HCR015	-	1007
Clearwater County, centennial anniversary.....	SCR104	-	989
DEQ water quality rules rejected.....	HCR016	-	1007
Energy/environment/technology, interim study comm.....	HCR004	-	1000
Governor's state-of-the-state message, joint session...	HCR001	-	997
Grimes gold discovery, 150th anniversary celebration...	HCR018	-	1008
Grocery tax credit increase, urge Governor to postpone.	HCR025	-	1011
H&W Dept Domestic Violence Council rule rejected.....	HCR022	-	1010
H&W Dept Medicaid abortion rule rejected.....	HCR023	-	1010
H&W Dept criminal background checks rule rejected.....	HCR014	-	1006
H&W Dept habilitative supports medicaid rule rejected..	HCR012	-	1005
H&W Dept nursing facility rate setting rule rejected...	HCR013	-	1006
Idaho National Laboratory, 60th anniversary.....	HCR019	-	1009
Lands Dept, public auction rule rejected.....	HCR010	-	1005
Lewis County, centennial anniversary.....	SCR106	-	993
Lewiston/Lewis-Clark Valley, secure living place.....	HCR008	-	1004
Natural Resources, legislative interim comm.....	HCR003	-	999
Session Laws, printing contract.....	HCR006	-	1002
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
USS Boise, naval awards, commend.....	SCR109	-	995
Wild Lands federal designation, protest.....	SCR105	-	991
Year of Idaho Food, eat Idaho-grown food.....	SCR103	-	988
RESTAURANTS			
See also FOOD			
Food service tips not subject to sales tax.....	Ch.230	-	628
RETIREMENT			
Deaf & Blind Educational Services, PERSI benefits.....	Ch. 43	-	98
Optional college retirement program contribution rate..	Ch.118	-	327
PERSI, approp.....	Ch.139	-	398
PERSI, effect of military disability/death.....	Ch.100	-	240
REVENUE AND TAXATION			
See TAX AND TAXATION			

ROADS

See HIGHWAYS

RULES

Agency rules, approval, exceptions.....	SCR107	-	994
Agency rules, continue in force and effect.....	Ch.268	-	728
Agency temporary rules approved, extended.....	SCR108	-	995
Agriculture Dept, administrative rulemaking process....	Ch.233	-	635
Certified Shorthand Reporters Bd rule rejected.....	HCR015	-	1007
DEQ water anti-degradation rules approved.....	Ch.116	-	319
DEQ water quality rules rejected.....	HCR016	-	1007
Electrician registration renewal, requirements, rules..	Ch. 16	-	52
H&W Dept Domestic Violence Council rule rejected.....	HCR022	-	1010
H&W Dept Medicaid abortion rule rejected.....	HCR023	-	1010
H&W Dept criminal background checks rule rejected.....	HCR014	-	1006
H&W Dept habilitative supports medicaid rule rejected..	HCR012	-	1005
H&W Dept nursing facility rate setting rule rejected...	HCR013	-	1006
Human Resources Div, service time, promotion.....	Ch. 98	-	235
Juvenile detention center populations, standards.....	Ch. 7	-	19
Lands Dept, public auction rule rejected.....	HCR010	-	1005
Title insurer escrow fees, rules for filing.....	Ch.195	-	556
Worker's compensation medical reimbursement rate rules.	Ch.313	-	907

SAFETY

Elevators, temporary certificates, expiration.....	Ch. 24	-	65
Forest roads, unlicensed ATV drivers, safety course....	Ch.330	-	966
Milk components and quality testing, Babcock tests.....	Ch.115	-	314
Passing emergency vehicles, duty to change lanes.....	Ch. 17	-	54
Shaken Baby Syndrome, encourage awareness.....	HCR005	-	1001
Vehicle loads, cover/secure on highways, exemptions....	Ch.326	-	950
Water skiing, regulation slalom, mirror requirement....	Ch.114	-	313

SALARIES

See WAGES

SALES

Abandoned manufactured home, sale by landlord.....	Ch.184	-	522
Auctioneer license fee repealed.....	Ch. 56	-	121
Beer/wine sales, electronic funds transfers okay.....	Ch.255	-	699
Car dealership records, physical location, access.....	Ch. 71	-	149
Farm equipment suppliers & dealers, agreements, venue..	Ch.270	-	729
Fuel distributor license revocation, procedure.....	Ch. 4	-	10
Laden dealer plates, uses, weight, fees.....	Ch. 72	-	151
Lands Dept, public auction rule rejected.....	HCR010	-	1005
Pharmaceutical, limited service outlets, licensure....	Ch.135	-	375
Real estate transfer fee covenants prohibited.....	Ch.107	-	273
Real estate, price opinions, designated brokers.....	Ch.108	-	275
Salvage vehicle, insurer certificate, records.....	Ch.143	-	403
Seed crop payment, when due.....	Ch.173	-	494
Tobacco product taxes, definitions.....	Ch. 2	-	4
Vehicle dealer - distributor agreements, restrictions..	Ch.327	-	951
Winery records of sales and imports, retention period..	Ch.130	-	363

SALES TAX

See TAX AND TAXATION, SALES

SCHOOLS AND SCHOOL DISTRICTS

Charter school closure, money follows students.....	Ch.310	-	878
Child labor laws, voluntary student employment.....	Ch.199	-	581
Cosmetology instructor trainee, licensed instructor....	Ch. 91	-	197
Counties with federal lands, extend federal funding to.	SJM101	-	981

Deaf & Blind Educational Services, PERSI benefits.....	Ch. 43 -	98
Discontinuing school, procedures, exceptions.....	Ch.125 -	351
Education funding, approp to meet federal conditions...	Ch.333 -	973
Election consolidation laws amended.....	Ch. 11 -	23
Mastery advancement pilot program requirements.....	Ch. 81 -	171
Military school, youth challenge program created.....	Ch.322 -	938
Public school funding, technology, amend SB 1184.....	Ch.300 -	856
Public school funding, technology, teacher training....	Ch.247 -	668
Public school teacher contracts, SB 1108 trailer bill..	Ch.335 -	978
Public school teacher contracts, pay, unions.....	Ch. 96 -	208
Public schools, SB 1108 trailer bill, effective date...	Ch.295 -	820
SW Idaho Treatment Center, former School/Hospital.....	Ch.102 -	260
School children, immunization record requirements.....	Ch.212 -	599
School children, immunization record requirements.....	Ch.103 -	266
School construction, cooperative service agency, notice	Ch.189 -	540
School district - union records kept at school office..	Ch. 40 -	95
School district funding, calculation and use of funds..	Ch.299 -	853
School district policy coverage, State Insurance Fund..	Ch. 42 -	97
School district staff salary indexes amended.....	Ch.332 -	968
Sex offenders, presence on school grounds by permission	Ch.266 -	725
Sick leave proof of illness, Education Bd removed.....	Ch. 49 -	114
Teacher misconduct/past performance, records release...	Ch.246 -	662
Teacher pay for performance, budget adjustments.....	Ch. 97 -	229
Teacher pay, SB 1110 trailer bill, effective date.....	Ch.296 -	831
SCIENCE AND TECHNOLOGY		
DNA sample taken of felony offenders.....	Ch.211 -	593
Idaho National Laboratory, 60th anniversary.....	HCR019 -	1009
SEAT BELTS		
See SAFETY		
SECRETARY OF STATE		
Approp.....	Ch.314 -	908
Approp, add'l.....	Ch.321 -	937
Capitol Mall complex, constitutional officers within...	Ch.303 -	870
County elections, procedures and requirements.....	Ch.285 -	777
Election consolidation laws amended.....	Ch. 11 -	23
Electronic Recording Com, location, duties.....	Ch.127 -	353
SELF-GOVERNING AGENCIES		
Alfalfa/Clover Seed Com, self-governing agency.....	Ch.181 -	513
Dept, approp, Building Safety Div.....	Ch.169 -	487
Dept, approp, Veterans Services Div.....	Ch.289 -	791
Dept, approp, medical boards.....	Ch.236 -	641
Dept, approp, regulatory boards.....	Ch.239 -	646
SENATE		
See also LEGISLATURE		
SENIOR CITIZENS		
Aging Com, center and services defined.....	Ch.142 -	402
Incompetent driver, physician notification, immunity...	Ch.124 -	348
SENTENCING		
Driving without privileges, penalties amended.....	Ch.105 -	269
Drug court, participants connected with violent crime..	Ch.186 -	536
Drunk drivers, participants in problem-solving courts..	Ch.265 -	710
Gang activity, qualifying criminal acts.....	Ch.188 -	538
Presentence investigation costs, defendant pays.....	Ch. 74 -	156
Probation violations not found, amend judgment.....	Ch.187 -	537
Sex offender registration laws amended.....	Ch.311 -	881

SEWERS

Public water system, 30 year loans..... Ch. 44 - 100

SEX OFFENSES AND OFFENDERS

HIV testing of sex offense defendants..... Ch. 70 - 148

Public library internet use policy requirements..... Ch.260 - 705

Rape, mistaken identity as to partner, intent..... Ch. 27 - 67

Sex offender registration laws amended..... Ch.311 - 881

Sex offenders, presence on school grounds by permission Ch.266 - 725

SKIING AND SKI RESORTS

Ski patrol, free service, not practice of medicine..... Ch.301 - 864

SNOWMOBILES

See MOTOR VEHICLES

SOCIAL SECURITY

Number misuse by public benefit applicants..... Ch.280 - 760

State social security administrator, State Controller.. Ch.283 - 766

SOIL

Soil and Water Conservation Com, approp..... Ch.150 - 413

SOLID WASTES

See WASTES

STATE AGENCIES

See GOVERNMENT

STATEHOUSE

See CAPITOL

STATUTES

See CODES

STUDENTS

Child labor laws, voluntary student employment..... Ch.199 - 581

College student's motor vehicle, use tax exemption..... Ch.278 - 756

Mastery advancement pilot program requirements..... Ch. 81 - 171

Military school, youth challenge program created..... Ch.322 - 938

School children, immunization record requirements..... Ch.103 - 266

School children, immunization record requirements..... Ch.212 - 599

STUDIES

Energy/environment/technology, legislative study comm.. HCR004 - 1000

Natural Resources, legislative study comm..... HCR003 - 999

Renal disease program, transfer to H&W Dept..... Ch.254 - 696

SUBDIVISIONS

Subdivision plat, costs assessment, collection..... Ch.120 - 330

SUBSTANCE ABUSE

Appropriations to various agencies..... Ch.297 - 837

Cathinone, false "bath salts", Schedule I..... Ch. 46 - 105

DUI test refusal, delete license seizure..... Ch. 15 - 43

Drug court, participants connected with violent crime.. Ch.186 - 536

Drug violations, Idaho military, jurisdiction..... Ch. 52 - 116

Drunk drivers, participants in problem-solving courts.. Ch.265 - 710

Millennium Income Fund approp to tobacco/drug programs. Ch.316 - 909

Office of Drug Policy, approp..... Ch.248 - 689

Tetrahydrocannabinols, Schedule I drug..... Ch. 47 - 109

SUPERINTENDENT OF PUBLIC INSTRUCTION

See EDUCATION

SUPREME COURT

See COURTS

SURVEYING AND SURVEYORS

Land surveys, monumentation, surveyor duties..... Ch.136 - 383

TAX AND TAXATION

Bond bank authority, deficiency, general funds.....	Ch.214	-	600
Com, approp, report on collection efforts.....	Ch.272	-	741
Com, forest management cost study, frequency, use.....	Ch. 5	-	11
Employer tax wage rate, disregard military activation..	Ch. 94	-	202
Employer training tax extended.....	Ch. 65	-	139
Fuel distributor license revocation, procedure.....	Ch. 4	-	10
Intermediate Care Facility Assessment Act.....	Ch.164	-	462
Motor fuel and petroleum product definitions.....	Ch. 6	-	13
Tax Appeals Bd, approp.....	Ch.241	-	649
Taxpayer records, exemptions from disclosure.....	Ch.245	-	657
Tobacco product taxes, definitions.....	Ch. 2	-	4
Unclaimed property, remove inheritance tax reference...	Ch.275	-	747
Unemployment benefit bonds, wage tax increase.....	Ch.111	-	291
Wills/trusts, estate tax, construction of terms.....	Ch.305	-	871

TAX AND TAXATION, INCOME

Credit, grocery tax, urge Governor to postpone increase	HCR025	-	1011
Credit, new employee hires, conditions.....	Ch.318	-	925
Credit, qualified capital investment, IRS definitions..	Ch.271	-	738
Filing time extensions, interest, number of days.....	Ch. 45	-	102
IRS code, state income tax.....	Ch. 1	-	3
Pass-through entities, income, gains, losses.....	Ch. 3	-	6

TAX AND TAXATION, PROPERTY

Counties with federal lands, extend federal funding to.	SJM101	-	981
Exemption, new capital investments, definitions.....	Ch. 10	-	22
Fire dist levy resolution, equalization bd copy deleted	Ch. 19	-	57
Ground water district assessment liens, priority.....	Ch.325	-	950
New construction roll, value reductions, past 5 years..	Ch.175	-	496
Relief claim process, remove equalization bd.....	Ch. 85	-	176
Subdivision plat, costs assessment, collection.....	Ch.120	-	330
Taxpayer records, exemptions from disclosure.....	Ch.245	-	657
Urban renewal, vote, plan changes, duration, bonds.....	Ch.317	-	910

TAX AND TAXATION, SALES

College student's motor vehicle, use tax exemption.....	Ch.278	-	756
Rebate, media production company, extend sunset.....	Ch.226	-	614
Sales tax not to be charged on food service tipping....	Ch.230	-	628
Use tax exemption, military personnel, conditions.....	Ch. 18	-	55

TAXIDERMISTS

Wildlife pelt recordkeeping requirements.....	Ch.252	-	695
---	--------	---	-----

TEACHING AND TEACHERS

Luna amended plan, SB 1008 trailer bill, effective date	Ch.295	-	820
Luna amended plan, teacher contracts, pay, unions.....	Ch. 96	-	208
Luna amended plan, teachers, SB 1108 trailer bill.....	Ch.335	-	978
Public school funding, technology, amend SB 1184.....	Ch.300	-	856
Public school funding, technology, teacher training....	Ch.247	-	668
School district sick leave regulation, Education Bd out	Ch. 49	-	114
Teacher misconduct/past performance, records release...	Ch.246	-	662
Teacher pay for performance, budget adjustments.....	Ch. 97	-	229
Teacher pay, SB 1110 trailer bill, effective date.....	Ch.296	-	831
Training school for education majors, repealed.....	Ch. 90	-	197

TELECOMMUNICATIONS

Emergency services dispatcher, assault on, penalties...	Ch. 9	-	20
Public Broadcasting System, Idaho Educational, approp..	Ch.200	-	582
Telephone companies, business customers, posted rates..	Ch.312	-	905

TENANTS

See LANDLORDS AND TENANTS

TOBACCO

Millennium Income Fund approp to tobacco/drug programs. Ch.316 - 909
Tobacco product taxes, definitions..... Ch. 2 - 4

TORTS

Canal operation, liable government entity..... Ch.197 - 578

TRADE

Cooperative marketing assns, activity restrictions..... Ch.244 - 656

TRANSPORTATION

Canal work, exempt from rules of the road..... Ch.179 - 510
Car dealership records, physical location, access..... Ch. 71 - 149
City-based intermodal commerce authority..... Ch. 37 - 86
Commercial drivers, medical certificate requirements... Ch. 60 - 124
Dept, approp..... Ch.234 - 637
Driving without privileges, penalties amended..... Ch.105 - 269
Forest roads, unlicensed ATV drivers, safety course.... Ch.330 - 966
GARVEE federal highway bonds authorized, intent..... Ch.165 - 482
Highway use, authority to regulate for safety..... Ch.282 - 765
Incompetent driver, physician notification, immunity... Ch.124 - 348
Laden dealer plates, uses, weight, fees..... Ch. 72 - 151
License plate, special, aviation foundation..... Ch. 22 - 61
License plates, special, veterans, Afghanistan/Iraq.... Ch. 66 - 141
North Idaho Medal of Honor Highway designated..... Ch. 48 - 113
Off-highway vehicles, definitions Ch.158 - 443
Overweight permit contests, security, lost damages..... Ch.277 - 752
Passing emergency vehicles, duty to change lanes..... Ch. 17 - 54
Salvage vehicle, insurer certificate, records..... Ch.143 - 403
Towed vehicle, release to insurer or owner..... Ch.304 - 870
Vehicle loads, cover/secure on highways, exemptions.... Ch.326 - 950
Vehicle registration, reinstate after emissions test... Ch.329 - 964
Wide loads allowed, farm vehicles, conditions..... Ch.328 - 962

TREASURER, STATE

Approp..... Ch.290 - 792
Bond bank authority, deficiency, general funds..... Ch.214 - 600
Capitol Mall complex, constitutional officers within... Ch.303 - 870
Lewis and Clark Trail Committee Fund, uses..... Ch. 87 - 183
Local government investment pool authorized..... Ch.213 - 600
Unclaimed property, remove inheritance tax reference... Ch.275 - 747
Workforce training fund, obligated funds, balance..... Ch. 65 - 139

TRUSTS

Renouncing inheritance rights, time frame..... Ch.106 - 271
Trust, duty, value of substituted property..... Ch. 35 - 78
Wills/trusts, estate tax, construction of terms..... Ch.305 - 871

UNDERGROUND STORAGE TANKS

Monetary penalties for violations, daily maximum..... Ch. 41 - 96

UNEMPLOYMENT

See EMPLOYMENT SECURITY LAW

UNIFORM AND MODEL LAWS

Uniform Adult Guardianship/Protective Proceedings Act.. Ch. 36 - 78

UNIONS

See LABOR

UNIVERSITIES

See COLLEGES AND UNIVERSITIES

UNIVERSITY OF IDAHO

See COLLEGES AND UNIVERSITIES

URBAN RENEWAL

Agency, voter approval, plan amendments, duration..... Ch.317 - 910

UTILITIES

Public Utilities Com, approp..... Ch.131 - 365

Telephone companies, business customers, posted rates.. Ch.312 - 905

VACCINATION

Immunization assessments, surplus funds..... Ch.121 - 331

School children, immunization record requirements..... Ch.212 - 599

School children, immunization record requirements..... Ch.103 - 266

VEHICLES

See MOTOR VEHICLES

VESSELS

See BOATS

VETERANS

Disabled American veteran, hunting license, tag..... Ch. 88 - 183

License plates, special, post 9/11 operations theater.. Ch. 66 - 141

North Idaho Medal of Honor Highway designated..... Ch. 48 - 113

PERSI, effect of military disability/death..... Ch.100 - 240

POW/MIA flag, display at government buildings..... Ch.209 - 590

Veterans Services Div, approp..... Ch.289 - 791

Veterans, hiring preference, public employer duties.... Ch.284 - 772

VETERINARY MEDICINE

Bd, national exams, delete application review..... Ch. 78 - 163

Veterinarians from other states, practice restrictions. Ch. 80 - 168

Veterinary license denial/suspension, up to ten years.. Ch. 93 - 202

Veterinary licensing exam breach, disciplinary action.. Ch. 79 - 166

Wholesale drug distribution, veterinary pharmacy..... Ch.144 - 405

VIDEOS

See ENTERTAINMENT

VISUALLY IMPAIRED

See BLIND

VOCATIONAL REHABILITATION

Div, approp..... Ch.254 - 696

Renal Disease program, move to H&W Dept..... Ch.254 - 696

VOTING AND VOTERS

County elections, procedures and requirements..... Ch.285 - 777

Discontinuing school, procedures, exceptions..... Ch.125 - 351

Election consolidation laws amended..... Ch. 11 - 23

Hospital dist, debt without elections..... Ch.185 - 534

Primaries, eligibility to vote, unaffiliated voters.... Ch.319 - 929

WAGES

Employer tax wage rate, disregard military activation.. Ch. 94 - 202

Government contracts, no wage or union requirements.... Ch. 31 - 74

HVAC Bd, members, terms, compensation..... Ch. 20 - 58

Idaho Electrical Bd, member compensation..... Ch. 23 - 64

Residential care facility administrator board members.. Ch. 77 - 162

School district staff salary indexes amended..... Ch.332 - 968

Teacher contracts, SB 1108 trailer bill, effective date Ch.295 - 820

Teacher contracts, pay, SB 1108 trailer bill..... Ch.335 - 978

Teacher contracts, pay, unions under amended Luna plan. Ch. 96 - 208

Teacher pay for performance, budget adjustments..... Ch. 97 - 229

Teacher pay, SB 1110 trailer bill, effective date..... Ch.296 - 831

WASTES

Injection wells, remove waste disposal references.....	Ch.110	-	287
Restricted hazardous waste, definition amended.....	Ch. 38	-	92

WATER

Anti-degradation policy implementation, permits, rules.	Ch.116	-	319
Aquatic nuisance species, protect natural resources....	SCR101	-	987
Canal operation, liable government entity.....	Ch.197	-	578
Canal work, exempt from rules of the road.....	Ch.179	-	510
DEQ water quality rules rejected.....	HCR016	-	1007
Drainage districts, consolidation procedure.....	Ch.256	-	700
Geothermal lease bond requirements.....	Ch. 64	-	138
Geothermal lease rent/royalties on public lands.....	Ch. 62	-	137
Geothermal lease surface area to be determined.....	Ch. 63	-	138
Geothermal lease terms/conditions on public lands.....	Ch. 61	-	137
Ground water district assessment liens, priority.....	Ch.325	-	950
Injection wells, remove waste disposal references.....	Ch.110	-	287
Irrigation canal maintenance, landowner successors....	Ch.177	-	504
Public water system, 30 year loans.....	Ch. 44	-	100
Rights, proof of beneficial use, late filings.....	Ch.171	-	489
Soil and Water Conservation Com, approp.....	Ch.150	-	413
Water diversion application notice, when and where.....	Ch.170	-	488
Water lease approval, conditions and factors.....	Ch.243	-	655
Water right licenses, content appearing on.....	Ch.210	-	591
Water skiing, regulation slalom, mirror requirement....	Ch.114	-	313
Water user permit from government not required.....	Ch.261	-	707
Watermaster, oaths, term of service, duties, budgets...	Ch.176	-	498

WATER RESOURCES DEPARTMENT

Approp.....	Ch.238	-	644
Proof of beneficial use, late filing requirements.....	Ch.171	-	489
Water lease approval, conditions and factors.....	Ch.243	-	655
Water right changes, application fees.....	Ch.172	-	491
Water right licenses, content appearing on.....	Ch.210	-	591
Web site, water diversion application notice.....	Ch.170	-	488

WELFARE

See PUBLIC ASSISTANCE

WILDERNESS

Federal wilderness designations, use public process....	HJM002	-	984
---	--------	---	-----

WILDLIFE

See also ANIMALS

Black bear processing fee deleted.....	Ch. 57	-	121
Disabled American veteran, hunting license, tag.....	Ch. 88	-	183
Hunting with aid of aircraft, when permitted.....	Ch.281	-	762
Mentored hunting program authorized.....	Ch.109	-	280
Wildlife pelt recordkeeping requirements.....	Ch.252	-	695
Wolves, state of emergency disaster, executive orders..	Ch.334	-	975

WILLS

Renouncing inheritance rights, time frame.....	Ch.106	-	271
Wills/trusts, estate tax, construction of terms.....	Ch.305	-	871

WINE

See LIQUOR

WOLVES

See WILDLIFE

WOMEN

Abortion prohibited, fetus after 20 weeks.....	Ch.324	-	945
Prisoners in labor, least restrictive restraints.....	Ch.223	-	610

WORKERS COMPENSATION

Industrial administration fund, surety payments.....	Ch.267 -	727
Medical reimbursement rates, Industrial Com rules.....	Ch.313 -	907
School district policy coverage, State Insurance Fund..	Ch. 42 -	97
Worker's compensation insurer surety bonds.....	Ch.198 -	580

ZONING

See PLANNING AND ZONING

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

CODE INDEX

Code citation, action, session law
chapter number, and page number are
shown for bills which passed

TITLE 1			
Ch. 5			
1-505	Amended	Ch. 34 -	77
Ch. 6			
1-612	Amended	Ch. 25 -	66
Ch. 21			
1-2102	Amended	Ch. 13 -	40
TITLE 5			
Ch. 2			
5-218	Referred to	Ch. 327 -	960
5-245	Amended	Ch. 104 -	267
Ch. 5			
5-508	Amended	Ch. 26 -	66
5-514	Referred to	Ch. 26 -	67
5-515	Referred to	Ch. 26 -	67
Ch. 15	Referred to	Ch. 36 -	79
TITLE 6			
Ch. 5			
6-543	Amended	Ch. 151 -	414
6-544	Amended	Ch. 151 -	415
Ch. 7			
6-701	Amended	Ch. 151 -	415
Ch. 9			
6-903	Amended	Ch. 197 -	578
6-926	Amended	Ch. 197 -	579
Ch. 28	Heading Amended and Redesignated Ch. 29.	Ch. 151 -	415
	(as added by Sec. 1, Ch. 239, Laws of 2010)		
6-2801	Amended and Redesignated 6-2901	Ch. 151 -	415
	(as added by Sec. 1, Ch. 239, Laws of 2010)		
6-2802	Amended and Redesignated 6-2902	Ch. 151 -	416
	(as added by Sec. 1, Ch. 239, Laws of 2010)		
Ch. 29	Redesignated from Ch. 28	Ch. 151 -	415
6-2901	Redesignated from 6-2801	Ch. 151 -	415
6-2902	Redesignated from 6-2802	Ch. 151 -	416
TITLE 9			
Ch. 3			
9-337	Amended	Ch. 242 -	651
9-337 thru			
9-352	Referred to	Ch. 302 -	867

9-338	Amended	Ch.242 -	652
9-338	Referred to	Ch.242 -	651
9-340B	Amended	Ch.311 -	901
9-340C	Amended	Ch.151 -	416
9-340C	Amended	Ch.283 -	766
9-340D	Amended	Ch.245 -	657
9-340D	Referred to	Ch.232 -	635
9-343	Amended	Ch.245 -	661
9-348	Amended	Ch.283 -	770
9-349	Amended and Redesignated 9-350	Ch.302 -	867
9-349	New Section Added	Ch.302 -	866
9-349A	Amended and Redesignated 9-351	Ch.302 -	868
9-350	Amended and Redesignated 9-352	Ch.302 -	868
9-350	Redesignated from 9-349	Ch.302 -	867
9-351	Redesignated from 9-349A	Ch.302 -	868
9-352	Redesignated from 9-350	Ch.302 -	868
TITLE 10			
Ch.11			
10-1110	Amended	Ch.104 -	267
10-1111	Amended	Ch.104 -	268
TITLE 11			
Ch.2			
11-204	New Section Added	Ch. 86 -	182
11-204	Repealed	Ch. 86 -	182
TITLE 14			
Ch.5			
14-510	Amended	Ch.137 -	395
14-523	Amended	Ch.275 -	747
14-525	Amended	Ch.275 -	748
TITLE 15			
Ch.1			
Pt.4	Referred to	Ch.106 -	271
Pt.5			
15-1-501	Amended	Ch.305 -	872
Ch.2			
Pt.8			
15-2-801	Amended	Ch.106 -	271
Ch.3			
Pt.7			
15-3-715	Amended	Ch. 69 -	144
Ch.5			
Pt.4			
15-5-424	Amended	Ch. 69 -	146
Ch.8			
	Referred to	Ch.305 -	873
Ch.9			
Pt.1	Repealed	Ch. 36 -	86
15-9-101	Repealed	Ch. 36 -	86
15-9-102	Repealed	Ch. 36 -	86
15-9-103	Repealed	Ch. 36 -	86
15-9-104	Repealed	Ch. 36 -	86
15-9-105	Repealed	Ch. 36 -	86
15-9-106	Repealed	Ch. 36 -	86
Pt.2	Repealed	Ch. 36 -	86
15-9-201	Repealed	Ch. 36 -	86
15-9-202	Repealed	Ch. 36 -	86

15-9-203	Repealed	Ch. 36 -	86
15-9-204	Repealed	Ch. 36 -	86
15-9-205	Repealed	Ch. 36 -	86
15-9-206	Repealed	Ch. 36 -	86
Ch.10			
Pt.1	Repealed	Ch. 36 -	86
15-10-101	Repealed	Ch. 36 -	86
15-10-102	Repealed	Ch. 36 -	86
15-10-103	Repealed	Ch. 36 -	86
15-10-104	Repealed	Ch. 36 -	86
15-10-105	Repealed	Ch. 36 -	86
Pt.2	Repealed	Ch. 36 -	86
15-10-201	Repealed	Ch. 36 -	86
15-10-202	Repealed	Ch. 36 -	86
15-10-203	Repealed	Ch. 36 -	86
15-10-204	Repealed	Ch. 36 -	86
15-10-205	Repealed	Ch. 36 -	86
Ch.11			
Pt.1	Repealed	Ch. 36 -	86
15-11-101	Repealed	Ch. 36 -	86
15-11-102	Repealed	Ch. 36 -	86
15-11-103	Repealed	Ch. 36 -	86
Pt.2	Repealed	Ch. 36 -	86
15-11-201	Repealed	Ch. 36 -	86
15-11-202	Repealed	Ch. 36 -	86
15-11-203	Repealed	Ch. 36 -	86
Ch.13			
Pt.1			
15-13-101	New Section Added	Ch. 36 -	79
15-13-102	New Section Added	Ch. 36 -	79
15-13-103	New Section Added	Ch. 36 -	80
15-13-104	New Section Added	Ch. 36 -	80
15-13-105	New Section Added	Ch. 36 -	80
15-13-106	New Section Added	Ch. 36 -	80
Pt.2			
15-13-201	New Section Added	Ch. 36 -	81
15-13-202	New Section Added	Ch. 36 -	81
15-13-203	New Section Added	Ch. 36 -	81
15-13-204	New Section Added	Ch. 36 -	82
15-13-205	New Section Added	Ch. 36 -	82
15-13-206	New Section Added	Ch. 36 -	82
15-13-207	New Section Added	Ch. 36 -	83
15-13-208	New Section Added	Ch. 36 -	83
15-13-209	New Section Added	Ch. 36 -	83
Pt.3			
15-13-301	New Section Added	Ch. 36 -	84
15-13-302	New Section Added	Ch. 36 -	84
Pt.4			
15-13-401	New Section Added	Ch. 36 -	85
15-13-402	New Section Added	Ch. 36 -	85
15-13-403	New Section Added	Ch. 36 -	86
Pt.5			
15-13-501	New Section Added	Ch. 36 -	86
15-13-502	New Section Added	Ch. 36 -	86
15-13-503	New Section Added	Ch. 36 -	86

15-13-504	New Section Added	Ch. 36 -	86
TITLE 16			
Ch.24	Referred to	Ch.178 -	508
16-2418	Referred to	Ch.178 -	507
16-2433	Referred to	Ch.178 -	509
TITLE 18			
Ch.5			
18-501	New Section Added	Ch.324 -	945
18-502	New Section Added	Ch.324 -	945
18-503	New Section Added	Ch.324 -	946
18-504	New Section Added	Ch.324 -	947
18-505	New Section Added	Ch.324 -	947
18-506	New Section Added	Ch.324 -	947
18-507	New Section Added	Ch.324 -	948
18-508	New Section Added	Ch.324 -	948
18-509	New Section Added	Ch.324 -	949
18-510	New Section Added	Ch.324 -	949
Ch.6			
18-611	Amended	Ch.225 -	612
Ch.9			
18-915	Amended	Ch. 9 -	20
Ch.15			
18-1506	Referred to	Ch.311 -	899
Ch.40			
18-4017	New Section Added	Ch.194 -	555
Ch.56			
18-5605	Referred to	Ch.311 -	884
18-5611	Referred to	Ch.311 -	884
Ch.61			
18-6101	Amended	Ch. 27 -	67
18-6101	Referred to	Ch.152 -	437
Ch.66			
18-6609	Referred to	Ch.311 -	884
Ch.78			
18-7804	Referred to	Ch.311 -	884
Ch.80			
18-8001	Amended	Ch.105 -	269
18-8002	Amended	Ch. 15 -	43
18-8002	Amended	Ch.265 -	710
18-8002A	Amended	Ch. 15 -	46
18-8002A	Amended	Ch.265 -	714
18-8004C	Amended	Ch.265 -	719
18-8005	Amended	Ch.265 -	721
Ch.83			
18-8302	Amended	Ch.311 -	882
18-8303	Amended	Ch.311 -	882
18-8304	Amended	Ch. 27 -	68
18-8304	Amended	Ch.311 -	884
18-8305	Amended	Ch.311 -	885
18-8306	Amended	Ch.311 -	887
18-8307	Amended	Ch.311 -	888
18-8308	Amended	Ch.311 -	890
18-8309	New Section Added	Ch.311 -	891
18-8309	Referred to	Ch.311 -	888
18-8309	Repealed	Ch.311 -	891

18-8310	Amended	Ch.311	-	892
18-8311	Amended	Ch.311	-	893
18-8312	Amended	Ch.311	-	893
18-8314	Amended	Ch.311	-	894
18-8315	Amended	Ch.311	-	896
18-8316	Amended	Ch.311	-	897
18-8316	Referred to	Ch.311	-	895
18-8317	Repealed	Ch.311	-	897
18-8318	Amended	Ch.311	-	897
18-8319	Repealed	Ch.311	-	897
18-8320	Repealed	Ch.311	-	897
18-8321	Repealed	Ch.311	-	898
18-8322	Repealed	Ch.311	-	898
18-8323	Amended	Ch.311	-	898
18-8324	Amended	Ch.311	-	899
18-8324	Referred to	Ch.311	-	891
18-8329	Amended	Ch.266	-	725
Ch.85				
18-8502	Amended	Ch.188	-	538
18-8503	Amended	Ch.188	-	539
TITLE 19				
Ch.4				
19-401	Amended	Ch. 27	-	69
Ch.5				
19-510A	Amended	Ch. 28	-	70
Ch.8				
19-869	Amended	Ch. 8	-	20
19-869	Amended	Ch. 67	-	142
Ch.25				
19-2516	New Section Added	Ch. 74	-	156
19-2520G	Amended	Ch.311	-	903
Ch.26				
19-2604	Amended	Ch.187	-	537
Ch.47				
19-4705	Amended	Ch.151	-	420
19-4708	Amended	Ch. 14	-	42
Ch.51				
19-5109	Amended	Ch.128	-	355
19-5116	Amended	Ch.128	-	357
Ch.55				
19-5501	Amended	Ch.211	-	593
19-5502	Amended	Ch.211	-	593
19-5506	Amended	Ch.211	-	594
19-5507	Amended	Ch.211	-	597
Ch.56				
19-5604	Amended	Ch.186	-	536
Ch.58				
19-5803	Amended	Ch.151	-	422
TITLE 20				
Ch.2				
20-209	Amended	Ch. 29	-	71
20-209C	Amended	Ch. 28	-	70
20-225	Amended	Ch. 73	-	155
20-225A	Referred to	Ch. 74	-	156
Ch.5				

20-502	Referred to	Ch.178 -	506
20-508	Referred to	Ch. 7 -	19
20-509	Referred to	Ch. 7 -	19
20-518	Amended	Ch. 7 -	19
20-519A	New Section Added	Ch.178 -	505
20-519B	New Section Added	Ch.178 -	507
20-519C	New Section Added	Ch.178 -	509
20-519D	New Section Added	Ch.178 -	510
Ch.6			
20-605	Amended	Ch.291 -	794
Ch.9			
20-901	New Section Added	Ch.223 -	610
20-902	New Section Added	Ch.223 -	610
20-903	New Section Added	Ch.223 -	611
TITLE 21			
Ch.1			
21-115	Amended	Ch.151 -	423
Ch.2			
21-211	Amended	Ch. 58 -	122
TITLE 22			
Ch.1	Referred to	Ch.233 -	637
22-101A	New Section Added	Ch.233 -	636
22-103	Amended	Ch. 95 -	206
Ch.11			
22-1103	Amended	Ch. 50 -	114
Ch.20			
22-2019	Referred to	Ch.119 -	329
Ch.27			
22-2721	Amended	Ch. 11 -	24
Ch.35			
22-3502	Amended	Ch. 54 -	118
22-3506	Amended	Ch. 54 -	118
Ch.42			
22-4204	Amended	Ch.181 -	513
22-4205	Amended	Ch.181 -	513
22-4206	Amended	Ch.181 -	514
Ch.43			
22-4301	Amended	Ch. 11 -	26
Ch.44	Referred to	Ch.181 -	515
Ch.45			
22-4502	Amended	Ch.229 -	623
22-4502	Referred to	Ch.317 -	920
22-4503	Amended	Ch.229 -	624
22-4503	Referred to	Ch.229 -	625
22-4504	Amended	Ch.229 -	625
22-4505	New Section Added	Ch.229 -	625
22-4506	New Section Added	Ch.229 -	625
Ch.49	Referred to	Ch.227 -	621
Ch.49	Referred to	Ch.233 -	636
Ch.51			
22-5118	Amended	Ch.173 -	494
22-5126	Amended	Ch.173 -	495
Ch.52			
22-5204	Repealed	Ch.151 -	424

TITLE 23

Ch.1

23-105 Amended Ch.130 - 363

Ch.2

23-203 Amended Ch.130 - 364

Ch.4

23-404 Referred to Ch.315 - 909

Ch.10

23-1031 Amended Ch.255 - 699

23-1033 Referred to Ch.255 - 700

Ch.13

23-1302 Amended Ch.130 - 364

23-1303 Referred to Ch.130 - 364

23-1314 Amended Ch.130 - 365

23-1322 Referred to Ch.130 - 365

23-1326 Amended Ch.255 - 700

TITLE 25

Ch.11

25-1122 Amended Ch. 55 - 119

25-1145 Amended Ch. 55 - 119

25-1146 Amended Ch. 55 - 120

Ch.33

25-3303 Amended Ch. 55 - 120

Ch.35 Heading Amended Ch.309 - 877

25-3501 Amended Ch.309 - 877

25-3502 Amended Ch.309 - 877

Ch.38 Referred to Ch.233 - 636

25-3801 Amended Ch.227 - 621

Ch.40

25-4001 New Section Added Ch.227 - 615

25-4002 New Section Added Ch.227 - 615

25-4003 New Section Added Ch.227 - 617

25-4004 New Section Added Ch.227 - 617

25-4005 New Section Added Ch.227 - 617

25-4006 New Section Added Ch.227 - 618

25-4007 New Section Added Ch.227 - 618

25-4008 New Section Added Ch.227 - 618

25-4009 New Section Added Ch.227 - 618

25-4010 New Section Added Ch.227 - 618

25-4011 New Section Added Ch.227 - 619

25-4012 New Section Added Ch.227 - 619

25-4013 New Section Added Ch.227 - 620

25-4014 New Section Added Ch.227 - 620

TITLE 26

Ch.31

Pt.2 Referred to Ch.323 - 944

26-31-201 Referred to Ch.323 - 944

Pt.3 Referred to Ch.323 - 944

TITLE 28

Ch.23 Heading Amended Ch.270 - 730

28-23-101 Amended Ch.270 - 730

28-23-102 Amended Ch.270 - 731

28-23-103 Amended Ch.270 - 732

28-23-104 Amended Ch.270 - 733

28-23-105 Amended Ch.270 - 733

28-23-107	Amended	Ch.270 -	733
28-23-108	Amended	Ch.270 -	734
28-23-110	Amended	Ch.270 -	734
28-23-112	New Section Added	Ch.270 -	734
28-23-113	New Section Added	Ch.270 -	734
Ch.24	Heading Amended	Ch.270 -	734
Pt.1			
28-24-101	Amended	Ch.270 -	734
28-24-102	Amended	Ch.270 -	735
28-24-102	Referred to	Ch.270 -	734
28-24-104B	Amended	Ch.270 -	736
28-24-105	Amended	Ch.270 -	737
28-24-108	New Section Added	Ch.270 -	737
TITLE 31			
Ch.8			
31-855	Amended	Ch.151 -	424
31-871	Amended	Ch.285 -	778
31-878	Amended	Ch.128 -	354
Ch.14			
31-1410A	Amended	Ch. 11 -	28
31-1423	Amended	Ch. 19 -	57
Ch.15	Referred to	Ch.291 -	806
Ch.29			
31-2905	Amended	Ch.127 -	353
Ch.32			
31-3201D	Amended	Ch.128 -	354
31-3201D	Referred to	Ch.128 -	358
Ch.33			
31-3302	Amended	Ch.291 -	795
Ch.35	Referred to	Ch.291 -	794
31-3501	Amended	Ch.291 -	795
31-3502	Amended	Ch.291 -	796
31-3502	Referred to	Ch.291 -	804
31-3503	Amended	Ch.291 -	799
31-3503A	Amended	Ch.291 -	799
31-3503B	Referred to	Ch.291 -	796
31-3503E	Amended	Ch.291 -	800
31-3503E	Referred to	Ch.291 -	796
31-3504	Amended	Ch.291 -	801
31-3505	Amended	Ch.291 -	802
31-3505A	Amended	Ch.291 -	803
31-3505B	Amended	Ch.291 -	804
31-3505C	Amended	Ch.291 -	804
31-3505D	Amended	Ch.291 -	805
31-3505G	Amended	Ch.291 -	805
31-3507	Amended	Ch.291 -	805
31-3508	Amended	Ch.291 -	806
31-3508A	New Section Added	Ch.291 -	806
31-3509	Amended	Ch.291 -	807
31-3510	Amended	Ch.291 -	807
31-3510A	Amended	Ch.291 -	808
31-3511	Amended	Ch.291 -	808
31-3517	Amended	Ch.174 -	495
31-3517	Amended	Ch.291 -	809
31-3518	Amended	Ch.291 -	810

31-3519	Amended	Ch.291 -	811
31-3520	Amended	Ch.291 -	812
31-3520	Referred to	Ch.291 -	799
31-3521	Referred to	Ch.291 -	799
31-3558	New Section Added	Ch.291 -	812
TITLE 32			
Ch.10	Referred to	Ch.178 -	509
32-1002	Repealed	Ch.149 -	412
32-1008A	Repealed	Ch.149 -	412
Ch.12			
32-1215	Amended	Ch. 33 -	76
TITLE 33			
Title.33	Referred to	Ch. 96 -	228
Title.33	Referred to	Ch.295 -	830
Ch.1			
33-102A	Amended	Ch.222 -	609
33-107B	Amended	Ch.118 -	327
33-125	Amended	Ch.247 -	669
33-129	Repealed	Ch.247 -	669
33-131	Amended and Redesignated 33-132	Ch.151 -	424
	(as added by Sec. 1, Ch. 181, Laws of 2010)		
33-132	Redesignated from 33-131	Ch.151 -	424
33-132	Referred to	Ch.247 -	687
Ch.3			
33-312	Amended	Ch.151 -	425
33-317A	Amended	Ch.189 -	540
33-357	Amended	Ch.247 -	669
Ch.4			
33-402	Amended	Ch. 96 -	228
33-402	Amended	Ch.151 -	426
33-402	Referred to	Ch.151 -	426
Ch.5			
33-502	Amended	Ch. 11 -	28
33-503A	Amended	Ch. 11 -	28
33-510	Amended	Ch.151 -	426
33-511	Amended	Ch.125 -	351
33-511	Amended	Ch.151 -	427
33-513	Amended	Ch. 96 -	209
33-513	Amended	Ch.295 -	821
	(as amended by Sec. 1, S1108, Laws of 2011)		
33-514	Amended	Ch. 96 -	212
33-514	Referred to	Ch. 96 -	214
33-514A	Amended	Ch. 96 -	214
33-514A	Referred to	Ch. 96 -	214
33-515	Amended	Ch. 96 -	214
33-515	Amended	Ch.295 -	824
	(as amended by Sec. 4, S1108, Laws of 2011)		
33-515	Referred to	Ch. 96 -	210
33-515A	Amended	Ch. 96 -	217
33-515A	Amended	Ch.295 -	825
	(as amended by Sec. 5, S1108, Laws of 2011)		
33-515B	New Section Added	Ch. 96 -	218
33-515B	Referred to	Ch. 96 -	217
33-515B	Referred to	Ch.247 -	671
33-515B	Repealed	Ch.335 -	978
	(as added by Sec. 6, S1108, Laws of 2011)		

33-516	Amended	Ch. 96 -	219
33-521	Amended	Ch. 96 -	219
33-522	Amended	Ch. 96 -	219
33-523	New Section Added	Ch. 96 -	220
33-523	Referred to	Ch. 96 -	210
33-524	New Section Added	Ch. 96 -	221
Ch.8			
33-801	Amended	Ch.299 -	854
33-804	Amended	Ch.299 -	854
33-804	Referred to	Ch.299 -	853
Ch.9			
33-906	Referred to	Ch.332 -	970
Ch.10			
33-1002	Amended	Ch.247 -	670
33-1002	Amended	Ch.247 -	674
33-1002A	Amended	Ch.300 -	857
	(as added by Sec. 6, S1184, Laws of 2011)		
33-1002A	New Section Added	Ch.247 -	678
33-1003	Amended	Ch. 96 -	222
33-1003	Amended	Ch.295 -	826
	(as amended by Sec. 12, S1108, Laws of 2011)		
33-1003	Amended	Ch.335 -	978
	(as amended by Sec. 12, S1108, Laws of 2011)		
33-1004	Amended	Ch.247 -	678
33-1004	Amended	Ch.300 -	858
	(as amended by Sec. 7, S1184, Laws of 2011)		
33-1004A	Amended	Ch.247 -	680
33-1004A	Amended	Ch.300 -	859
	(as amended by Sec. 8, S1184, Laws of 2011)		
33-1004E	Amended	Ch.247 -	681
33-1004E	Amended	Ch.300 -	861
	(as amended by Sec. 9, S1184, Laws of 2011)		
33-1004E	Amended	Ch.332 -	970
33-1004E	Referred to	Ch. 97 -	234
33-1004F	Amended	Ch.247 -	682
33-1004G	Repealed	Ch. 96 -	224
33-1004H	Amended	Ch. 96 -	224
33-1004I	Amended	Ch.296 -	831
	(as added by Sec. 1, S1110, Laws of 2011)		
33-1004I	New Section Added	Ch. 97 -	229
33-1004I	Referred to	Ch.247 -	675
33-1009	Referred to	Ch. 97 -	234
33-1009	Referred to	Ch.333 -	974
33-1018	Referred to	Ch.333 -	974
33-1018B	Referred to	Ch.332 -	971
33-1019	Referred to	Ch.299 -	853
33-1019	Referred to	Ch.332 -	971
33-1020	Amended	Ch.247 -	683
33-1020	Amended	Ch.300 -	862
	(as amended by Sec. 11, S1184, Laws of 2011)		
33-1021	Amended	Ch.300 -	862
	(as added by Sec. 12, S1184, Laws of 2011)		
33-1021	New Section Added	Ch.247 -	683
33-1021	New Section Added	Ch.310 -	878
33-1021	Referred to	Ch.310 -	881

33-1022	New Section Added	Ch.247 -	684
Ch.12			
33-1201	Referred to	Ch.246 -	666
33-1207A	Referred to	Ch.332 -	972
33-1208	Amended	Ch.246 -	662
33-1209	Amended	Ch.246 -	664
33-1210	New Section Added	Ch.246 -	666
33-1211	Amended	Ch.246 -	668
33-1218	Amended	Ch. 49 -	114
33-1271	Amended	Ch. 40 -	95
33-1271	Amended	Ch. 96 -	224
33-1271 thru			
33-1276	Referred to	Ch. 96 -	215
33-1271A	New Section Added	Ch. 96 -	225
33-1272	Amended	Ch. 96 -	225
33-1272	Amended	Ch.295 -	828
	(as amended by Sec. 17, S1108, Laws of 2011)		
33-1273	Amended	Ch. 96 -	225
33-1273	Amended	Ch.295 -	828
	(as amended by Sec. 18, S1108, Laws of 2011)		
33-1273A	New Section Added	Ch. 96 -	226
33-1274	Amended	Ch. 96 -	227
33-1274	Amended	Ch.295 -	829
	(as amended by Sec. 20, S1108, Laws of 2011)		
33-1274	Referred to	Ch. 96 -	227
33-1274A	Amended	Ch.295 -	830
	(as added by Sec. 21, S1108, Laws of 2011)		
33-1274A	New Section Added	Ch. 96 -	227
33-1275	Amended	Ch. 96 -	227
33-1275	Amended	Ch.295 -	830
	(as amended by Sec. 22, S1108, Laws of 2011)		
33-1276	Amended	Ch. 96 -	228
33-1276	Referred to	Ch. 96 -	228
Ch.15			
33-1510	Amended	Ch.151 -	428
Ch.16			
33-1614	Referred to	Ch.332 -	972
33-1615	Referred to	Ch.332 -	972
33-1620	Amended and Redesignated 33-1625	Ch.151 -	428
	(as added by Sec. 1, Ch. 294, Laws of 2010)		
33-1621	Amended	Ch. 81 -	172
33-1625	Redesignated from 33-1620	Ch.151 -	428
33-1626	Amended	Ch.300 -	863
	(as added by Sec. 14, S1184, Laws of 2011)		
33-1626	New Section Added	Ch.247 -	686
33-1626	Referred to	Ch.332 -	973
33-1627	New Section Added	Ch.247 -	687
Ch.21			
33-2101A	Amended	Ch. 39 -	95
33-2106	Amended	Ch.145 -	409
Ch.23			
33-2307	Referred to	Ch.254 -	699
33-2308	Referred to	Ch.254 -	699
Ch.24			
33-2401	Referred to	Ch.159 -	449
	Amended	Ch.159 -	447

33-2402	Amended	Ch.159 -	448
33-2403	Amended	Ch.159 -	448
33-2404	Amended	Ch.159 -	449
33-2406	Amended	Ch.159 -	451
33-2407	New Section Added	Ch.159 -	451
33-2408	New Section Added	Ch.159 -	452
33-2409	Amended	Ch.159 -	452
Ch.26	Referred to	Ch.260 -	705
Ch.27	Referred to	Ch.260 -	705
33-2717B	Repealed	Ch. 11 -	29
33-2717C	Repealed	Ch. 11 -	29
33-2722	Amended	Ch. 11 -	29
33-2741	New Section Added	Ch.260 -	705
Ch.30			
33-3008	Repealed	Ch. 90 -	197
Ch.34	Referred to	Ch. 43 -	100
33-3407	Amended	Ch. 43 -	98
Ch.37			
33-3717	Repealed	Ch. 39 -	94
33-3717A	Amended	Ch. 39 -	94
Ch.43	Referred to	Ch.276 -	751
Ch.52	Referred to	Ch.247 -	688
33-5208	Amended	Ch.310 -	879
33-5216	Amended	Ch.300 -	863
	(as added by Sec. 16, S1184, Laws of 2011)		
33-5216	New Section Added	Ch.247 -	688
Ch.55	Referred to	Ch.332 -	973
TITLE 34			
Ch.1			
34-102	Amended	Ch. 11 -	30
34-106	Amended	Ch. 11 -	30
Ch.2			
34-217	New Section Added	Ch.285 -	779
Ch.3			
34-308	Amended	Ch.319 -	929
Ch.4			
34-404	Amended	Ch.319 -	931
34-406	Amended	Ch.319 -	931
34-408A	Amended	Ch.285 -	779
34-411	Amended	Ch.319 -	931
34-411	Referred to	Ch.319 -	931
34-411A	New Section Added	Ch.319 -	932
34-437A	Referred to	Ch.319 -	931
Ch.5			
34-501	Referred to	Ch.319 -	931
34-502	Amended	Ch.285 -	780
Ch.6			
34-624	Amended	Ch.285 -	780
Ch.7			
34-708A	Amended	Ch.285 -	781
34-717	Amended	Ch. 11 -	31
34-732	Amended	Ch.285 -	781
Ch.9			
34-902	Amended	Ch. 11 -	31
34-903	Amended	Ch.285 -	782

34-904	Amended	Ch.319 -	932
34-904	Referred to	Ch.319 -	930
34-904A	New Section Added	Ch.319 -	933
34-910	Amended	Ch.285 -	782
Ch.10			
34-1002	Amended	Ch.319 -	934
34-1003	Amended	Ch. 11 -	31
34-1003	Amended	Ch.319 -	935
34-1005	Amended	Ch.285 -	782
Ch.12			
34-1201	Amended	Ch.285 -	783
Ch.14			
34-1401	Referred to	Ch. 11 -	27
34-1401	Amended	Ch. 11 -	32
34-1402	Amended	Ch.285 -	783
34-1404	Amended	Ch. 11 -	33
34-1404	Referred to	Ch. 11 -	28
34-1405A	New Section Added	Ch. 11 -	33
34-1406	Amended	Ch. 11 -	34
34-1407	Amended	Ch. 11 -	34
34-1410	Amended	Ch. 11 -	34
34-1412	New Section Added	Ch. 11 -	34
34-1413	New Section Added	Ch.285 -	783
Ch.18			
34-1802	Amended	Ch.285 -	784
Ch.20			
34-1802	Referred to	Ch.285 -	779
Ch.21			
34-1802	Referred to	Ch.285 -	779
Ch.23			
34-2301	Amended	Ch.285 -	784
34-2301	Referred to	Ch.285 -	784
34-2302	Amended	Ch.285 -	784
34-2303	Amended	Ch.285 -	784
34-2304	Amended	Ch.285 -	785
34-2305	Amended	Ch.285 -	785
34-2306	Amended	Ch.285 -	785
34-2307	Amended	Ch.285 -	786
34-2308	Amended	Ch.285 -	786
34-2309	Amended	Ch.285 -	786
34-2313	New Section Added	Ch.285 -	787
TITLE 36			
Ch.1			
36-103	Referred to	Ch.334 -	976
36-104	Amended	Ch.109 -	280
Ch.4			
36-401	Amended	Ch.102 -	260
36-401	Amended	Ch.109 -	283
36-401	Referred to	Ch.109 -	285
36-404	Amended	Ch. 88 -	183
36-407	Amended	Ch. 88 -	184
36-408	Referred to	Ch. 88 -	188
36-409	Amended	Ch. 88 -	186
36-409	Amended	Ch.109 -	285
36-411	Referred to	Ch.109 -	284
36-416	Amended	Ch. 88 -	188
36-416	Referred to	Ch. 88 -	188
Ch.6			

36-603	Amended	Ch.252 -	695
36-603	Referred to	Ch.252 -	696
36-606	Amended	Ch.252 -	696
Ch.11			
36-1101	Amended	Ch.281 -	762
Ch.14			
36-1407	Amended	Ch. 57 -	121
TITLE 37			
Ch.4	Referred to	Ch.233 -	636
37-401	Amended	Ch.232 -	634
Ch.5	Heading Amended	Ch.115 -	315
37-503	Amended	Ch.115 -	315
37-504	Amended	Ch.115 -	316
37-505	Amended	Ch.115 -	317
37-506	Amended	Ch.115 -	317
37-507	Amended	Ch.115 -	318
37-509	Amended	Ch.115 -	318
37-510	Amended	Ch.115 -	319
37-513	Amended	Ch.115 -	319
37-515	Amended	Ch.115 -	319
37-517	Repealed	Ch.115 -	319
37-518	Repealed	Ch.115 -	319
37-519	Repealed	Ch.115 -	319
Ch.6			
37-601	Repealed	Ch.115 -	319
37-603	Repealed	Ch.115 -	319
37-604	Repealed	Ch.115 -	319
37-605	Repealed	Ch.115 -	319
37-606	Repealed	Ch.115 -	319
Ch.27			
Sub.Ch.II			
37-2705	Amended	Ch. 46 -	105
37-2705	Amended	Ch. 47 -	109
37-2705	Amended	Ch.134 -	368
37-2707	Amended	Ch.134 -	372
Sub.Ch.III			
37-2723	Amended	Ch.133 -	367
37-2725	Amended	Ch.133 -	367
Ch.32			
37-3201	Amended	Ch.135 -	375
TITLE 38			
Ch.1			
38-131	Referred to	Ch.119 -	329
38-131A	Referred to	Ch.119 -	329
TITLE 39			
Ch.1	Referred to	Ch.227 -	621
39-104A	Amended	Ch.227 -	621
39-114	Amended	Ch. 51 -	115
39-116B	Amended	Ch.329 -	964
39-118	Referred to	Ch.227 -	618
Ch.6			
39-604	Amended	Ch. 70 -	148
Ch.11			
39-1107	Amended	Ch.274 -	744
39-1108	Amended	Ch.274 -	744

39-1109	Amended	Ch.274 -	745
39-1109	Referred to	Ch.274 -	744
39-1118	Amended	Ch.103 -	266
Ch.13	Referred to	Ch.164 -	479
39-1301	Referred to	Ch.164 -	479
39-1330	Amended	Ch. 11 -	35
39-1339	Amended	Ch.185 -	535
Ch.31	Referred to	Ch.164 -	474
Ch.33			
39-3330	Amended	Ch.123 -	346
39-3331	Amended	Ch.123 -	347
39-3332	Amended	Ch.123 -	347
Ch.35			
39-3511	Amended	Ch.123 -	347
Ch.36			
39-3601	Amended	Ch.116 -	320
39-3602	Amended	Ch.116 -	320
39-3603	Amended	Ch.116 -	324
39-3623	Amended	Ch.116 -	325
39-3627	Amended	Ch. 44 -	100
Ch.37			
39-3701	Amended	Ch.126 -	353
Ch.41			
39-4105	Referred to	Ch.184 -	524
39-4111	Amended	Ch.228 -	622
Ch.44			
39-4403	Amended	Ch. 38 -	92
Ch.45	Referred to	Ch.194 -	556
39-4504	Referred to	Ch.194 -	556
39-4513	Referred to	Ch.225 -	613
Ch.48			
39-4801	Amended	Ch.212 -	599
Ch.56			
39-5606	Amended	Ch.148 -	412
39-5606	Amended	Ch.151 -	429
39-5606	Repealed	Ch.164 -	463
Ch.71			
39-7110	Referred to	Ch.119 -	330
Ch.79			
39-7905	Referred to	Ch.227 -	621
39-7907	Referred to	Ch.227 -	621
Ch.86			
39-8610	Amended	Ch. 24 -	65
Ch.88			
39-8804	Referred to	Ch. 41 -	96
39-8811	Amended	Ch. 41 -	96
TITLE 40			
Ch.1			
40-117	Amended	Ch.136 -	383
40-119	Amended	Ch.136 -	384
40-120	Amended	Ch.136 -	385
40-124	New Section Added	Ch.136 -	385
Ch.2			
40-209	Amended	Ch.136 -	385
Ch.3			

40-315	Referred to	Ch.165 -	483
Ch.5			
40-513D	New Section Added	Ch. 48 -	114
Ch.7			
40-701	Amended	Ch.151 -	429
	(as added by Sec. 1, Ch. 333, Laws of 2009)		
40-702	Referred to	Ch.277 -	756
40-707	Amended	Ch. 58 -	122
40-707	Referred to	Ch.165 -	483
Ch.13			
40-1304	Amended	Ch. 11 -	36
40-1306C	Amended	Ch.302 -	868
Ch.23			
40-2319	Amended	Ch.282 -	765
TITLE 41			
Ch.1			
41-103	Referred to	Ch.198 -	581
41-120	Referred to	Ch.196 -	564
Ch.8	Referred to	Ch.196 -	568
Ch.12			
41-1212	Amended	Ch.183 -	517
41-1213	Amended	Ch.183 -	518
41-1214	Amended	Ch.183 -	520
41-1214	Referred to	Ch.183 -	517
41-1215	Referred to	Ch.183 -	517
41-1216	Referred to	Ch.183 -	517
41-1217	Referred to	Ch.183 -	517
41-1218	Referred to	Ch.183 -	517
41-1219	Referred to	Ch.183 -	517
41-1220	Referred to	Ch.183 -	518
41-1223	Amended	Ch.183 -	521
41-1227	Referred to	Ch.183 -	518
41-1228	Referred to	Ch.183 -	518
41-1229	Amended	Ch.183 -	521
41-1229	Referred to	Ch.183 -	518
41-1233	Referred to	Ch.183 -	518
41-1234	Referred to	Ch.183 -	518
Ch.13			
41-1314	Amended	Ch.259 -	704
Ch.16	Heading Amended	Ch.151 -	430
Ch.18			
41-1848	New Section Added	Ch.152 -	436
Ch.27			
41-2705	Amended	Ch.195 -	556
41-2706	Amended	Ch.195 -	557
Ch.33			
41-3334	Referred to	Ch.196 -	576
41-3345	Amended	Ch.151 -	430
Ch.43			
41-4301	New Section Added	Ch.196 -	559
41-4301	Repealed	Ch.196 -	558
41-4302	New Section Added	Ch.196 -	559
41-4302	Repealed	Ch.196 -	558
41-4303	New Section Added	Ch.196 -	559
41-4303	Repealed	Ch.196 -	558

41-4304	New Section Added	Ch.196	-	563
41-4304	Repealed	Ch.196	-	558
41-4305	New Section Added	Ch.196	-	563
41-4305	Repealed	Ch.196	-	558
41-4306	New Section Added	Ch.196	-	565
41-4306	Repealed	Ch.196	-	558
41-4307	New Section Added	Ch.196	-	566
41-4307	Repealed	Ch.196	-	558
41-4308	New Section Added	Ch.196	-	566
41-4308	Repealed	Ch.196	-	558
41-4309	New Section Added	Ch.196	-	571
41-4309	Repealed	Ch.196	-	558
41-4310	New Section Added	Ch.196	-	573
41-4310	Repealed	Ch.196	-	558
41-4311	New Section Added	Ch.196	-	574
41-4311	Repealed	Ch.196	-	558
41-4312	New Section Added	Ch.196	-	574
41-4312	Repealed	Ch.196	-	558
41-4313	New Section Added	Ch.196	-	575
41-4313	Repealed	Ch.196	-	558
41-4314	New Section Added	Ch.196	-	575
41-4314	Repealed	Ch.196	-	558
41-4315	New Section Added	Ch.196	-	577
41-4315	Repealed	Ch.196	-	558
41-4316	New Section Added	Ch.196	-	577
41-4316	Repealed	Ch.196	-	558
41-4317	New Section Added	Ch.196	-	577
41-4317	Repealed	Ch.196	-	558
41-4318	New Section Added	Ch.196	-	577
41-4318	Repealed	Ch.196	-	558
41-4319	New Section Added	Ch.196	-	577
41-4319	Repealed	Ch.196	-	558
41-4320	New Section Added	Ch.196	-	578
Ch.49				
41-4903	Amended	Ch. 6	-	14
Ch.59				
41-5903	Amended	Ch.122	-	333
41-5904	Amended	Ch.122	-	337
41-5904	Amended	Ch.258	-	703
41-5905	Amended	Ch.122	-	338
41-5906	Amended	Ch.122	-	339
41-5907	Amended	Ch.122	-	339
41-5907	Referred to	Ch.122	-	343
41-5908	Amended	Ch.122	-	340
41-5909	Amended	Ch.122	-	343
41-5915	Amended	Ch.122	-	345
41-5916	Amended	Ch.122	-	345
Ch.60				
41-6005	Amended	Ch.121	-	331
41-6006	Amended	Ch.121	-	331
41-6007	Amended	Ch.121	-	332
TITLE 42				
Ch.1				
42-108B	Amended	Ch.243	-	655
Ch.2				

42-202B	Referred to	Ch.243 -	655
42-203A	Amended	Ch.170 -	488
42-211	Referred to	Ch.172 -	494
42-217	Referred to	Ch.171 -	490
42-218a	Amended	Ch.171 -	490
42-219	Amended	Ch.210 -	591
42-221	Amended	Ch.172 -	491
42-222	Referred to	Ch.172 -	494
42-248	Amended	Ch.172 -	493
Ch.6			
42-605	Amended	Ch.176 -	498
42-605	Referred to	Ch.176 -	501
42-605A	Referred to	Ch.176 -	501
42-607	Referred to	Ch.176 -	501
42-608	Amended	Ch.176 -	501
42-615	Amended	Ch.176 -	502
42-619	Amended	Ch.176 -	502
Ch.12			
42-1207	Amended	Ch.177 -	504
Ch.17			
42-1765	Referred to	Ch.243 -	655
Ch.29			
42-2910	Referred to	Ch.256 -	702
42-2982	New Section Added	Ch.256 -	701
Ch.32			
42-3211	Amended	Ch. 11 -	36
Ch.38			
42-3806	Amended	Ch.261 -	707
Ch.39	Heading Amended	Ch.110 -	287
42-3902	Amended	Ch.110 -	287
42-3903	Amended	Ch.110 -	288
42-3904	Amended	Ch.110 -	289
42-3905	Amended	Ch.110 -	289
42-3908	Amended	Ch.110 -	290
42-3911	Amended	Ch.110 -	290
42-3912	Amended	Ch.110 -	290
42-3913	Amended	Ch.110 -	291
Ch.52			
42-5240	Amended	Ch.325 -	950
TITLE 44			
Ch.13			
44-1301	Amended	Ch.199 -	581
Ch.20			
44-2012	Amended and Redesignated 44-2013	Ch. 32 -	76
44-2012	New Section Added	Ch. 32 -	75
44-2013	New Section Added	Ch. 31 -	74
44-2013	Redesignated from 44-2012	Ch. 32 -	76
TITLE 45			
Ch.15			
45-1506	Amended	Ch.323 -	939
45-1506	Referred to	Ch.323 -	940
45-1506C	New Section Added	Ch.323 -	941
TITLE 46			
Ch.1			
46-112	Amended	Ch. 53 -	117

Ch.8			
46-805	New Section Added	Ch.322 -	938
Ch.10	Referred to	Ch.261 -	707
46-1002	Referred to	Ch.334 -	976
46-1022	Referred to	Ch.261 -	707
Ch.11			
46-1103	Amended	Ch. 52 -	116
46-1177	Referred to	Ch. 52 -	116
TITLE 47			
Ch.16			
47-1601	Amended	Ch. 61 -	137
47-1604	Amended	Ch. 63 -	138
47-1605	Amended	Ch. 62 -	137
47-1608	Amended	Ch. 64 -	138
TITLE 48			
Ch.1			
48-107	Amended	Ch.244 -	656
Ch.6	Referred to	Ch.323 -	944
48-603F	New Section Added	Ch.323 -	944
48-606	Referred to	Ch.323 -	944
TITLE 49			
Ch.1			
49-102	Amended	Ch.158 -	443
49-104	Amended	Ch.327 -	952
49-105	Amended	Ch. 60 -	124
49-107	Amended	Ch.327 -	953
49-117	Amended	Ch. 71 -	149
49-122	Amended	Ch.158 -	445
Ch.3			
49-301	Amended	Ch. 60 -	127
49-302	Amended	Ch.330 -	966
49-306	Amended	Ch. 60 -	128
49-317	Amended	Ch. 60 -	133
49-321	Amended	Ch. 60 -	133
49-322	Amended	Ch. 60 -	134
49-326	Amended	Ch.124 -	348
Ch.4			
49-402	Amended	Ch. 22 -	62
49-402	Amended	Ch.151 -	430
49-411	Amended	Ch. 72 -	152
49-411	Referred to	Ch. 72 -	153
49-418	Amended	Ch. 66 -	141
49-420K	New Section Added	Ch. 22 -	63
49-432	Amended	Ch. 72 -	153
49-432	Referred to	Ch. 72 -	152
49-434	Referred to	Ch. 72 -	152
49-448	Referred to	Ch.237 -	644
Ch.5			
49-524	Amended	Ch.143 -	404
Ch.6			
49-601	Amended	Ch.179 -	510
49-613	Amended	Ch.326 -	951
49-624	Amended	Ch. 17 -	54
Ch.10			
49-1004	Amended	Ch.277 -	753

49-1010	Amended	Ch.328 -	962
Ch.16			
49-1613	Amended	Ch.327 -	954
49-1613	Referred to	Ch.327 -	961
49-1626	Amended	Ch.327 -	959
49-1627	Amended	Ch. 72 -	154
49-1627	Referred to	Ch. 72 -	152
Ch.18			
49-1807A	Amended	Ch.304 -	870
49-1809	Referred to	Ch.304 -	871
49-1812	Amended	Ch.304 -	871
Ch.24			
49-2444	Amended	Ch. 60 -	134
TITLE 50			
Ch.3			
50-342A	Referred to	Ch.129 -	359
Ch.4	Referred to	Ch. 11 -	32
Ch.10			
50-1026	Amended	Ch. 11 -	37
50-1029	Amended	Ch.129 -	358
50-1030	Amended	Ch.129 -	359
50-1035	Amended	Ch.129 -	361
50-1039	Amended	Ch.129 -	362
Ch.13			
50-1301	Amended	Ch.136 -	386
50-1301 thru			
50-1313	Referred to	Ch.120 -	330
50-1301	Referred to	Ch.136 -	388
50-1302	Amended	Ch.136 -	388
50-1303	Amended	Ch.136 -	388
50-1314	Amended	Ch.120 -	330
50-1332	Amended	Ch.136 -	388
Ch.20			
50-2006	Amended	Ch.317 -	911
50-2007	Amended	Ch.317 -	912
50-2008	Amended	Ch.317 -	914
50-2018	Amended	Ch.229 -	625
50-2018	Amended	Ch.317 -	916
50-2033	New Section Added	Ch.317 -	918
Ch.29	Referred to	Ch.317 -	918
50-2903	Amended	Ch.317 -	918
50-2904	Amended	Ch.317 -	922
50-2904	Referred to	Ch.317 -	918
50-2905	Amended	Ch.317 -	923
50-2905	Referred to	Ch.317 -	915
50-2909	Amended	Ch.317 -	924
TITLE 51			
Ch.1			
51-123	Repealed	Ch.151 -	432
TITLE 54			
Ch.5			
54-507	Amended	Ch.221 -	608
Ch.7			
54-706	Amended	Ch.308 -	875
Ch.8			

54-802	Amended	Ch. 91 -	197
54-808	Amended	Ch. 91 -	199
54-816	Amended	Ch. 83 -	175
Ch.10			
54-1006	Amended	Ch. 23 -	64
54-1007	Amended	Ch. 16 -	52
54-1013	Amended	Ch. 16 -	53
Ch.12			
54-1202	Amended	Ch.136 -	389
54-1220	Referred to	Ch.136 -	393
54-1227	Amended	Ch.136 -	391
54-1227	Referred to	Ch.136 -	386
54-1234	Amended	Ch.136 -	391
Ch.15			
54-1503	Amended	Ch.307 -	875
54-1504	Repealed	Ch.307 -	875
Ch.17			
54-1704	Amended	Ch.264 -	709
54-1705	Amended	Ch.135 -	375
54-1705	Referred to	Ch.263 -	708
54-1729	Amended	Ch.135 -	379
54-1729	Referred to	Ch.135 -	377
54-1733	Amended	Ch.135 -	380
54-1739	New Section Added	Ch.263 -	708
54-1739	Repealed	Ch.263 -	708
54-1749	Repealed	Ch.263 -	709
54-1750	Repealed	Ch.263 -	709
54-1752	Amended	Ch.144 -	405
54-1761	Amended	Ch.135 -	381
54-1771	New Section Added	Ch.263 -	709
Ch.18			
54-1804	Amended	Ch.301 -	864
Ch.20			
	Referred to	Ch.323 -	944
54-2004	Amended	Ch.108 -	275
54-2038	Amended	Ch.108 -	278
54-2058	Amended	Ch.108 -	279
Ch.21			
	Referred to	Ch. 93 -	202
54-2104	Amended	Ch. 80 -	169
54-2105	Amended	Ch. 78 -	163
54-2115	Amended	Ch. 79 -	166
54-2115A	New Section Added	Ch. 93 -	202
Ch.25			
54-2508	Amended	Ch.306 -	873
54-2512	Amended	Ch.276 -	749
54-2513	Referred to	Ch.276 -	750
54-2514A	Referred to	Ch.276 -	751
Ch.29			
54-2918	Amended	Ch. 76 -	161
54-2927	Amended	Ch. 76 -	161
Ch.41			
54-4105	Referred to	Ch.108 -	276
54-4113	Amended	Ch. 84 -	175
Ch.42			
54-4204	Amended	Ch. 77 -	162
54-4206	Amended	Ch. 92 -	201

Ch.47			
54-4702	Amended	Ch.135 -	381
54-4703	Amended	Ch. 75 -	157
54-4705	Amended	Ch. 75 -	157
54-4707	Amended	Ch. 75 -	158
54-4708	Amended	Ch. 75 -	158
54-4708A	New Section Added	Ch. 75 -	159
54-4710	Amended	Ch. 75 -	159
54-4710	Referred to	Ch. 75 -	159
54-4711	Amended	Ch. 75 -	160
54-4712	Amended	Ch. 75 -	160
54-4713	Amended	Ch. 75 -	160
Ch.50			
54-5004	Amended	Ch. 20 -	58
Ch.51			
54-5110	Amended	Ch.135 -	382
Ch.55	Referred to	Ch.182 -	516
TITLE 55			
Ch.3			
55-307	Referred to	Ch.184 -	525
Ch.16			
55-1603	Amended	Ch.136 -	391
55-1605	Amended	Ch.136 -	392
55-1608	Amended	Ch.136 -	392
55-1613	Amended	Ch.136 -	393
Ch.19			
55-1902	Amended	Ch.136 -	394
55-1904	Amended	Ch.136 -	394
55-1904	Referred to	Ch.136 -	395
55-1905 thru			
55-1907	Referred to	Ch.136 -	386
55-1908	Amended	Ch.136 -	395
55-1911	Amended	Ch.136 -	395
Ch.20	Heading Amended	Ch.184 -	523
55-2001	Amended	Ch.184 -	523
55-2003	Amended	Ch.184 -	523
55-2004	Amended	Ch.184 -	524
55-2005	Amended	Ch.184 -	525
55-2006	Amended	Ch.184 -	525
55-2006	Referred to	Ch.184 -	525
55-2007	Amended	Ch.184 -	526
55-2008	Amended	Ch.184 -	527
55-2009	Amended	Ch.184 -	527
55-2009A	Amended	Ch.184 -	528
55-2009B	New Section Added	Ch.184 -	528
55-2009C	New Section Added	Ch.184 -	529
55-2009D	New Section Added	Ch.184 -	529
55-2009E	New Section Added	Ch.184 -	530
55-2009F	New Section Added	Ch.184 -	530
55-2010	Amended	Ch.184 -	530
55-2012	Amended	Ch.184 -	531
55-2013	Amended	Ch.184 -	531
55-2013A	Amended	Ch.184 -	531
55-2014	Amended	Ch.184 -	532
55-2015	Amended	Ch.184 -	533

55-2016	Amended	Ch.184 -	534
55-2019	Amended	Ch.184 -	534
55-2020	New Section Added	Ch.184 -	534
Ch.31			
55-3101	New Section Added	Ch.107 -	273
55-3102	New Section Added	Ch.107 -	274
55-3103	New Section Added	Ch.107 -	275
TITLE 56			
Ch.1			
Sub.Ch.A			
56-102	Repealed	Ch.164 -	463
56-108	Amended	Ch.164 -	463
Sub.Ch.B			
56-113	Amended	Ch.151 -	432
56-113	Repealed	Ch.164 -	466
56-117	Amended	Ch.164 -	466
56-118	Amended	Ch.164 -	467
Sub.Ch.E			
56-136	Repealed	Ch.164 -	467
Ch.2			
56-203	Amended	Ch.102 -	261
56-209c	Amended	Ch.152 -	437
56-209f	Amended	Ch.291 -	812
56-209g	Amended	Ch.164 -	467
56-209p	New Section Added	Ch.182 -	516
56-211	Amended	Ch.269 -	729
56-227D	Amended	Ch.193 -	554
56-234	New Section Added	Ch.101 -	256
56-234 thru			
56-235E	Referred to	Ch.101 -	257
56-234A	New Section Added	Ch.101 -	257
56-235	Amended	Ch.102 -	262
56-235A	New Section Added	Ch.101 -	258
56-235B	New Section Added	Ch.101 -	258
56-235C	New Section Added	Ch.101 -	258
56-235D	New Section Added	Ch.101 -	259
56-235E	New Section Added	Ch.101 -	259
56-255	Amended	Ch.164 -	468
56-257	Amended	Ch.164 -	471
56-260	New Section Added	Ch.164 -	472
56-261	New Section Added	Ch.164 -	472
56-262	New Section Added	Ch.164 -	473
56-263	New Section Added	Ch.164 -	473
56-264	New Section Added	Ch.164 -	473
56-265	New Section Added	Ch.164 -	475
56-266	New Section Added	Ch.164 -	475
Ch.10	Referred to	Ch. 9 -	21
56-1004	Amended	Ch.102 -	262
Ch.14			
56-1408	Amended	Ch.164 -	475
Ch.15			
56-1504	Amended	Ch.164 -	475
56-1504	New Section Added	Ch.164 -	477
56-1504	Repealed	Ch.164 -	477
56-1505	Amended	Ch.164 -	476

56-1505	New Section Added	Ch.164	-	478
56-1505	Referred to	Ch.164	-	476
56-1505	Repealed	Ch.164	-	477
56-1507	Referred to	Ch.164	-	478
56-1511	Amended	Ch.164	-	477
56-1511	New Section Added	Ch.164	-	479
56-1511	Repealed	Ch.164	-	477
Ch.16				
56-1601	New Section Added	Ch.164	-	479
56-1602	New Section Added	Ch.164	-	479
56-1603	New Section Added	Ch.164	-	480
56-1604	New Section Added	Ch.164	-	481
56-1605	New Section Added	Ch.164	-	481
56-1606	New Section Added	Ch.164	-	481
56-1607	New Section Added	Ch.164	-	481
56-1608	New Section Added	Ch.164	-	481
56-1609	New Section Added	Ch.164	-	482
56-1610	New Section Added	Ch.164	-	482
TITLE 57				
Ch.11				
57-1108	Referred to	Ch.315	-	909
TITLE 59				
Ch.1				
59-105	Amended	Ch.303	-	870
Ch.11	Referred to	Ch.283	-	771
59-1101A	New Section Added	Ch.283	-	771
Ch.13	Heading Amended	Ch.151	-	433
Ch.13	Referred to	Ch. 43	-	99
59-1302	Amended	Ch.100	-	240
59-1302	Amended	Ch.100	-	245
59-1302	Amended	Ch.100	-	251
59-1311	Referred to	Ch.139	-	399
59-1374	Amended	Ch. 43	-	99
TITLE 62				
Ch.6				
62-606	Amended	Ch.312	-	905
62-616	Referred to	Ch.312	-	905
62-622	Amended	Ch.312	-	905
TITLE 63				
Ch.3				
63-301A	Amended	Ch.151	-	433
63-301A	Amended	Ch.175	-	496
63-302	Referred to	Ch.245	-	660
Ch.4				
63-404	Referred to	Ch.245	-	660
Ch.6				
63-602G	Referred to	Ch.323	-	941
Ch.7				
63-701	Amended	Ch. 85	-	176
63-706	Amended	Ch. 85	-	179
63-707	Amended	Ch. 85	-	180
63-715	Amended	Ch. 85	-	181
63-716	Amended	Ch. 85	-	181
Ch.17				
63-1701	Referred to	Ch.317	-	916

63-1705	Amended	Ch. 5 -	11
Ch.23			
63-2304	Repealed	Ch. 56 -	121
Ch.24			
63-2404	Amended	Ch. 6 -	16
63-2411	Amended	Ch. 6 -	17
63-2423	Amended	Ch. 6 -	17
63-2424	Amended	Ch. 6 -	17
63-2428	Referred to	Ch. 4 -	10
63-2429	Amended	Ch. 6 -	18
63-2430	Amended	Ch. 4 -	10
63-2431	Amended	Ch. 6 -	18
63-2436	Amended	Ch. 6 -	18
Ch.25			
63-2502	Amended	Ch. 2 -	4
63-2506	Referred to	Ch.332 -	972
63-2513	Amended	Ch. 2 -	5
63-2520	Referred to	Ch.332 -	970
63-2551	Amended	Ch. 2 -	5
63-2552A	Referred to	Ch.332 -	972
Ch.30			
63-3004	Amended	Ch. 1 -	3
63-3022L	Amended	Ch. 3 -	6
63-3022O	Amended	Ch. 1 -	3
63-3024A	Referred to	HCR 25 -	1011
63-3026A	Amended	Ch. 3 -	6
63-3029B	Amended	Ch.271 -	738
63-3029E	Repealed	Ch.318 -	925
63-3029F	Amended	Ch.318 -	925
63-3033	Amended	Ch. 45 -	102
63-3035A	Referred to	Ch.332 -	972
63-3036B	Amended	Ch. 3 -	9
63-3067	Referred to	Ch.332 -	972
63-3072	Amended	Ch. 45 -	103
Ch.32			
63-3201 thru			
63-3204	Referred to	Ch.250 -	692
Ch.36			
63-3613	Amended	Ch.230 -	628
63-3621	Amended	Ch. 18 -	55
63-3621	Amended	Ch.278 -	756
Ch.44			
63-4405	Amended	Ch.318 -	928
Ch.45			
63-4502	Amended	Ch. 10 -	22
TITLE 65			
Ch.3			
65-301	Amended	Ch.302 -	869
Ch.5			
65-502	Amended	Ch.284 -	772
65-502	Referred to	Ch.284 -	774
65-503	Amended	Ch.284 -	774
65-503	Referred to	Ch.284 -	773
65-503A	New Section Added	Ch.284 -	775
65-504	Amended	Ch.284 -	775

65-506	Amended	Ch.284 -	776
65-506	Referred to	Ch.284 -	775
65-512	New Section Added	Ch.284 -	777
TITLE 66			
Ch.1			
66-115	Amended	Ch.102 -	263
66-116	Amended	Ch.102 -	263
66-118	Amended	Ch.102 -	263
Ch.3			
66-329	Referred to	Ch.178 -	508
66-329	Referred to	Ch.178 -	507
Ch.4			
66-402	Referred to	Ch.178 -	508
66-402	Amended	Ch.102 -	264
66-402	Referred to	Ch.178 -	505
66-406	Referred to	Ch.101 -	258
66-406	Referred to	Ch.178 -	507
Ch.5			
66-501	Amended	Ch.102 -	266
66-503	Amended	Ch.102 -	266
TITLE 67			
Ch.4			
67-450B	Amended	Ch. 21 -	59
67-450D	Amended	Ch. 21 -	60
Ch.12			
67-1226	New Section Added	Ch.213 -	600
Ch.16			
67-1602	Referred to	Ch. 12 -	39
67-1607	Amended	Ch. 12 -	38
67-1608	Amended	Ch. 12 -	39
67-1609	Repealed	Ch. 12 -	40
67-1610	Referred to	Ch. 12 -	39
Ch.18			
67-1803	Referred to	Ch.315 -	909
Ch.23			
67-2302	Referred to	Ch.291 -	811
67-2303	New Section Added	Ch.209 -	590
67-2345	Amended	Ch.311 -	904
67-2345	Referred to	Ch. 96 -	226
Ch.26			
67-2601	Amended	Ch.151 -	435
67-2601	Amended	Ch.181 -	515
Ch.28			
67-2803	Amended	Ch.320 -	937
Ch.29			
67-2901B	Referred to	Ch. 60 -	126
67-2914	Amended	Ch. 68 -	143
Ch.35			
67-3502	Referred to	Ch.250 -	692
67-3502	Referred to	Ch.291 -	810
67-3502	Amended	Ch. 13 -	41
67-3502	Referred to	Ch. 13 -	41
67-3516	Referred to	Ch.250 -	692
67-3516	Referred to	Ch.298 -	852
67-3531	Referred to	Ch.154 -	439
Ch.36			
67-4223	Referred to	Ch.250 -	692
Ch.42			
67-4223	Referred to	Ch.237 -	644

Ch.47			
67-4703	Amended	Ch. 99 -	239
67-4723A	New Section Added	Ch.224 -	611
Ch.49			
67-4911	Amended	Ch. 11 -	37
Ch.50			
67-5006	Amended	Ch.142 -	402
Ch.52	Referred to	Ch.101 -	259
Ch.52	Referred to	Ch.159 -	452
Ch.52	Referred to	Ch.227 -	620
Ch.52	Referred to	Ch.233 -	636
Ch.52	Referred to	Ch.291 -	812
Ch.52	Referred to	Ch.318 -	927
Ch.52	Referred to	Ch.334 -	977
67-5224	Referred to	SCR107 -	994
67-5247	Referred to	Ch.334 -	977
67-5279	Referred to	Ch. 96 -	211
67-5291	Referred to	Ch.233 -	637
67-5291	Referred to	HCR 22 -	1010
67-5291	Referred to	HCR 23 -	1010
67-5291	Referred to	SCR107 -	994
Ch.53			
67-5302	Referred to	Ch.272 -	743
67-5303	Amended	Ch. 30 -	72
67-5309	Amended	Ch. 98 -	235
67-5333	Referred to	Ch. 43 -	99
Ch.57			
67-5711	Referred to	Ch.250 -	692
67-5732A	Amended	Ch. 59 -	123
67-5761	Referred to	Ch.292 -	817
Ch.58			
67-5805	New Section Added	Ch.334 -	976
67-5806	New Section Added	Ch.334 -	976
67-5807	New Section Added	Ch.334 -	977
Ch.62	Referred to	Ch.111 -	301
67-6205	Amended	Ch.111 -	292
67-6206	Amended	Ch.111 -	295
67-6210	Amended	Ch.111 -	298
Ch.65			
67-6502	Amended	Ch. 89 -	192
67-6508	Amended	Ch. 89 -	193
67-6511	Amended	Ch. 89 -	194
67-6512	Amended	Ch. 89 -	195
67-6519	Amended	Ch.279 -	759
67-6529C	Amended	Ch.180 -	511
67-6529E	Amended	Ch.180 -	512
67-6529H	New Section Added	Ch.180 -	512
Ch.66			
67-6601 thru 67-6616	Referred to	Ch.145 -	410
67-6623 thru 67-6630	Referred to	Ch.145 -	410
Ch.70			
67-7024	Amended	Ch.114 -	313
Ch.71			

67-7101	Amended	Ch.158 -	445
67-7101	Referred to	Ch.158 -	444
Ch.74			
67-7430	Repealed	Ch.141 -	400
67-7431	Amended	Ch.141 -	401
67-7432	Amended	Ch.141 -	401
67-7433	Amended	Ch.141 -	401
67-7436	Amended	Ch.141 -	401
Ch.79			
67-7903	Amended	Ch.280 -	760
67-7903	Amended	Ch.291 -	812
67-7903	Referred to	Ch.269 -	729
Ch.86			
67-8601	Amended	Ch. 87 -	183
Ch.87			
67-8716	Amended	Ch.214 -	600
TITLE 68			
Ch.1			
68-106A	New Section Added	Ch. 35 -	78
TITLE 70			
Ch.22	Heading Amended	Ch. 37 -	87
70-2201	Amended	Ch. 37 -	87
70-2202	Amended	Ch. 37 -	88
70-2203	Amended	Ch. 37 -	88
70-2204	Amended	Ch. 37 -	88
70-2205	Amended	Ch. 37 -	89
70-2206	Amended	Ch. 37 -	89
70-2210	Amended	Ch. 37 -	90
70-2211	Amended	Ch. 37 -	90
70-2213	Amended	Ch. 37 -	92
TITLE 72			
Ch.2			
72-205	Amended	Ch. 42 -	97
Ch.3			
72-301	Amended	Ch.198 -	581
Ch.5			
72-523	Amended	Ch.267 -	727
Ch.8			
72-803	Amended	Ch.313 -	907
Ch.13	Referred to	Ch.318 -	925
72-1312A	New Section Added	Ch. 82 -	173
72-1316A	Referred to	Ch. 82 -	173
72-1322D	Referred to	Ch. 82 -	173
72-1346	Referred to	Ch.111 -	302
72-1346B	New Section Added	Ch.111 -	301
72-1347A	Referred to	Ch.111 -	302
72-1347B	Amended	Ch. 65 -	139
72-1349	Referred to	Ch.111 -	302
72-1349B	Referred to	Ch.117 -	327
72-1349C	Referred to	Ch. 82 -	173
72-1350	Amended	Ch.111 -	302
72-1350	Referred to	Ch.111 -	302
72-1350	Referred to	Ch.318 -	927
72-1351	Amended	Ch. 94 -	202
72-1352A	New Section Added	Ch. 82 -	173

72-1361	Amended	Ch. 82 -	174
72-1367	Amended	Ch.113 -	311
72-1367A	Amended	Ch.112 -	306
72-1372	Amended	Ch.117 -	326

IDAHO CONSTITUTION

Art.I, Sec.1	Referred to	Ch.334 -	976
Art.VIII, Sec.3E	Referred to	Ch.129 -	362

LAWS OF 1987

SCR 101	Referred to	HCR 2 -	998
---------	-------------------	---------	-----

LAWS OF 2006

Ch.219, Sec.2	Amended	Ch.226 -	614
---------------	---------------	----------	-----

LAWS OF 2009

Ch.333, Sec.2	Repealed	Ch. 68 -	143
Ch.333, Sec.3	Repealed	Ch. 68 -	143
Ch.333, Sec.4	Repealed	Ch. 68 -	143
Ch.333, Sec.7	Amended	Ch. 68 -	143
	(as amended by Sec. 1, Ch. 129, Laws of 2010)		
Ch.341, Sec.1	Amended	Ch. 11 -	24

LAWS OF 2010

Ch.233, Sec.2	Amended	Ch.205 -	586
Ch.289, Sec.2	Amended	Ch.254 -	696
HCR 59	Referred to	SCR103 -	988

LAWS OF 2011

S1103, Sec.5	Amended	Ch.331 -	968
S1108, Sec.26	Amended	Ch.295 -	830
S1110, Sec.4	Amended	Ch.296 -	837
S1184, Sec.19	Amended	Ch.300 -	864

RULES

Certified Shorthand Reporters Board

IDAPA 49.01.01

Section 400

Subsection 02.d	Rejected	HCR 15 -	1007
-----------------	----------------	----------	------

Education, State Board of

IDAPA 08.02.03

	Referred to	Ch.332 -	973
--	-------------------	----------	-----

Environmental Quality, Department of

IDAPA 58.01.02

Section 010

Subsection 19	Rejected	HCR 16 -	1007
---------------	----------------	----------	------

Subsection 71	Referred to	Ch.116 -	325
---------------	-------------------	----------	-----

Subsection 72	Referred to	Ch.116 -	325
---------------	-------------------	----------	-----

Section 051

Subsection 03	Referred to	Ch.116 -	325
---------------	-------------------	----------	-----

Section 052

Subsection 03	Rejected	HCR 16 - 1007
Subsection 05	Rejected	HCR 16 - 1007
Subsection 08.a	Rejected	HCR 16 - 1007
Subsection 09	Referred to	Ch.116 - 325
Health and Welfare, Department of		
IDAPA 16.03.09		
Section 514		
Subsection 01.d	Rejected	HCR 23 - 1010
IDAPA 16.03.10		
Section 270		
Subsection 03	Rejected	HCR 13 - 1006
Subsection 07	Rejected	HCR 13 - 1006
Section 663		
Subsection 02.a	Rejected	HCR 12 - 1005
IDAPA 16.05.04		
Section 004		
Subsection 03	Rejected	HCR 22 - 1010
IDAPA 16.05.06		
Section 210		
Subsection 01.j	Rejected	HCR 14 - 1006
Juvenile Corrections		
IDAPA 05.01.02	Referred to	Ch. 7 - 19
Lands, Dept of		
IDAPA 20.02.14		
Section 010		
Subsection 16	Rejected	HCR 10 - 1005
Section 023	Rejected	HCR 10 - 1005
State Police		
IDAPA 11.11.02	Referred to	Ch. 7 - 19

ACTS

Administrative Procedure Act		
Referred to	Ch.115 -	318
Administrative Procedure Act		
Referred to	Ch.334 -	977
Administrative Procedure Act		
Referred to	SCR107 -	994
Idaho Consumer Protection Act		
Referred to	Ch.323 -	944

EXECUTIVE ORDERS

2007-21	Referred to	Ch.138 - 398
2007-21	Referred to	Ch.169 - 487

FEDERAL LAWS

American Recovery and Reinvestment Act, Title 14		
	Referred to	Ch.333 - 974
7 CFR 273.2	Referred to	Ch.269 - 729
40 CFR 122.42(e)(1)	Referred to	Ch.227 - 616
42 CFR 447.272	Referred to	Ch.164 - 480
45 CFR 160.103	Referred to	Ch. 36 - 80
Federal Energy Policy Act of 2005		
	Referred to	Ch. 38 - 93

Federal Land Policy Management Act (FLPMA)			
	Referred to	SCR105 -	992
Federal Motor Carrier Safety Regulations, Part 391			
	Referred to	Ch. 60 -	125
Internal Revenue Code, Sec. 130			
	Referred to	Ch.196 -	569
Internal Revenue Code, Sec. 168(k)			
	Referred to	Ch. 1 -	3
Internal Revenue Code, Sec. 751			
	Referred to	Ch. 3 -	7
Internal Revenue Code, Section 7508			
	Referred to	Ch. 45 -	103
Internal Revenue Code, Sections 46, 48 and 49			
	Referred to	Ch.271 -	741
Medicare Modernization Act of 2003, Sec. 1011			
	Referred to	Ch.291 -	798
National Environmental Policy Act (NEPA)			
	Referred to	SCR105 -	992
Patient Protection and Affordable Care Act			
	Referred to	HJM 3 -	986
P.L. 111-148			
	Referred to	Ch.152 -	436
P.L. 111-312			
	Referred to	Ch.112 -	306
P.L. 111-226, Title 1			
	Referred to	Ch.333 -	974
Secure Rural Schools and Community Self-Determination Act of 2000			
	Referred to	SJM101 -	982
Social Security Act, Section 903, as amended			
	Referred to	Ch.240 -	649
5 USC 2108			
	Referred to	Ch.284 -	774
15 USC 375			
	Referred to	Ch. 2 -	4
15 USC 7001(c)			
	Referred to	Ch. 36 -	86
15 USC 7001, et seq.			
	Referred to	Ch. 36 -	86
15 USC 7003(b)			
	Referred to	Ch. 36 -	86
26 USC 3401(h)			
	Referred to	Ch.100 -	247
29 USC 1002(40)			
	Referred to	Ch.196 -	561
32 USC 509			
	Referred to	Ch.322 -	938
38 USC 4110A(c)			
	Referred to	Ch. 66 -	141
42 USC 418			
	Referred to	Ch.283 -	771
42 USC 1321, et seq.			
	Referred to	Ch.111 -	301
42 USC 1437, et seq.			
	Referred to	Ch.111 -	292
42 USC 5119a			
	Referred to	Ch.311 -	900
42 USC part C			
	Referred to	Ch.196 -	561
42 USC part D			
	Referred to	Ch.196 -	562

FEDERAL LEGISLATION

Clean Water Act	Referred to	Ch.116 -	321
-----------------	-------------------	----------	-----

MISCELLANEOUS

American National Standards Institute (ANSI) Recreational Standard A119.5			
	Referred to	Ch.184 -	524
Idaho Rules of Civil Procedure			
	Referred to	Ch. 33 -	77
Idaho Rules of Civil Procedure, Rule 65(c)			
	Referred to	Ch.277 -	755

Phase 3 Compliance Initiative

	Referred to	Ch.272	-	743
Secretary of the Interior, Secretarial Order 3310				
	Referred to	HJM	2	- 984
Secretary of the Interior, Secretarial Order 3310				
	Referred to	SCR105	-	992
US Supreme Court, Roper v Simmons (2005)				
	Referred to	HJM	1	- 983
US Supreme Court, Troxel v Granville (2000)				
	Referred to	HJM	1	- 983
US Supreme Court, Wisconsin v Yoder (1972)				
	Referred to	HJM	1	- 983
Wilderness Act of 1964	Referred to	SCR105	-	992

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1001aa	Off-road vehicles/license requirmnt	Ch.330	- 966
S 1003	Juvenile corrections act, detention	Ch. 7	- 19
S 1006	Right to work	Ch. 31	- 74
S 1007	Labor organizations	Ch. 32	- 75
S 1008	Courts, administrative director	Ch. 25	- 66
S 1009	Commencement of actions	Ch. 26	- 66
S 1010	Parent responsibility act	Ch. 33	- 76
S 1011	Rules of the road	Ch. 17	- 54
S 1012	Supreme ct reporter/law librarian	Ch. 34	- 77
S 1014	Rape, definition	Ch. 27	- 67
S 1017	Emplomynt securty law/military duty	Ch. 94	- 202
S 1018	Human resources div, rules revised	Ch. 98	- 235
S 1019	Commerce dept	Ch. 99	- 239
S 1020	Persi, military service	Ch.100	- 240
S 1021aa	EMS system/practice of medicine	Ch.301	- 864
S 1022	Persons with intellctl disabilities	Ch.148	- 412
S 1026aa	Public records, unlawful xfer/remvl	Ch.302	- 866
S 1029	Correction board	Ch. 28	- 70
S 1030	Correction brd, rehab services	Ch. 29	- 71
S 1031	Correction dept, personnel system	Ch. 30	- 72
S 1041	State lottery	Ch.141	- 400
S 1042	Codifier corrections	Ch.151	- 414
S 1043	Domestic relations	Ch.149	- 412
S 1044aa	Uniform probate code, conservators	Ch. 69	- 144
S 1045	Trusts and fiduciaries	Ch. 35	- 78
S 1048	State appellate public defender	Ch. 8	- 20
S 1049	Public assistance law/food stamps	Ch.193	- 554
S 1050	Highways, medal of honor	Ch. 48	- 113
S 1052	Use tax, military personnel	Ch. 18	- 55
S 1055	Agriculture Dept, director duties	Ch. 95	- 206
S 1056	Uniform adult guardianship	Ch. 36	- 78
S 1057aa	Immunodeficiency virus, testing	Ch. 70	- 148
S 1058	Environmental quality board	Ch. 44	- 100
S 1059	Aeronautics program	Ch. 58	- 122
S 1060	Intermodal commerce authorities	Ch. 37	- 86
S 1061	Motor vehicles, definition revised	Ch. 71	- 149
S 1062	Vehicle registratn/dealer licensing	Ch. 72	- 151
S 1063	Correction brd/monthly contribution	Ch. 73	- 155
S 1066	School discontinuation	Ch.125	- 351
S 1067	DNA database act	Ch.211	- 593
S 1070aa	Homicide, causing/assisting suicide	Ch.194	- 555
S 1071aa	POW/MIA flag	Ch.209	- 590
S 1073	Veterans license plates	Ch. 66	- 141

S 1074	Blood donations	Ch.126 -	352
S 1075aa	Elected officials, office space	Ch.303 -	870
S 1076	Aging commission	Ch.142 -	402
S 1077aaH	Drainage districts	Ch.256 -	700
S 1079	Income tax, time extension	Ch. 45 -	102
S 1081	Id state school and hospital	Ch.101 -	256
S 1082	Id state school/hospital/name chng	Ch.102 -	260
S 1087	Title insurance	Ch.195 -	556
S 1088aa,aaH	Motor vehicles, towing/storage	Ch.304 -	870
S 1089aa	Vehicle titles	Ch.143 -	403
S 1090	Life/health insur guarnty assoc act	Ch.196 -	558
S 1094	Purchasing/political subdivisions	Ch.320 -	937
S 1096	Electronic recording commission	Ch.127 -	353
S 1097	Cost of presentence investigation	Ch. 74 -	156
S 1100	Immunizations	Ch.212 -	599
S 1101	Daycare facilities, immunization	Ch.103 -	266
S 1102	Wholesale drug distribution act	Ch.144 -	405
S 1103	H&W, child support	Ch.104 -	267
S 1107	Community college districts	Ch.145 -	409
S 1108	Education	Ch. 96 -	208
S 1110	Ed, pay for performance	Ch. 97 -	229
S 1114	Wine	Ch.130 -	363
S 1115	Abortion, insurance contract	Ch.152 -	436
S 1116	Motor vehicles	Ch.105 -	269
S 1117	State appellate public defender	Ch. 67 -	142
S 1118	County commissioners	Ch.128 -	354
S 1120	Uniform probate code	Ch.305 -	871
S 1121	Intestate succession, wills	Ch.106 -	271
S 1123aa	Real estate transfer fees	Ch.107 -	273
S 1127	Real estate license law	Ch.108 -	275
S 1129	Local government investment pool	Ch.213 -	600
S 1130	Bond bank authority	Ch.214 -	600
S 1132	Tort claims act	Ch.197 -	578
S 1133aa	Horse racing	Ch.306 -	873
S 1137	Optometrists	Ch.307 -	874
S 1138	Chiropractic practice act	Ch.308 -	875
S 1139	Compensation security	Ch.198 -	580
S 1140	Approp, Public Utilities Com	Ch.131 -	365
S 1141	Approp, Attorney General	Ch.140 -	399
S 1142	Approp, Appellate Defender	Ch.132 -	366
S 1144	Animals	Ch.309 -	876
S 1147	Employment, children	Ch.199 -	581
S 1149	Public charter school closures	Ch.310 -	878
S 1150	Approp, Endowment Fund Inv Bd	Ch.146 -	410
S 1151	Approp, Human Rsrcs Div	Ch.153 -	437
S 1152	Approp, Soil & Water Conserv Comm	Ch.150 -	413
S 1153	Approp, Lava Hot Springs	Ch.147 -	411
S 1154aa	Sexual offender registration	Ch.311 -	881
S 1156	Telecommunications act	Ch.312 -	905
S 1157	Approp, Controller, State, orig	Ch.154 -	438
S 1160	Approp, Libraries Comm, orig	Ch.166 -	484
S 1161	Approp, Blind Comm, orig	Ch.167 -	485
S 1162	App, Historical Society, orig	Ch.168 -	486
S 1163	Approp, Bld Safety Div, orig	Ch.169 -	487
S 1164	Approp, Pub Broadcast Sys, Edu	Ch.200 -	582
S 1165	Abortion	Ch.324 -	945

S 1167	Approp, Office of Education Bd	Ch.201 -	583
S 1168	Approp, Prof-Tech Edu Div	Ch.202 -	583
S 1169	Approp, Edu Bd, Ag Research	Ch.203 -	585
S 1170	Approp, Lieutenant Gov, orig	Ch.215 -	601
S 1171	Approp, Commerce, orig	Ch.204 -	585
S 1172	Approp, Financial Mgmt Div, orig	Ch.216 -	602
S 1173	Approp, Public Instruc Supt	Ch.205 -	586
S 1174	Approp, Hispanic Affairs Com, orig	Ch.206 -	588
S 1175	Approp, Arts Com, orig	Ch.207 -	589
S 1176	Approp, Aging Commission	Ch.208 -	589
S 1180	Approp, Edu Bd, comm college	Ch.217 -	603
S 1181	Approp, Edu Bd, college & univ	Ch.218 -	604
S 1182	Approp, Liquor Div, State, orig	Ch.219 -	605
S 1183	Approp, Edu Bd, special prgrms	Ch.220 -	606
S 1184	Education	Ch.247 -	668
S 1186	Worker's comp, fees/reimbursements	Ch.313 -	907
S 1187	Alcoholic beverages	Ch.255 -	699
S 1189	Approp, Voc Rehab Div, orig	Ch.254 -	696
S 1190	Approp, Sec of State	Ch.314 -	908
S 1193	Child support	Ch.331 -	968
S 1195	Approp, Public Hlth Districts, orig	Ch.253 -	696
S 1196	Approp, Drug Policy, Office of	Ch.248 -	689
S 1197	Taxidermist/fur buyers	Ch.252 -	695
S 1199	Competitive marketing associations	Ch.244 -	656
S 1200	Approp, Supreme Court	Ch.251 -	693
S 1201	Approp, General Fund transfers	Ch.315 -	908
S 1202	Approp, Secretary of State, add'l	Ch.321 -	937
S 1203	Approp, Perm Bldg Fund	Ch.250 -	691
S 1204	Approp, Health Education Programs	Ch.249 -	689
S 1205	Approp, Millennium Fund	Ch.316 -	909
S 1206	Approp, Public Schools, orig	Ch.332 -	968
S 1207	Approp, MOE Education	Ch.333 -	973
S 1208	Youth challenge program	Ch.322 -	938

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
H 2	Uniform controlled substances	Ch.133	- 367
H 3	Pharmacy board	Ch.134	- 368
H 4	Pharmacists	Ch.135	- 375
H 5	Pharmacists	Ch.263	- 708
H 7	Tobacco/cigarette product taxes	Ch. 2	- 4
H 8	Income taxation	Ch. 3	- 6
H 10	Motor fuels tax	Ch. 4	- 10
H 11	Forest lands, cost study	Ch. 5	- 11
H 12	Motor fuels tax	Ch. 6	- 13
H 13	State tax commission	Ch. 10	- 22
H 17	Transportation dept/comml drvr rqmt	Ch. 60	- 124
H 20	Univ of Idaho, fees	Ch. 39	- 94
H 21	Education, public records	Ch. 40	- 95
H 22	Water right licenses	Ch.210	- 591
H 24	Water, notice	Ch.170	- 488
H 25	Water/permits to appropriate	Ch.171	- 489
H 27	Assault and battery	Ch. 9	- 20
H 31	Water, permit application fees	Ch.172	- 491
H 34	Capitol commission, powers/duties	Ch. 12	- 38
H 38	Organic food products, ed requirmnt	Ch. 50	- 114
H 39	Seed crops, fund payment limit	Ch.173	- 494
H 40	Envir quality/crop residue burning	Ch. 51	- 115
H 41	Underground storage tanks/penalties	Ch. 41	- 96
H 43	Military div, duty status	Ch. 52	- 116
H 44	Military division, adjutant general	Ch. 53	- 117
H 45	License plates, aviation foundation	Ch. 22	- 61
H 46	Acupuncture	Ch. 75	- 157
H 47	Speech/hearing service practice act	Ch. 76	- 161
H 48	Residential care administration act	Ch. 77	- 162
H 49	Residential care admin act	Ch. 92	- 201
H 51	Education/sick leave	Ch. 49	- 114
H 52	Geothermal resources, land leases	Ch. 61	- 137
H 53	Geothermal resource leases	Ch. 62	- 137
H 54	Geothermal leases, surface area	Ch. 63	- 138
H 56	Geothermal resources, bonding	Ch. 64	- 138
H 60	Election consolidation	Ch. 11	- 23
H 61	Motor vehicles, crimes/punishment	Ch. 15	- 43
H 62	Vet medicine brd, nat'l exam review	Ch. 78	- 163
H 63	Veterinarians, licensing exam	Ch. 79	- 166
H 64	Veterinarians, licensure, zoos	Ch. 80	- 168
H 65	Veterinarians	Ch. 93	- 202
H 67	Supreme court/collection services	Ch. 14	- 42
H 68	Judicial council, additional duties	Ch. 13	- 40

H 70	Electrical Apprentices/rnwl regstrn	Ch. 16 -	52
H 71	Elevator safety code act	Ch. 24 -	65
H 72	HVAC Board	Ch. 20 -	58
H 74	Electrical board	Ch. 23 -	64
H 76	Public employment and coverage	Ch. 42 -	97
H 78	Ed/mastery advancemnt pilot progrm	Ch. 81 -	171
H 79	Workforce dev training fund	Ch. 65 -	139
H 80	Employment security law	Ch. 82 -	173
H 81	Cosmeticians	Ch. 83 -	175
H 82	Real estate appraisers act	Ch. 84 -	175
H 83	Barber colleges	Ch.221 -	607
H 85	F&G, mentored hunters	Ch.109 -	280
H 87	Surplus personal property disposal	Ch. 59 -	123
H 88	Catastrophic health care cost prog	Ch.174 -	495
H 89	Fire protect district, prop tax lev	Ch. 19 -	57
H 90	Independent financial audits	Ch. 21 -	59
H 91aa,aa	Motor vehicles, loads	Ch.326 -	950
H 93	Hazardous waste	Ch. 38 -	92
H 94	Injection wells	Ch.110 -	287
H 95aa,aaS	Urban renewal	Ch.317 -	910
H 100	Pea and lentil commission	Ch. 54 -	117
H 101	State brand board	Ch. 55 -	118
H 102	Internal revenue code	Ch. 1 -	3
H 105	Bureau educ services, deaf/blind	Ch. 43 -	98
H 108	Employment security law	Ch.111 -	291
H 109	Unemployment benefits	Ch.112 -	305
H 112	Auctioneer licences	Ch. 56 -	121
H 113	Property tax reduction, procedures	Ch. 85 -	176
H 115	Plats, enforcement/assessment	Ch.120 -	330
H 119	Controlled substances	Ch. 46 -	105
H 121	Exemption from attachment	Ch. 86 -	182
H 122	Employment security law	Ch.113 -	311
H 124	Property tax, new construction roll	Ch.175 -	496
H 129aaS	Daycare, policy provisions revised	Ch.274 -	744
H 130	Immunization assessments	Ch.121 -	331
H 131	Health carrier external review act	Ch.122 -	333
H 132	Bd of engineers/land surveyors	Ch.136 -	383
H 135	Historical soc/lewis & clark trail	Ch. 87 -	183
H 136	Watermasters	Ch.176 -	498
H 137aa,aaS	Alteration, channel of streams	Ch.261 -	707
H 138	Irrigation, buried conduit	Ch.177 -	504
H 139	Controlled substances	Ch. 47 -	109
H 140aaS	Juvenile corrections act	Ch.178 -	505
H 142aaS	Water skiing	Ch.114 -	313
H 143	F&G, veterans	Ch. 88 -	183
H 144	Fuel tax distribution, restored	Ch. 68 -	143
H 145aa	Recreational activities	Ch.158 -	443
H 147aaS	Rules of the road	Ch.179 -	510
H 148	Land use planning	Ch. 89 -	192
H 150aa	CAFO	Ch.180 -	511
H 151	Alfalfa and clover seed commission	Ch.181 -	513
H 152	Dairy products	Ch.115 -	314
H 153	Water quality	Ch.116 -	319
H 154	Wage report penalty	Ch.117 -	325
H 155	F&G, black bear process fee	Ch. 57 -	121
H 157	Idaho state univ, education college	Ch. 90 -	197

H 158	Education board	Ch.118 -	327
H 159	Education brd, executive officer	Ch.222 -	609
H 160	Motor vehicle drivers licenses	Ch.124 -	348
H 163	Pregnant prisoners	Ch.223 -	610
H 164	Advisory councils	Ch.123 -	346
H 165	Midwives	Ch.182 -	516
H 167	Cosmeticians	Ch. 91 -	197
H 174	Unclaimed property law, abandonment	Ch.137 -	395
H 175	Unclaimed property law	Ch.275 -	747
H 178	Revenue bonds, issuance	Ch.129 -	358
H 179	Unauthorized insurers/surplus lines	Ch.183 -	517
H 181aa	Small business fed fund assist act	Ch.224 -	611
H 183aaS	Landlord tenant act	Ch.184 -	522
H 187	Freedom of conscience/hlth cr profs	Ch.225 -	612
H 191	Pari-mutuel betting	Ch.276 -	749
H 193aa,aaS	Motor vehicles	Ch.277 -	752
H 194	Sales/use tax rebate, media prod	Ch.226 -	614
H 195aaS	Motor vehicle dealers	Ch.327 -	951
H 201	School districts, employees	Ch.246 -	662
H 203	Approp, deficiency warrants	Ch.119 -	329
H 204	Postsecondary/proprietary schools	Ch.159 -	447
H 205aaS	Library internet policy	Ch.260 -	705
H 206	Poultry	Ch.227 -	614
H 207aa	Idaho building code	Ch.228 -	622
H 210	Right to farm	Ch.229 -	623
H 213	Sales tax, gratuity	Ch.230 -	628
H 214	Use tax/motor vehicle/student	Ch.278 -	756
H 217	Hospital district debt	Ch.185 -	534
H 218	Pharmacists	Ch.264 -	709
H 224	Local planning act	Ch.279 -	759
H 225	Drug court	Ch.186 -	536
H 226	Judgments and sentences	Ch.187 -	537
H 227aa	Noncommercial driving privileges	Ch.265 -	710
H 228	Motor vehicles, size/load exception	Ch.328 -	962
H 230	Lawful presence in US/verification	Ch.280 -	760
H 231aa	Hunting, certain aircraft use	Ch.281 -	762
H 232	Highway district encroachments	Ch.282 -	765
H 233	State controller/access to records	Ch.283 -	766
H 234	Sexual offender registration act	Ch.266 -	725
H 235	Criminal gang enforcement act	Ch.188 -	538
H 236	Cooperative service agencies	Ch.189 -	540
H 237	Approp, Industrial Comm	Ch.138 -	397
H 238	Approp, PERSI	Ch.139 -	398
H 239	Public writings	Ch.245 -	657
H 240	Industrial comm, premium tax	Ch.267 -	727
H 244	Approp, Energy Resources	Ch.155 -	440
H 245	Approp, Species Conservation, orig	Ch.156 -	442
H 248	Approp, Agriculture	Ch.160 -	453
H 249	Approp, Finance, orig	Ch.157 -	442
H 251	Approp, Fish and Game, add'l/orig	Ch.161 -	456
H 252	Approp, Juvenile Corrections, orig	Ch.162 -	460
H 253	Approp, Idaho State Police, orig	Ch.231 -	630
H 254	Approp, Pardons/Parole, orig/add'l	Ch.163 -	461
H 257	Administrative rules expiration	Ch.268 -	728
H 258	Approp, Lands, orig/supp	Ch.190 -	542
H 259	Approp, Environmentl Quality, orig	Ch.191 -	545

H 260	Medicaid	Ch.164 -	462
H 262	Public assistance	Ch.269 -	729
H 264	Veteran preferences	Ch.284 -	772
H 269	Dairies	Ch.232 -	634
H 270	Agriculture director/rulemaking	Ch.233 -	635
H 272	Water leases	Ch.243 -	655
H 275aa	Elections	Ch.285 -	777
H 276	Approp, Correction Dept	Ch.192 -	548
H 280	Farm equipment	Ch.270 -	729
H 283	Insurance, trade practices, fraud	Ch.259 -	704
H 284	Approp, Transportation	Ch.234 -	637
H 285	Transportation, GARVEE authorize	Ch.165 -	482
H 286	Approp, Gov, Exec Office, orig	Ch.286 -	787
H 287	Approp, Lottery, State, orig	Ch.235 -	640
H 288	Approp, Self-Gov Agencies, med brds	Ch.236 -	641
H 289	Approp, Legislative Council, orig	Ch.287 -	788
H 290	Approp, Parks & Rec Dept, orig	Ch.237 -	642
H 291	Approp, Water Resources, orig/add'l	Ch.238 -	644
H 292	Approp, Self-Gov Agencies, reg brds	Ch.239 -	646
H 293	Approp, Labor Dept of, orig	Ch.240 -	648
H 294	Approp, Board of Tax Appeals	Ch.241 -	649
H 296	Income tax credit/capital investmnt	Ch.271 -	738
H 297aaS	Income tax credit	Ch.318 -	925
H 299	Health carrier act	Ch.258 -	703
H 301	Approp, Military Division, orig	Ch.288 -	790
H 304	Approp, Veterans Services div	Ch.289 -	791
H 305	Approp, Treasurer State	Ch.290 -	792
H 306	Approp, State Tax Commission, orig	Ch.272 -	741
H 309	Approp, Commerce dept, trailer	Ch.273 -	743
H 310aaS	Medically indigent	Ch.291 -	793
H 315	Education, trailer	Ch.335 -	978
H 318	Ground water districts	Ch.325 -	950
H 323	Approp., Administration dept	Ch.292 -	814
H 324	Approp, Insurance	Ch.262 -	707
H 325	Approp, Capitol Comm	Ch.257 -	702
H 326	Vehicle emission compliance	Ch.329 -	964
H 328	Public records	Ch.242 -	650
H 329	Approp, Catastrophic Health Care	Ch.293 -	818
H 330	Approp, Independent Living Council	Ch.294 -	819
H 331	Foreclosure	Ch.323 -	939
H 335	Education	Ch.295 -	820
H 336	Education	Ch.296 -	831
H 338	Approp, Sbstnce abuse/mental hlth	Ch.297 -	837
H 341	Approp, Health & Welfare, Dept.	Ch.298 -	838
H 343	Wolves	Ch.334 -	975
H 344	Fiscal matters, school districts	Ch.299 -	853
H 345	Education	Ch.300 -	856
H 351	Primary elections	Ch.319 -	929

NUMERICAL LIST OF SENATE AND HOUSE JOINT RESOLUTIONS, JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SENATE JOINT MEMORIALS

		Page
SJM 101	Secure rural schools	981

HOUSE JOINT MEMORIALS

HJM 1	Parental rights	983
HJM 2	Wilderness designation	984
HJM 3	Health ins agent/brokr commissions	986

SENATE CONCURRENT RESOLUTIONS

SCR 101	Aquatic nuisance species, threat	987
SCR 103	Year of Idaho food	988
SCR 104	Clearwater county, centennial	989
SCR 105	Wild lands	991
SCR 106	Lewis county, congratulated	993
SCR 107	Fee rules	994
SCR 108	Administrative rules, temporary	995
SCR 109	USS Boise, commended	995

HOUSE CONCURRENT RESOLUTIONS

HCR 1	State of State Address	997
HCR 2	Bonneville county centennial	997
HCR 3	Study, natural resource issues	999
HCR 4	Energy/environment/tech/study	1000
HCR 5	Shaken baby syndrome	1001
HCR 6	Printing costs, session laws	1002
HCR 7	Budget stabilization fund/transfer	1004
HCR 8	Lewiston/Lewis-Clark valley	1004
HCR 10	Lands dept, rules, rejected	1005
HCR 12	Rules rejected, H&W	1005
HCR 13	H&W rules, rejected	1006

HCR 14	H&W, rules rejected	1006
HCR 15	Shorthand report brd, rule rejected	1007
HCR 16	Envir quality dept, rules rejected	1007
HCR 18	Sesquicentennial, recognized	1008
HCR 19	National laboratory, congratulated	1009
HCR 22	H&W, rule rejected	1010
HCR 23	H&W rule, rejected	1010
HCR 25	Grocery tax credit	1011

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

Senator James E. Risch (R)
350 N. 9th St., Ste. 302
Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

Raul Labrador (R), First District
Longworth House Office Building, Room 1523
Washington, Idaho 20515

Raul Labrador (R), First District
33 Broadway, Ste. 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR C.L. "Butch" Otter (R)

LIEUTENANT GOVERNOR Brad Little (R)

SECRETARY OF STATE Ben T. Ysursa (R)

STATE CONTROLLER Donna Jones (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Tom Luna (R)

700 W Jefferson St.
P.O. Box 83720
Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1 - BONNER & BOUNDARY COUNTIES

Shawn Keough (R) Senate 8th Term
 P.O. Box 101, Sandpoint 83864
 Home 263-1839
 Email: skeough@senate.idaho.gov
 Public Relations
 VICE CHAIR-Finance/JFAC
 Transportation

Spouse - Mike

Eric R. Anderson (R) House Seat A 4th Term
 33 Match Bay Rd., Priest Lake 83856-5049
 Home 443-1201 FAX 443-1201
 Email: eanderson@house.idaho.gov
 General Contracting/Real Estate
 Environment, Energy, & Technology; State Affairs

Spouse - Nicky

George E. Eskridge (R) House Seat B 6th Term
 P.O. Box 112, Dover 83825
 Home 265-0123
 Email: geskridge@house.idaho.gov
 Real Estate, retired
 Appropriations/JFAC; Environment, Energy, & Technology; Resources & Conservation

Spouse - Jenise

2 - BENEWAH, BONNER, KOOTENAI & SHOSHONE COUNTIES

Joyce M. Broadsword (R) Senate 4th Term
 590 Heath Lake Rd., Sagle 83860
 Home 263-7735 Bus 263-3250
 Email: jbroadsword@senate.idaho.gov
 Business Owner, Log Home Company
 VICE CHAIR-Health & Welfare
 Finance/JFAC;

Spouse - John

Shannon McMillan (R) House Seat A 1st Term
 P.O. Box 26, Silverton 83867
 Bus 752-1800 FAX 752-1900
 Email: smemillan@house.idaho.gov
 Agricultural Affairs; Judiciary, Rules, & Administration

Spouse - Kenneth

R. J. "Dick" Harwood (R) House Seat B 6th Term
 81527 Hwy. 3 South, St. Maries 83861
 Home 582-0171
 Email: धारwood@house.idaho.gov
 Retired
 VICE CHAIR-Environment, Energy, & Technology
 Resources & Conservation; Revenue & Taxation

Spouse - Carole

3 - KOOTENAI COUNTY

Steve Vick (R) Senate 1st Term
 5663 N. Davenport St., Dalton Gardens 83815
 Home 819-4189
 Email: sjvick@senate.idaho.gov
 Business Owner
 VICE CHAIR-Judiciary & Rules
 Agricultural Affairs; Health & Welfare

Spouse - Cheryl

Vito Barbieri (R) House Seat A 1st Term
 564 E. Prairie Ave., Dalton Gardens 83815
 Home 762-3737
 Email: vbar@house.idaho.gov
 Attorney
 Business; Local Government; Revenue & Taxation

Spouse - Joy

Phil Hart (R) House Seat B 4th Term
 P.O. Box 1988, Hayden 83835
 Bus 772-2522 FAX 772-1881
 Email: plhart@house.idaho.gov
 Structural Engineer
 VICE CHAIR-Transportation & Defense
 Judiciary, Rules, & Administration

4 - KOOTENAI COUNTY

John W. Goedde (R) Senate 6th Term
 1010 E. Mullan, Unit 203, Coeur d'Alene 83814
 Home 664-4652 Bus 664-9223 FAX 664-9336
 Email: jgoedde@senate.idaho.gov
 Property/Casualty Insurance Sales
 CHAIR-Education
 Commerce & Human Resources

Spouse - Terri

Marge Chadderdon (R) House Seat A 4th Term
 109 Lakeview Dr., Coeur d'Alene 83814
 Home 769-9309 FAX 667-7920
 Email: mchadderdon@house.idaho.gov
 Co-owned Chain of Stores
 Business; Education; Local Government

Spouse - Keith (deceased)

Kathleen Sims (R) House Seat B 1st Term
 206 Stonington Ct., Coeur d'Alene 83815
 Home 640-1154 Bus 765-5005
 Email: ksims@house.idaho.gov
 Auto & Motorcycle Dealer
 Judiciary, Rules, & Administration; Local Government; State Affairs

LEGISLATORS BY DISTRICT (Continued)

5 - KOOTENAI COUNTY

James C. "Jim" Hammond (R) Senate 3rd Term
 4556 W. Foothill Dr., Coeur d'Alene 83814
 Home 666-1122
 Email: jhammond@senate.idaho.gov
 Consultant Spouse - Cynthia/Cyndie
 CHAIR-Transportation
 Agricultural Affairs; Joint Legislative Oversight/JLOC; Local Government &
 Taxation

Bob Nonini (R) House Seat A 4th Term
 5875 W. Harbor Dr., Coeur d'Alene 83814
 Home 765-1904 Bus 667-5762 FAX 667-5959
 Email: bnonini@house.idaho.gov
 Financial Consulting Spouse - Cathyanne
 CHAIR-Education
 Transportation & Defense

Frank N. Henderson (R) House Seat B 4th Term
 362 S. Ponderosa Loop, Post Falls 83854
 Home 773-2269 FAX 446-0673
 Email: fhenderson@house.idaho.gov
 Newspaper Publisher/Marketing Spouse - Betty Ann
 Executive (Retired)
 VICE CHAIR-Business
 State Affairs; Transportation & Defense

6 - LATAH COUNTY

Dan J. Schmidt (D) Senate 1st Term
 267 Circle Drive, Moscow 83843
 Home 882-6328 FAX 882-6328
 Email: dschmidt@senate.idaho.gov
 Physician Spouse - Martha
 Agricultural Affairs; Commerce & Human Resources; Health & Welfare

Tom Trail (R) House Seat A 8th Term
 1375 Mountain View Rd., Moscow 83843
 Home 882-6077 Bus 882-6077 FAX 882-0896
 Email: ttrail@house.idaho.gov
 Education Consultant/Farmer Spouse - Jo Ann
 CHAIR-Agricultural Affairs
 Commerce & Human Resources; Education

Shirley G. Ringo (D) House Seat B 5th Term
 (Served 1 term, House 1999-2000)
 1021 Herrington Rd., Moscow 83843
 Home 883-1005 Bus 301-2272 FAX 883-1005
 Email: sringo@house.idaho.gov
 Retired Teacher Spouse - John A.
 Appropriations/JFAC; Commerce & Human Resources; Joint Legislative
 Oversight/JLOC; Transportation & Defense

7 - NEZ PERCE COUNTY

Joe Stegner (R) Senate 7th Term
 216 Prospect Blvd., Lewiston 83501
 Home 743-3032 FAX 743-3032
 Email: jstegner@senate.idaho.gov
 Retired Grain Dealer Spouse - Deborah
 CHAIR-Local Government & Taxation
 Commerce & Human Resources

Jeff Nessel (R) House Seat A 1st Term
 355 W. Shiloh Dr., Lewiston 83501
 Home 743-8966 Bus 743-0818 FAX 798-0626
 Email: jgnessel@house.idaho.gov
 Sr. V.P., Branch Mgr., D.A. Davidson & Spouse - Teri
 Co.
 Commerce & Human Resources; Education; Transportation & Defense

John Rusche (D) House Seat B 4th Term
 MINORITY LEADER
 1405 27th Ave., Lewiston 83501
 Home 743-1339 FAX (866) 821-0184
 Email: jrusche@house.idaho.gov
 Physician (retired) Spouse - Kay
 Business; Health & Welfare; Legislative Council; Revenue & Taxation;
 Ways & Means

8 - CLEARWATER, IDAHO, LEWIS & VALLEY COUNTIES

Sheryl L. Nuxoll (R) Senate 1st Term
 P.O. Box 187, Cottonwood 83522
 Home 962-7718 FAX 962-7718
 Email: snuxoll@senate.idaho.gov
 Housewife, Mother, Teacher, Co-manager Spouse - Felix
 of farm/ranch
 Agricultural Affairs; Health & Welfare; Judiciary & Rules

Ken A. Roberts (R) House Seat A 6th Term
 MAJORITY CAUCUS CHAIR
 P.O. Box 1177, Donnelly 83615
 Home 634-0050
 Email: kroberts@house.idaho.gov
 Farmer Spouse - Mary Jo
 Health & Welfare; Revenue & Taxation; Ways & Means

Paul E. Shepherd (R) House Seat B 4th Term
 P.O. Box 277, Riggins 83549
 Home 628-3695 Bus 628-3563 FAX 628-3695
 Email: pshepherd@house.idaho.gov
 Partner/Manager, Shepherd Sawmill & Spouse - Dawn
 Log Homes Inc.
 VICE CHAIR-Resources & Conservation
 Education; Health & Welfare

LEGISLATORS BY DISTRICT (Continued)

9 - ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

Monty J. Pearce (R) Senate 5th Term
 (Served 2 terms, House 1999-2002)
 2001 County Line Rd., New Plymouth 83655
 Home 278-5408 FAX 278-0189
 Email: mpearce@senate.idaho.gov
 Rancher
 CHAIR-Resources & Environment
 Agricultural Affairs; Education

Spouse - Merry

Lawrence Denney (R) House Seat A 8th Term
 SPEAKER OF THE HOUSE
 P.O. Box 114, Midvale 83645
 Home 355-2374 FAX 334-2491
 Email: ldenney@house.idaho.gov
 Farmer
 CO-CHAIR-Legislative Council

Spouse - Donna

Judy Boyle (R) House Seat B 2nd Term
 2301 Valley Rd., Midvale 83645
 Home 355-3225 Bus 631-2123 FAX 355-3225
 Email: jboyle@house.idaho.gov
 Rancher/Freelance Writer
 Agricultural Affairs; Education; Resources & Conservation

10 - CANYON COUNTY

John McGee (R) Senate 4th Term
 MAJORITY CAUCUS CHAIR
 2607 Aspen Falls Ave., Caldwell 83605
 Home 459-8404 Bus 455-3950 FAX 455-3836
 Email: jmcgee@senate.idaho.gov
 Marketing Director, West Valley Medical
 Center
 Joint Legislative Oversight/JLOC; Local Government & Taxation; State
 Affairs; Transportation

Spouse - Hanna

Pat Takasugi (R) House Seat A 2nd Term
 17777 Allendale Road, Wilder 83676-5893
 Home 337-3077 Bus 573-2882 FAX 337-3075
 Email: ptakasugi@house.idaho.gov
 Farmer/Shipper, Snake River Produce
 Company
 Agricultural Affairs; Business; State Affairs
 * (2011 session substitute: Gayle Batt)

Spouse - Suzanne

Darrell Bolz (R) House Seat B 6th Term
 3412 College Ave., Caldwell 83605-6136
 Home 454-1334
 Email: dbolz@house.idaho.gov
 U of I Extension Professor Emeritus
 VICE CHAIR-Appropriations/JFAC
 Agricultural Affairs; Judiciary, Rules, & Administration

Spouse - Carol

11 - CANYON & GEM COUNTIES

Melinda S. Smyser (R) Senate 2nd Term
 26298 Lee Lane, Parma 83660
 Home 722-6658 FAX 332-1422
 Email: msmyser@senate.idaho.gov
 Safe & Drug Free School
 Coordinator/Counselor
 VICE CHAIR-Agricultural Affairs
 Commerce & Human Resources; Health & Welfare

Spouse - Skip

Steven P. Thayne (R) House Seat A 3rd Term
 5655 Hillview Rd., Emmett 83617
 Home 365-6614 Bus 365-8656
 Email: sthayne@house.idaho.gov
 Teacher, Farmer
 Commerce & Human Resources; Education; Health & Welfare

Spouse - Sherry

Carlos Bilbao (R) House Seat B 4th Term
 2062 Corral Rd., Emmett 83617
 Home 365-9438 Bus 284-0539
 Email: cbilbao@house.idaho.gov
 Retired Sr. Quality Manager, Boeing
 Company
 VICE CHAIR-Health & Welfare
 Business; State Affairs

Spouse - Nancy

12 - CANYON COUNTY

Curt McKenzie (R) Senate 5th Term
 710 W. Franklin St., Boise 83702
 Bus 344-4379 FAX 331-2150
 Email: cmckenzie@senate.idaho.gov
 Attorney
 CHAIR-State Affairs
 Local Government & Taxation

Spouse - Renee

Robert E. Schaefer (R) House Seat A 14th Term
 P.O. Box 55, Nampa 83653
 Home 466-3636 Bus 466-3636
 Email: rschaefer@house.idaho.gov
 Architect
 Environment, Energy, & Technology; Revenue & Taxation

Spouse - Betty

Gary E. Collins (R) House Seat B 6th Term
 2019 E. Massachusetts, Nampa 83686
 Home 466-5460
 Email: gcollins@house.idaho.gov
 Insurance Broker
 VICE CHAIR-Revenue & Taxation
 Business; Local Government

Spouse - Ann

LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

Patti Anne Lodge (R) Senate 6th Term
 P.O. Box 96, Huston 83630
 Home 459-7158
 Email: palodge@senate.idaho.gov
 Agri-Business Owner/ Media Educator Spouse - Edward J.
 (Retired)
 CHAIR-Health & Welfare
 Judiciary & Rules; State Affairs

Brent J. Crane (R) House Seat A 3rd Term
 P.O. Box 86, Nampa 83653
 Bus 466-0613 FAX 461-4815
 Email: bcrane@house.idaho.gov
 Vice President, Crane Alarm Service Spouse - Rochenda
 VICE CHAIR-State Affairs
 Business

Christy Perry (R) House Seat B 1st Term
 8791 Elkhorn Lane, Nampa 83686
 Home 442-7757
 Email: cperry@house.idaho.gov
 Businesswoman Spouse - Matt
 Judiciary, Rules, & Administration; Local Government

14 - ADA COUNTY

Chuck Winder (R) Senate 2nd Term
 ASSISTANT MAJORITY LEADER
 5528 N. Ebbetts Ave., Boise 83713
 Home 853-9090 Bus 343-2300 FAX 389-2088
 Email: cwinder@senate.idaho.gov
 Businessman Spouse - Dianne
 Education; State Affairs; Transportation

Mike Moyle (R) House Seat A 7th Term
 MAJORITY LEADER
 480 N. Plummer Rd., Star 83669
 Home 286-7842 Bus 286-7842 FAX 286-9540
 Email: mmoyle@house.idaho.gov
 Agribusiness Spouse - Sue Ann
 Legislative Council; Resources & Conservation; Revenue & Taxation; Ways
 & Means

Reed DeMordaunt (R) House Seat B 1st Term
 1017 S. Arbor Island Way, Eagle 83616
 Home 938-4845 Bus 888-340-9866 FAX 938-4156
 Email: reedd@house.idaho.gov
 Businessman/Entrepreneur Spouse - Gayann
 Business; Education; Environment, Energy, & Technology

15 - ADA COUNTY

John C. Andreason (R) Senate 9th Term
 (Served 1 term, Senate 1969-1970)
 5120 N. Mountain View Dr., Boise 83704
 Home 322-8558 FAX 376-0455
 Email: jandreason@senate.idaho.gov
 Retired Director, Legislative Budget Office Spouse - Darlene
 CHAIR-Commerce & Human Resources
 Education

Lynn M. Luker (R) House Seat A 3rd Term
 514 S. El Blanco Dr., Boise 83709
 Home 375-8254 Bus 343-0022 FAX 375-0501
 Email: lluker@house.idaho.gov
 Attorney Spouse - Helen
 VICE CHAIR-Judiciary, Rules, & Administration
 Local Government; State Affairs

Max C. Black (R) House Seat B 10th Term
 3731 Buckingham Dr., Boise 83704
 Home 375-2635 FAX 375-8250
 Email: mblack@house.idaho.gov
 Retired Insurance Spouse - Clydene
 CHAIR-Business
 State Affairs

16 - ADA COUNTY

Les Bock (D) Senate 2nd Term
 (Served 1 term, House 2006-2008)
 ASSISTANT MINORITY LEADER
 P.O. Box 921, Boise 83701
 Bus 319-3526
 Email: lbock@senate.idaho.gov
 Attorney
 Agricultural Affairs; Health & Welfare; Judiciary & Rules

Grant Burgoyne (D) House Seat A 2nd Term
 2203 Mountain View Dr., Boise 83706
 Home 377-5729 Bus 345-2654 FAX 345-3319
 Email: gburgoyne@house.idaho.gov
 Attorney Spouse - Christy
 Judiciary, Rules, & Administration; Revenue & Taxation

Elfreda Higgins (D) House Seat B 2nd Term
 ASSISTANT MINORITY LEADER
 8741 W. Atwater Dr., Garden City 83714
 Home 658-4594
 Email: ehiggins@house.idaho.gov
 Retired Spouse - Paul
 Local Government; Resources & Conservation; State Affairs; Ways & Means

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Elliot Werk (D) Senate 5th Term
 6810 Randolph Dr., Boise 83709
 Bus 658-0388
 Email: ewerk@senate.idaho.gov
 Spouse - Nancy Greenwald
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Local Government & Taxation; Resources & Environment; Transportation

William M. "Bill" Killen (D) House Seat A 3rd Term
 734 S. Coral Pl., Boise 83705
 Home 345-2956
 Email: bkillen@house.idaho.gov
 Retired Attorney
 Judiciary, Rules, & Administration; Revenue & Taxation; Transportation & Defense

Susan B. "Sue" Chew (D) House Seat B 3rd Term
 1304 Lincoln Ave., Boise 83706
 Home 344-0098
 Email: schew@house.idaho.gov
 Adjunct Professor/Licensed Pharmacist
 Education; Health & Welfare

18 - ADA COUNTY

Mitch Toryanski (R) Senate 1st Term
 P.O. Box 83720, Boise 83720-0081
 Bus 332-1425 FAX 334-3333
 Email: mitchtoryanski@senate.idaho.gov
 Attorney
 Education; Finance/JFAC;

Julie Ellsworth (R) House Seat A 1st Term
 (Served 5 terms, House 1997-2006)
 P.O. Box 668, Boise 83701
 Home 336-6747 FAX 336-6747
 Email: jellsworth@house.idaho.gov
 Homemaker/Businesswoman Spouse - Maurice
 Judiciary, Rules, & Administration; Revenue & Taxation; Transportation & Defense

Phylis K. King (D) House Seat B 3rd Term
 2107 Palouse, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pking@house.idaho.gov
 Commercial Photographer
 Commerce & Human Resources; State Affairs; Transportation & Defense

19 - ADA COUNTY

Nicole LeFavour (D) Senate 2nd Term
 (Served 2 terms, House 2005-2008)
 1210 N. 11th, Boise 83702
 Home 724-0468 Bus 724-0468
 Email: nlefavour@senate.idaho.gov
 Teacher/Nonprofit Organizer/Small Business Owner Partner - Carol Growhoski
 Education; Finance/JFAC; Judiciary & Rules

Cherie Buckner-Webb (D) House Seat A 1st Term
 2304 W. Bella St., Boise 83702
 Home 343-2650 Bus 861-5482
 Email: cbucknerwebb@house.idaho.gov
 Owner/Principal, Sojourner Coaching Spouse - Henry
 Local Government; State Affairs

Brian Cronin (D) House Seat B 2nd Term
 MINORITY CAUCUS CHAIR
 825 E. Jefferson St., Boise 83712
 Home 344-8849 Bus 429-8493
 Email: bcronin@house.idaho.gov
 Owner, Marketing/Communications Firm Spouse - Veronica
 Business; Education; Environment, Energy, & Technology; Ways & Means

20 - ADA COUNTY

Shirley McKague (R) Senate 3rd Term
 (Served 5 terms, House 1997-2006)
 933 E. Pine, Meridian 83642
 Home 888-2842 FAX 885-9402
 Email: smckague@senate.idaho.gov
 Retired, Family Service Station Business Spouse - Paul
 VICE CHAIR-Commerce & Human Resources
 Judiciary & Rules

Joe Palmer (R) House Seat A 2nd Term
 1524 N. Meridian Rd., Meridian 83642
 Bus 887-9488 FAX 884-0181
 Email: jpalmer@house.idaho.gov
 Self-Employed Spouse - Leslie
 Business; State Affairs; Transportation & Defense

Marv Hagedorn (R) House Seat B 3rd Term
 5285 W. Ridgeside St., Meridian 83646
 Home 867-5643 FAX 887-9383
 Email: mhagedorn@house.idaho.gov
 Retired Naval Officer Spouse - Patty
 Appropriations/JFAC; Resources & Conservation; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Russell M. Fulcher (R) Senate 4th Term
 P.O. Box 1166, Meridian 83680-1166
 Bus 332-1340 FAX 332-1422
 Email: rfulcher@senate.idaho.gov
 Commercial Real Estate
 VICE CHAIR-State Affairs
 Education
 Spouse - Kara

John Vander Woude (R) House Seat A 1st Term
 (Served 2 terms, House 2006-2008)
 5311 Ridgewood Rd, Nampa 83687
 Home 888-4210 Bus 888-3003 FAX 888-9268
 Email: jvanderwoude@house.idaho.gov
 Operates Retail Store
 Appropriations/JFAC; Environment, Energy, & Technology; Resources & Conservation
 Spouse - Judy

Clifford R. Bayer (R) House Seat B 5th Term
 8020 W. Amity, Boise 83709
 Home 362-5058 FAX 362-5058
 Email: cbayer@house.idaho.gov
 Medical Research Scientist
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Business; Local Government; Revenue & Taxation
 Spouse - Nicole

22 - BOISE & ELMORE COUNTIES

Tim Corder (R) Senate 4th Term
 357 S.E. Corder Dr., Mountain Home 83647
 Home 587-8562 Bus 599-0427 FAX 587-5871
 Email: tcorder@senate.idaho.gov
 Trucking Company
 CHAIR-Agricultural Affairs
 Local Government & Taxation; Transportation
 Spouse - LaVonne

Richard "Rich" Wills (R) House Seat A 5th Term
 P.O. Box 602, Glens Ferry 83623
 Home 366-7408 Bus 484-0403 FAX 366-2457
 Email: rwills@house.idaho.gov
 Business Owner, Opera Theatre/
 Communications Consulting Business
 CHAIR-Judiciary, Rules, & Administration
 Education; Transportation & Defense
 Spouse - Connie

Pete Nielsen (R) House Seat B 5th Term
 4303 S.W. Easy St., Mountain Home 83647
 Home 832-4382 Bus 832-4382 FAX 832-4382
 Email: pnielsen@house.idaho.gov
 Life & Health Insurance Agent
 Education; Environment, Energy, & Technology; Judiciary, Rules, & Administration
 Spouse - Connie

23 - OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 2nd Term
 (Served 1 term, House 2007-2008)
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher
 VICE CHAIR-Transportation
 Finance/JFAC; Resources & Environment
 Spouse - Paula

Jim Patrick (R) House Seat A 3rd Term
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 734-8968
 Email: jpatrick@house.idaho.gov
 Farmer
 Agricultural Affairs; Appropriations/JFAC; Business;
 Spouse - Afton

Stephen Hartgen (R) House Seat B 2nd Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic
 Development
 VICE CHAIR-Commerce & Human Resources
 Education; Environment, Energy, & Technology
 Spouse - Linda

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 1st Term
 1631 Richmond Dr., Twin Falls 83301
 Home 734-8864
 Email: lheider@senate.idaho.gov
 Contractor/Broker
 Finance/JFAC; Health & Welfare; Resources & Environment
 Spouse - Jan

Leon E. Smith (R) House Seat A 7th Term
 1381 Galena Dr., Twin Falls 83301
 Home 733-0843 Bus 736-2006
 Email: lsmith@house.idaho.gov
 Lawyer/Mediator
 CHAIR-Transportation & Defense
 Judiciary, Rules, & Administration; Revenue & Taxation
 Spouse - Janice Mittleider-Smith

Sharon L. Block (R) House Seat B 6th Term
 1093 Lakewood Dr., Twin Falls 83301
 Home 734-6360 FAX 736-7187
 Email: sblock@house.idaho.gov
 Property Mgr./Former Teacher
 CHAIR-Commerce & Human Resources
 Education; Environment, Energy, & Technology
 Spouse - D.W. "Bill"

LEGISLATORS BY DISTRICT (Continued)

25 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 1st Term
 MINORITY CAUCUS CHAIR
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed Spouse - Clint (deceased)
 Commerce & Human Resources; Resources & Environment; State Affairs

Wendy Jaquet (D) House Seat A 9th Term
 P.O. Box 783, Ketchum 83340
 Home 726-3100 FAX 726-0674
 Email: wjaquet@house.idaho.gov
 Conference Tour Guide Spouse - Jim
 Appropriations/JFAC; Environment, Energy, & Technology; Judiciary,
 Rules, & Administration

Donna Pence (D) House Seat B 4th Term
 1960 U.S. Highway 26, Gooding 83330
 Home 934-5302 FAX 934-5302
 Email: dpence@house.idaho.gov
 Retired Teacher/Tree Farmer Spouse - Lew
 Agricultural Affairs; Education; Resources & Conservation

26 - JEROME & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate 11th Term
 1101 Ruby Dr., Rupert 83350
 Home 436-5624 Bus 436-4424 FAX 436-3776
 Email: dcameron@senate.idaho.gov
 Owner, Insurance & Investment Agency Spouse - Linda
 CHAIR-Finance
 CO-CHAIR-JFAC
 Commerce & Human Resources; Resources & Environment

John A. "Bert" Stevenson (R) House Seat A 8th Term
 1099 N. 400 W., Rupert 83350
 Home 532-4524 FAX 532-4720
 Email: jstevenson@house.idaho.gov
 Semi-retired Farmer Spouse - Elaine
 CHAIR-Resources & Conservation
 Agricultural Affairs; State Affairs

Maxine T. Bell (R) House Seat B 12th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Retired Farmer/Retired School Librarian Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Joint Legislative Oversight/JLOC

27 - BINGHAM, CASSIA, ONEIDA & POWER COUNTIES

Denton Darrington (R) Senate 15th Term
 302 S. Hwy. 77, Declo 83323
 Home 654-2712
 Email: ddarrington@senate.idaho.gov
 Farmer/Teacher Spouse - Virgene
 CHAIR-Judiciary & Rules
 Health & Welfare

Scott Bedke (R) House Seat A 6th Term
 ASSISTANT MAJORITY LEADER
 P.O. Box 89, Oakley 83346
 Home 862-3619 FAX 862-3688
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Resources & Conservation; Revenue & Taxation; Transportation & Defense;
 Ways & Means

Fred Wood (R) House Seat B 3rd Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056 FAX 677-3136
 Email: fwood@house.idaho.gov
 Physician/Medical Director, Cassia Spouse - Amy
 Regional Medical Center
 Appropriations/JFAC; Health & Welfare; Resources & Conservation

28 - BINGHAM COUNTY

Steve Bair (R) Senate 3rd Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Farmer/Investor Spouse - Lori Kae
 VICE CHAIR-Resources & Environment
 Finance/JFAC; Transportation

Dennis M. Lake (R) House Seat A 8th Term
 830 Taber Rd., Blackfoot 83221
 Home 684-4967
 Email: dlake@house.idaho.gov
 Agribusiness Spouse - Luann
 CHAIR-Revenue & Taxation
 Agricultural Affairs; Commerce & Human Resources

Jim Marriott (R) House Seat B 3rd Term
 799 W. 200 S., Blackfoot 83221
 Home 684-4863
 Email: jmarriott@house.idaho.gov
 Retired Medical Business Administrator/Spouse - Colleen (deceased)
 Small Cattle Operation
 VICE CHAIR-Local Government
 Commerce & Human Resources; Education

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Diane Bilyeu (D) Senate 3rd Term
 (Served 1 term, Senate 1969-1970)
 11076 N. Philbin, Pocatello 83202
 Home 237-3158
 Email: dbilyeu@senate.idaho.gov
 Retired Spouse - Chick (deceased)
 Finance/JFAC; Local Government & Taxation; Transportation

Ken Andrus (R) House Seat A 4th Term
 6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
 Home 776-5380 Bus 244-2057
 Email: kandrus@house.idaho.gov
 Cattle & Sheep Rancher Spouse - Colleen
 VICE CHAIR-Agricultural Affairs
 Resources & Conservation; State Affairs

Jim Guthrie (R) House Seat B 1st Term
 425 W. Goodenough Rd., McCammon 83250
 Home 254-3605 Bus 254-9205
 Email: jguthrie@house.idaho.gov
 Rancher/Business Owner Spouse - Barbara
 Business; Health & Welfare; State Affairs

30 - BANNOCK COUNTY

Edgar J. Malepeai (D) Senate 5th Term
 MINORITY LEADER
 585 S. 19th, Pocatello 83201
 Home 232-2702
 Email: emalepeai@senate.idaho.gov
 Retired Educator Spouse - Brenda K. (deceased)
 Education; Joint Legislative Oversight/JLOC; Legislative Council; State
 Affairs

Roy Lacey (D) House Seat A 1st Term
 13774 W. Trail Creek Rd., Pocatello 83204
 Home 232-7053 Bus 447-6712
 Email: rlacey@house.idaho.gov
 Idaho Foodbank Spouse - Renee
 Agricultural Affairs; Resources & Conservation

Elaine Smith (D) House Seat B 6th Term
 3759 Heron Ave., Pocatello 83201
 Home 237-1462 FAX 235-3280
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Environment, Energy, & Technology; State Affairs

31 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN & TETON

COUNTIES
John Tippets (R) Senate 1st Term
 (Served 6 terms, House 1988-2000)
 610 Red Canyon Road, Montpelier 83254
 Home 847-2876
 Email: jtippets@senate.idaho.gov
 Human Resources Manager Spouse - Nancy
 Commerce & Human Resources; Resources & Environment

Marc Gibbs (R) House Seat A 2nd Term
 632 Highway 34, Grace 83241
 Home 425-3385 FAX 425-3329
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 Environment, Energy, & Technology; Resources & Conservation; Revenue &
 Taxation

Thomas F. Loertscher (R) House Seat B 4th Term
 (Served 8 terms, House 1987-2002)
 1357 Bone Rd., Iona 83427
 Home 522-3072 FAX 522-1141
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs
 Commerce & Human Resources; Health & Welfare

32 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 2nd Term
 (Served 1 term, House 2007-2008)
 7403 S. 1st E., Idaho Falls 83404
 Home 528-6377 Bus 524-9000 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 VICE CHAIR-Education
 Finance/JFAC; Judiciary & Rules

Janice K. McGeachin (R) House Seat A 5th Term
 6121 N. 5th W., Idaho Falls 83401
 Bus 523-1718 FAX 529-9936
 Email: jmcgeachin@house.idaho.gov
 Business Owner Spouse - James J.
 CHAIR-Health & Welfare
 State Affairs

Erik Simpson (R) House Seat B 2nd Term
 6117 N. 5th W., Idaho Falls 83401
 Home 542-5447 FAX 542-5447
 Email: esimpson@house.idaho.gov
 Communications/Public Involvement Spouse - Fawn
 Specialist
 Commerce & Human Resources; Environment, Energy, & Technology; State
 Affairs

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 7th Term
 MAJORITY LEADER
 2638 Bellin Circle, Idaho Falls 83402
 Home 529-4993 Bus 522-8100 FAX 522-1334
 Email: bmdavis@senate.idaho.gov
 Attorney Spouse - Marion
 Judiciary & Rules; Legislative Council; State Affairs

35 - BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON & LEMHI
 COUNTIES
Jeff C. Siddoway (R) Senate 3rd Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 VICE CHAIR-Local Government & Taxation
 Agricultural Affairs; Resources & Environment

Jeff Thompson (R) House Seat A 2nd Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367 FAX 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 Appropriations/JFAC; Business; Environment, Energy, & Technology;

JoAn E. Wood (R) House Seat A 15th Term
 3778 E. 500 N., Rigby 83442
 Home 745-7846 FAX 745-8420
 Email: jawood@house.idaho.gov
 Partner, Ranch/Farm Spouse - Tom (deceased)
 CHAIR-Ways & Means
 Resources & Conservation; Revenue & Taxation; Transportation & Defense

Linden B. Bateman (R) House Seat B 1st Term
 170 E. 23rd St., Idaho Falls 83404
 Home 524-0927
 Email: lbatement@house.idaho.gov
 Semi-retired Educator Spouse - Deann
 Education; Judiciary, Rules, & Administration; Transportation & Defense

Lenore Hardy Barrett (R) House Seat B 10th Term
 P.O. Box 347, Challis 83226
 Home 879-2797 FAX 879-4257
 Email: lbarrett@house.idaho.gov
 Mining/Investments Spouse - Robert
 CHAIR-Local Government
 Resources & Conservation; Revenue & Taxation

34 - FREMONT & MADISON COUNTIES

Brent Hill (R) Senate 6th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd E., Rexburg 83440
 Home 356-7495 Bus 356-3677
 Statehouse: Ph 332-1300 FAX 356-3689
 Email: bhill@senate.idaho.gov
 Certified Public Accountant Spouse - Julie
 CO-CHAIR-Legislative Council
 Local Government & Taxation; State Affairs

Mack G. Shirley (R) House Seat A 5th Term
 443 W. Moran View, Rexburg 83440-5177
 Home 356-3831
 Email: mshirley@house.idaho.gov
 Retired College Administrator Spouse - Shanna
 VICE CHAIR-Education
 Agricultural Affairs; Judiciary, Rules, & Administration

Dell Raybould (R) House Seat B 6th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Environment, Energy, & Technology
 Resources & Conservation; Revenue & Taxation

